

Vance County Schools
TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS
ADMINISTRATIVE GUIDELINES

The process provided herein is designed for those who believe that they have been sexually harassed and wish to file a formal complaint. School officials shall follow this grievance process when responding to all formal complaints of sexual harassment.

The Superintendent is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of these guidelines and ensuring that each principal or site supervisor provides a copy of these guidelines to these persons. The Title IX Coordinator is Rey Horner, Chief Officer of Student Services. He can be reached at 252.425.2127 or rhorer@vcs.k12.nc.us.

A. Definitions

The following additional definitions apply.

1. **Investigator.** The investigator is the school official responsible for investigating and responding to a formal complaint.
2. **Decision-Maker.** The decision-maker is the school official responsible for deciding regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.
3. **Investigative Report.** The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.
4. **Remedies.** Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant's equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary.

5. **Disciplinary Sanctions.** Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

B. Filing a Formal Complaint to Initiate the Grievance Process

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint
 - a. **Eligible Complainants.** Eligible individuals who believe that they have been sexually harassed in violation of Policy may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.
 - b. **The Title IX Coordinator.** If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. Under the law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have the authority to do so.
2. **Period for Filing a Formal Complaint.** A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment unless the conduct forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations. In addition, in some circumstances, it may be necessary for the Title IX coordinator to sign a formal complaint to initiate the grievance process to meet the school system's legal obligations when the coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX coordinator can do so at any time.
3. **Contents of the Formal Complaint.**
 - a. The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.
4. **How to File the Formal Complaint**
 - a. The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX coordinator

or on the school system website.

- b. **School System's Response to Receipt of the Formal Complaint**
Upon receipt of a formal complaint of sexual harassment, the Title IX coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, and provide supportive measures as appropriate, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.
- c. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX coordinator shall advise the complainant if the formal complaint will be consolidated with others.

The formal complaint initiates the grievance process as described below.

A. General Principles of the Grievance Process for Formal Complaints

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

1. Equitable Treatment

Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

The complainant and respondent will both be described in the range of supportive

measures available to them.

2. Adequate Training

The Title IX coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials to comply with the school system's legal obligation to make all training materials available on the school system's website.

3. Presumption of Non-Responsibility/Innocence

At all times before a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

4. The Burden of Proof and Production of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

5. Written Notice of Meetings and Other Proceedings

Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

6. Confidentiality and Privacy

The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted or required by law or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation. All meetings, hearings, or proceedings conducted according to these guidelines will be private except to the extent that the parties may be accompanied by others.

School officials shall not access, consider, disclose, or otherwise use a party's

medical, mental health, or other records that are made or maintained by a professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

7. No Disclosure of Privileged Information

No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the privilege is properly waived.

8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process promptly designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The Board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The Title IX coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

B. The Grievance Process for Formal Complaints: Part I – Investigation

1. Step 1 – Notice of Allegations

Upon the filing of a formal complaint, the Title IX coordinator shall, within five (5) school business days, provide the known parties written notice of the allegations that include:

- a. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:
 - i. the identities of the parties involved, if known;
 - ii. the conduct allegedly constituting sexual harassment; and
 - iii. the date and location of the alleged incident, if known;
- b. a copy of these guidelines to give notice of the grievance process, including the investigative and adjudication procedures, and any informal resolution process available;
- c. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;

- d. notice that students and employees are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process; and
- e. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made after the grievance process.
- f. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX Coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system's education program or activities, or did not occur against a person in the United States. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded. Upon a dismissal, the Title IX coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided below.

The Title IX Coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

- a. To provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the Superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.
- b. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.
- c. If the respondent is an employee or applicant for employment, the investigator is the district-level investigator or designee.

- d. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which the complainant is enrolled or employed shall be the investigator.
- e. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the Superintendent shall investigate the complaint; (2) if the respondent is the Superintendent or a member of the Board, the Title IX coordinator shall immediately notify the Board chair who shall direct the General Counsel to investigate, unless the Board chair and General Counsel determine that outside counsel should be engaged to investigate.
- f. The investigator may request assistance from the Title IX coordinator to conduct the investigation.
- g. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures promptly and monitor the effectiveness of the measures during the pendency of the investigation and before a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures.
- h. The investigator shall explain the process of the investigation to the complainant and respondent.

1. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

- a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting. The investigator shall provide the complainant and respondent an equal opportunity to present facts, expert witnesses and other evidence tending to prove or disprove the allegations.

- b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.
- c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.
- d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.
- e. The formal complaint or any allegations therein may be dismissed if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision. The matter that was the subject of the dismissed complaint may be considered for action by Board policy for violation of other expected standards for students or employees.

5. Step 5 – Investigative Report and Opportunity to Review Evidence

- a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.
- b. Before completing the final report, the investigator shall send to each party and the party's advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative report.
- c. Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.
- d. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and

witnesses. The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.

The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions.

The investigator shall also describe the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

E. The Grievance Process for Formal Complaints: Part II – Adjudication

The Superintendent or designee shall serve as the decision-maker. In his or her role as decision-maker, the Superintendent, or designee, shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

1. Step 1 – Exchange of Questions and Answers

After the parties are sent the investigative report, the Superintendent, or designee, shall provide the parties an opportunity to submit written, relevant questions that the party wants to be asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party by a reasonably prompt time frame established by the Superintendent, or designee. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered not relevant unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's sexual behavior concerning the respondent and is offered to prove consent. The Superintendent, or designee, must explain to the party proposing the questions any decision to exclude questions as not relevant.

2. Step 2– Decision on the Question Regarding Responsibility

Following the exchange of questions as described above, the Superintendent, or designee, shall decide the question regarding responsibility, any disciplinary action/recommendation of disciplinary action, and any other measures the Superintendent deems appropriate. The Superintendent, or designee, shall consider all the relevant evidence objectively, including evidence in the investigative report, and any additional information provided by the parties through the exchange of

questions and responses. Based on an objective evaluation of the evidence, the Superintendent, or designee, shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of Policy, and if so, what disciplinary sanction will be imposed or recommended. Remedies will be provided to the complainant if the respondent is found responsible.

3. Step 3 – Written Determination Regarding Responsibility

The Superintendent, or designee, shall issue a written determination regarding responsibility simultaneously to both parties that includes:

- a. identification of the allegations potentially constituting sexual harassment under Board policy;
- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of Policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether the respondent engaged in prohibited sexual harassment or other proscribed conduct;
- e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the Board for discipline that is beyond the authority of the Superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;
- f. the procedures and permissible bases for the complainant and respondent to appeal; and
- g. any other notices that are required to accompany the decision under state law, such as when the Superintendent imposes a long-term suspension or recommends dismissal of an employee.

F. Grievance Process for Formal Complaints: Part III – Appeal

The parties shall have the right to appeal to the Board the determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any dismissal of a

formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and any disciplinary sanctions imposed, both matters will be heard by the Board at the same time. If both parties appeal, the appeals will be heard at the same time.

The standard for review upon appeal to the Board shall be a preponderance of the evidence.

1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the Superintendent, or designee, within three (3) school business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or Board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

- a. procedural irregularity that affected the outcome of the matter;
- b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
the disciplinary sanction is inappropriate or unreasonable; or
- d. any other basis provided by law or policy governing appeals to the Board.

In cases where disciplinary sanctions against the respondent include a Superintendent's recommendation for expulsion under G.S. §115C-390.11, the Board is required by law to consider the matter as outlined in state law. The Superintendent is responsible for notifying the Board of his/her recommendation to expel under G.S. §115C-390.11 regardless of whether any party files an appeal to the Board under this Policy. If either party files an appeal, the Board's consideration of the Superintendent's recommendation for expulsion shall also serve as the appeal.

2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

3. Appeal Procedures

- a. A panel of the Board will hear the appeal unless otherwise required by law. The Board may designate a panel of two or more Board members to hear and act on behalf of the Board.
- b. Appeal procedures will be implemented equally, and modified as necessary to allow equal participation of the parties.
- c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.
- d. The Board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the Board determines to be appropriate to respond to the appeal.

4. Decision on Appeal

- a. After considering the record and written statements of the parties, the Board will determine whether the grounds for the appeal have been substantiated.
- b. If substantiated, the Board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the Board determines is needed to correct the error in the original proceedings.
- c. The Board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.
- d. In the event of a Superintendent's recommendation for expulsion, the Board will provide a written decision per state law and F(4)(c) of this section.

5. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final after the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The Superintendent shall ensure that a copy of the final decision is provided to the Title IX coordinator and shall confer with the Title IX coordinator regarding any remedies to be provided to the complainant.

G. Disciplinary Consequences, Remedies, and Other Responses for Substantiated Sexual Harassment

1. Disciplinary Consequences for Students

Disciplinary consequences for substantiated sexual harassment will be assigned by the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension or emergency removal exceeding 10 cumulative days in a school year.

These guidelines will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any grievance proceeding conducted under this policy are subject to disciplinary action.

Nothing in these guidelines prevents disciplinary action when the evidence does not establish sexual harassment but violates other policies and/or the Code of Student Conduct.

2. Disciplinary Consequences for Employees

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate. An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by Board policy and state law.

Nothing will prevent disciplinary action against an employee when the evidence does not establish sexual harassment, but the conduct violates other policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate.

A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

4. Remedies

After the grievance process, the Superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies. The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

5. Consideration of the Need for More Extensive Response

If the Superintendent determines that a school-wide or system-wide response is needed to respond to the sexual harassment in a way that is not unreasonable under the circumstances, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

Informal Resolution

The Board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time before reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt an informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:
 - a. the allegations;
 - b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement

precludes either party from resuming a formal complaint process arising from the same allegations; and

- c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and

2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties' equal access to the education program and activities, including measures that may be punitive or disciplinary.

Any informal process should be completed within a reasonable period, not to exceed 60 days from filing the complaint unless special circumstances necessitate more time. At any time before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process concerning the formal complaint.

I. Retaliation Prohibited

Any act of retaliation or discrimination against any person to interfere with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed by Policy.

J. Records

The Superintendent or designee shall maintain for seven years records of the following:

1. each sexual harassment investigation including:
 - a. any determination regarding responsibility;
 - b. any audio or audiovisual recording or transcript from any live hearing;
 - c. any disciplinary sanctions imposed on the respondent; and
 - d. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;
2. any appeal and the result therefrom;
3. any informal resolution and the result therefrom; and
4. in conjunction with the Title IX coordinator, all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.