

**Richfield Public Schools  
Title IX Grievance Procedure and Process  
Addendum to Policy 115**

**I. GRIEVANCE PROCEDURES FOR THE PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS OF SEX DISCRIMINATION**

A. General

These grievance procedures apply only to sex discrimination complaints alleging that a person violated the District's prohibition on sex discrimination. When a sex discrimination complaint alleges that a District's policy or practice discriminates on the basis of sex, the District is not considered to be a respondent.

B. Core Requirements of Grievance Procedures

1. The District treats complainants and respondents equitably.
2. The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator.
3. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
4. The District has established the following reasonably prompt timeframes for the major stages of the grievance procedures:
  - a. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
  - b. An appeal of a decision dismissing a complaint must be received by the District within five (5) days of the date the notice of dismissal was provided to the parties.
  - c. Any appeal of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the District.
  - d. The District will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date

the I complaint was received by the District.

- e. Although the District strives to adhere to the timelines described above, in each case, the District may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening District holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.
  - f. The District has established the following process for reasonable extension of timeframes on a case-by-case basis for good cause as set forth above: Any party or an investigator or decisionmaker may make a request to the Title IX Coordinator to extend the timeline for good cause. If the Title IX Coordinator determines the reason for the extension constitutes good cause, the Title IX Coordinator will notify the parties of the reason for delay.
5. The District will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, subject to the prohibition against retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.
  6. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
  7. The following types of evidence, and questions seeking that evidence, as impermissible (i.e., will not be accessed or considered, unless an exception below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
    - a. Evidence that is protected under a privilege as recognized by federal or Minnesota law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District has that party's or witness's voluntary, written consent for use in the grievance procedures; and
- c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred; and

### C. Complaints

- 1. The following people have the right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:
  - a. A "complainant," which includes:
    - i. a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
    - ii. a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination at a time when that individual was participating or attempting to participate in the District's education program or activity;
  - b. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
  - c. The District's Title IX Coordinator.

The individuals above are entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator submits the complaint.

2. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have the right to make a complaint:
  - a. Any student or employee of the District; or
  - b. Any person other than a student or employee who was participating in or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

D. Notice of Allegations

Upon initiation of the District's grievance procedures, the District will notify the parties of the following:

1. The District's grievance procedures, and if applicable, any informal resolution process;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the District;
3. Retaliation is prohibited; and
4. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice, the District will provide notice of the additional allegations to the parties whose identities are known.

E. Dismissal of a Complaint

1. The District may dismiss a complaint of sex discrimination if:
  - a. The District is unable to identify the respondent after taking reasonable steps to do so;
  - b. The respondent is not participating in a District education program or activity and is not employed by the District;
  - c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or,
  - d. The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant.
2. Upon dismissal, the District will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
3. The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
  - a. Procedural irregularity that would change the outcome;
  - b. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
  - c. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

4. If the dismissal is appealed, the District will:
  - a. Notify the parties of any appeal, including notice of the allegations if notice was not previously provided to the respondent;
  - b. Implement appeal procedures equally for the parties;
  - c. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
  - d. Ensure that the decisionmaker for the appeal has received training required by Title IX;
  - e. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
  - f. Notify the parties of the result of the appeal and the rationale for the result.
  
5. When the District dismisses a complaint, it must, at a minimum:
  - a. Offer supportive measures to the complainant as appropriate;
  - b. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
  - c. Take other appropriate prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.
  
6. Dismissal of a complaint or a portion thereof does not preclude the District from addressing the underlying conduct in any manner that the District deems appropriate.

E. Investigation

1. The District will provide for adequate, reliable, and impartial investigation of complaints.
2. The burden is on the District – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether

sex discrimination occurred;

3. The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
4. The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
5. The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
  - a. The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the District provides a description of the evidence, it will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
  - b. The District will provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and
  - c. The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

F. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

The District will enable the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

G. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other persons the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity;
4. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
5. Not discipline a party, witness, or others participating in District's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the District's determination whether sex discrimination occurred.

H. Informal Resolution

In lieu of resolving a complaint through the District's grievance procedures, the parties may instead elect to participate in an informal resolution



process offered by the District.

I. Provisions Limited to Sex-Based Harassment Complaints

1. Supportive measures may be made available to complainants and respondents, as appropriate. Available supportive measures include: reassignment of classes, transportation changes, no-contact directives, alternate passing times, escorts, extensions of deadlines or course-related requirements, counseling or support from designated adults, and other measures that are necessary and appropriate to ensure complainants and respondents are not denied equal access to the District's education program and activity.
2. Following a determination that sex-based harassment occurred by a student-respondent, the District may impose discipline consistent with Policy 506. Following a determination that sex-based harassment occurred by an employee-respondent, the District may impose discipline consistent with any applicable personnel policy, collective bargaining agreement, or Minnesota law, including suspension without pay and termination or discharge. Available remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, leaves of absence, monitoring of certain areas of District buildings or property, transfer, transportation changes, and other remedies determined appropriate by the Title IX Coordinator.

II. **INFORMAL RESOLUTION OF A COMPLAINT**

- A. At any time prior to determining whether sex discrimination occurred, the District a complainant and respondent may participate in an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or such a process would conflict with federal, Minnesota, or local law
1. Subject to the limitations in Paragraph A. above, the District has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes.
  2. In addition to the limitations in Paragraph A. above, circumstances when the District may decline to allow informal resolution include

but are not limited to when the District determines that the alleged conduct would present a future risk of harm to others.

- B. The District will not require or pressure the parties to participate in an informal resolution process. The parties must voluntarily consent to the informal resolution process. The District will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
- C. Before initiation of an informal resolution process, the District will provide the parties notice of the following:
  - 1. The allegations;
  - 2. The requirements of the informal resolution process;
  - 3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the District's grievance procedures;
  - 4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
  - 5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
  - 6. What information the District will maintain and whether and how the District could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.
- D. The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in the District's grievance procedures.
- E. Potential terms that may be included in an informal resolution agreement include but are not limited to:
  - 1. Restrictions on contact; and
  - 2. Restrictions on the respondent's participation in one or more of the District's programs or activities or attendance at specific events, including restrictions the District could have imposed as remedies

or disciplinary sanctions had the District determined at the conclusion of the District's grievance procedures that sex discrimination occurred.

Dated: 9/16/24