

TITLE IX NONDISCRIMINATION

Statement of Policy

This district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admissions and employment. The board appoints _____ Miranda Hellbusch _____ as the district's Title IX Coordinator. The Title IX Coordinator is the district's employee who coordinates the district's efforts to comply with its responsibilities under Title IX. In the event the Title IX coordinator is unavailable or is the respondent to a complaint, an alternate coordinator should instead be directed to receive complaints and act as the coordinator.

General Obligations under Title IX

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district, as required by law. Sex discrimination includes but is not limited to creating a hostile environment on the basis of sex.

The district also prohibits intimidation, threats, coercion, or discrimination against any person by the district, a student, or an employee or other person authorized by the district to provide aid, benefit, or service under the district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate (except as an employee) in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

If the district has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, it must respond promptly and effectively. The district is required by law to address sex-based discrimination even if it occurs off of school grounds, as long as it is conduct that is subject to the district's disciplinary authority. The district has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct contributing to the hostile environment occurred outside the district's program or activity.

Giving Notice of Title IX Policy

The superintendent must create and distribute a Notice of Nondiscrimination in the form and circumstances required by the Title IX regulations, including how to find this policy with its Title IX grievance procedures, and contact information for Title IX Coordinator. The district will provide such notice to students, parents/guardians/other student legal

Approved _____ 10/14/2024 _____ Reviewed _____ Revised _____

representatives, employees, applicants for admission and employment, unions and professional organizations with collective bargaining or other professional agreements with the district. Notice will be as required by law.

Title IX Coordinator duties are as prescribed in the Title IX regulations and may be delegated to another employee or a third party, but the board-named Title IX Coordinator must be an employee and will maintain ultimate administrative oversight of the district's Title IX compliance efforts.

The Title IX Coordinator monitors the district's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

Investigation and Reporting Forms Under This Policy

For complaints of sex-based discrimination, harassment or retaliation by an individual:

<u>Form</u>	<u>Completed By</u>
504.24E2 – initial report of sex discrimination	Complainant
504.24E3 – title IX coordinators intake report	Title IX Coordinator
504.24E4 – informal resolution procedures	Title IX Coordinator
504.24E5 – determination of sex-based discrimination	Title IX Coordinator
504.24E6 – notice of dismissal of complaint	Title IX Coordinator
504.24E7 – appeal of dismissal or appeal of determination	Complainant
504.24E9 – decision of appeal of dismissal	Title IX Coordinator

For complaints Title IX discrimination in the district's programs or activities:

<u>Form</u>	<u>Completed By</u>
504.24E2 – initial report of sex discrimination	Complainant
504.24E3 – title IX coordinators intake report	Title IX Coordinator
504.24E4 – informal resolution procedures	Title IX Coordinator
504.24E8 – notice of initiation of grievance procedure	Title IX Coordinator
504.24E5 – determination of sex-based discrimination	Title IX Coordinator
504.24E6 – notice of dismissal of complaint	Title IX Coordinator
504.24E7 – appeal of dismissal or appeal of determination	Complainant
504.24E10 – decision on appeal of grievance outcome	Title IX Coordinator

Definitions

As used in this policy:

Complaint is an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations. The Title IX Coordinator's knowledge of

the existence of a complainant requires a district response but does not itself constitute a complaint as used in this grievance procedure.

Complainant means a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.

Respondent is a person who is alleged to have violated the district's prohibition on sex discrimination.

Consent in this policy means willingly allowing conduct to occur but an individual may be incapable of providing consent to sexual conduct or activity due to circumstances resulting from age, disability, lack of information, incapacity or other causes. Since neither verbal nor physical resistance to the conduct is required to show lack of consent, the decisionmaker will consider the full circumstances when determining whether consent occurred. Consent, if given, may also be withdrawn at any time.

Sex-based harassment, which is prohibited by Title IX and is a form of sex discrimination, means "sexual harassment and other harassment on the basis of sex" that is: (1) quid pro quo harassment, (2) hostile environment harassment, or (3) a specific offense as identified in Title IX regulations.

Quid pro quo harassment occurs when "an employee, agent, or other person authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly condition[s] the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct."

Hostile environment harassment involves "unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity (i.e., creates a hostile environment)." It is a fact-specific inquiry to determine whether a hostile environment has been created, and the following factors may be considered in making such a determination:

- The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the district's education program or activity.

Sexual Assault may be defined as a forcible or non-forcible offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- Forcible Sex Offenses may include fondling, rape, sexual assault with an object, and sodomy.
- Non-forcible Sex Offenses include incest and statutory rape.

Dating Violence is defined as a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner.

Domestic Violence refers to crimes committed by a current or former spouse under the laws of that jurisdiction where the victim is or has cohabited with the perpetrator, has a child together with the perpetrator, or the perpetrator commits violence against a youth or adult of that household under the domestic violence laws of that jurisdiction.

Stalking is the intentional conduct of following, harassing, or interfering with a specific individual to cause fear or emotional distress.

Retaliation

1. Retaliatory actions include, but are not limited to, acts of intimidation, threats, coercion or discrimination against those who:
 - a. Make complaints of illegal discrimination or harassment.
 - b. Report illegal discrimination or harassment.
 - c. Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the district, concerning illegal discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing illegal discrimination, harassment or retaliatory actions.
3. Discrimination, harassment or retaliation against any person because of such person's association with a person protected from discrimination or harassment in accordance with this policy and law.

Staff Obligation to Report Sex Discrimination to Title IX Coordinator

All employees are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination. However, an employee who is personally subjected to conduct that reasonably may constitute sex discrimination is encouraged to report such conduct to the Title IX Coordinator, but is not

required by this policy to report if no other person within the district's program or activity (including any student) is adversely affected by that conduct, and the conduct is not required to be reported by another policy or law. If a student alleges sexual misconduct on the part of any district employee to any person employed by the district, that person will immediately report the allegation to local law enforcement or DHHS in accordance with district policy.

Law Enforcement Reporting

Regardless of the Title IX Complaint process, school employees are still required to follow state law and district policies requiring reporting to law enforcement, social services agencies, or other relevant agencies. In cases where a report has been made that concerns conduct that also triggers the district's Title IX obligations, the Title IX Coordinator is directed to coordinate the investigation with law enforcement agencies, social services agencies, and related services agencies. The district may implement supportive measures or an emergency removal as appropriate. The district may extend the timeframes for the investigation and processing of a grievance if necessary due to a concurrent investigation by law enforcement or social services.

Permitted Emergency Exclusion Upon Complaint of Sex Discrimination

In consultation with the Title IX Coordinator, district administrators may remove a complaint respondent from the district's education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504, or the Americans with Disabilities Act.

This provision does not preclude the district from placing any employee on administrative leave.

Special Education /Section 504 Overlap

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under Section 504, if any, to determine how to comply with federal law requirements throughout the district's implementation of grievance procedures and/or supportive measures.

Additional Prohibited Behavior

Behavior that is not unlawful or does not rise to the level of Title IX discrimination, harassment or retaliation on the basis of sex might still be unacceptable for the workplace or the educational environment. The district encourages students, employees and the public to report such behavior so that it can be promptly addressed whether under this policy or policy 504.18 Harassment.

Confidentiality and Records

To the extent permitted by law and in accordance with board policy, the district will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out interim or disciplinary measures. The district will disclose information to the district's attorney, law enforcement, social services agencies, and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The district will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions and as advised by the district's attorney.

All Other Reports

Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the Title IX Coordinator. All district employees will instruct all persons seeking to file a grievance to communicate directly with the Title IX Coordinator. Even if the suspected victim of discrimination, harassment or retaliation does not file a grievance, district employees are required to report to the Title IX Coordinator any observations, rumors or other information about actions prohibited by this policy. If a person refuses or is unable to submit a written complaint, the Title IX Coordinator will summarize the verbal complaint in writing. A grievance is not needed for the district to act upon finding a violation of law, district policy or district expectations.

Students, employees and others may attempt to resolve minor issues by addressing concerns directly to the person alleged to have violated this policy, but they are not expected or required to do so. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the district.

Even if a grievance under this policy is not directly filed, if the Title IX Coordinator otherwise learns about possible discrimination, harassment or retaliation, including violence, the district will conduct a prompt, impartial, adequate, reliable and thorough

investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.

If sex-based harassment is observed or alleged in a student behavior, the administrator must consult the Title IX coordinator prior to imposing discipline. Administrators will report all incidents as directed in the "Reporting" section of this policy and will direct the parent/guardian and student to the Title IX Coordinator for further assistance. In cases not being handled under this policy, the Title IX Coordinator may determine that the incident has been appropriately addressed or recommend additional action.

Title IX Grievance Procedures

The superintendent or designee will adopt, publish and implement grievance procedures consistent with Title IX regulations that provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX. The grievance procedures must treat complainants and respondents equitably. The Title IX Coordinator coordinates implementation of the grievance procedure.

The Title IX Coordinator may also serve as the investigator and/or decisionmaker under the district's grievance procedures.

The grievance procedure may, at the discretion of the superintendent or designee, include provisions for Informal Resolution of some complaints in accordance with Title IX regulations.

Any employee or any other person authorized by the district to provide any aid, benefit, or service under the district's education program or activity must participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.

When the Title IX Coordinator is Made Aware of Possible Sex-based Discrimination

When the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX or its regulations, the Title IX Coordinator will:

1. Treat the complainant and respondent equitably.
2. Offer and coordinate supportive measures as appropriate for the complainant. In addition, if the grievance procedure has been initiated or if the district has offered an informal resolution process to the respondent, the Title IX Coordinator will also offer and coordinate supportive measures as appropriate for the respondent;
3. Notify the complainant of the grievance procedures and the informal resolution process, if offered.
4. In response to a complaint, initiate the grievance procedures or the informal resolution process; and
5. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided

- to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the district's education program or activity.
6. The Title IX Coordinator is not required to comply with (1) through (5) of this section upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or this part.

How a Complaint is Made about District Programs or Activities

The Title IX Coordinator's knowledge of the existence of a complainant requires a district response but does not itself constitute a complaint as used in this grievance procedure. A complaint is made by an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Persons Making a Complaint

The following people have a right to make a "complaint" of sex discrimination in the program or activity of the district:

- Any student or employee the district;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- Any person other than a student or employee who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.
- The Title IX Coordinator.

Limitation on Complaints of Sex-Based Harassment including Hostile Environment: A person is entitled to make a complaint of sex-based harassment (a sub-category of sex discrimination) including a sex-based hostile environment, only if :

- they themselves are alleged to have been subjected to the sex-based harassment,
- they have a legal right to act on behalf of such person, or
- the Title IX Coordinator initiates a complaint in accordance with law.

District-Initiated Complaints. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator may initiate a complaint of sex discrimination if they determine that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the district from ensuring equal access on the basis of sex to its education program or activity .

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- The complainant's request not to proceed with initiation of a complaint;

- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from district premises or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the district;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

Complaint Consolidation

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

Complaints Concerning District Policy or Practice

Not all complaints of sex discrimination involve active participation by complainants and respondents, including those alleging that the district's own policies and procedures discriminate based on sex. When a sex discrimination complaint alleges that the district's own policy or practice discriminates on the basis of sex, the district is not considered a "respondent" for procedural purposes. However, the district must fully implement and follow those parts of the grievance procedures that do apply to such complaints and complainants, including when responding to a complaint alleging that the district's policy or practice discriminates on the basis of sex.

For a complaint alleging that an individual engaged in sex discrimination based on actions the individual took in accordance with the district's policy or practice, the district must treat the individual as a respondent and comply with the requirements in these grievance procedures that apply to respondents. This is because such complaints may involve factual questions regarding whether the individual was, in fact, following the district's policy or practice, what actions the individual took, and whether the individual could be subject to disciplinary sanctions depending on these facts. To the extent an individual was following the district's policy or practice, the district has flexibility to determine whether the original complaint must be amended to be a complaint against the district itself or whether this determination can be made based on the original complaint against the individual.

Notice of a Complaint

When the district's grievance procedures are initiated the Title IX Coordinator or designee must provide notice of the allegations to the parties whose identifies are known.

The notice must include:

- These grievance procedures
- The informal resolution process, if available and appropriate.
- 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);
- Retaliation is prohibited; and
- 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 the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the Title IX Coordinator or designee decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the Title IX Coordinator or designee will notify the parties of the additional allegations.

Dismissal of a Complaint

The Title IX Coordinator or designee may dismiss a complaint of sex discrimination if, after making reasonable efforts to clarify the allegations with the complainant:

- The district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the district's education program or activity and is not employed by the district;
- 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
- The Title IX Coordinator or designee determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum:

- Notify the complainant of the dismissal, the basis for the dismissal and the process for appealing the dismissal.
- If the dismissal occurs after the respondent has been notified of the allegations, notify the respondent of the dismissal, the basis for the dismissal and that the dismissal may be appealed promptly following notification to the complainant, or simultaneously if notification is in writing.
- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other 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.

Dismissal on these grounds does not prevent the application of any other district policy that applies to the alleged conduct or referral of the alleged conduct to appropriate administrators.

Appeal of Dismissal of Complaint

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- 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.

If the dismissal is appealed, the Title IX Coordinator or designee will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

Investigation of the Complaint by the District

The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Any employee or any other person authorized by the district to provide aid, benefit, or service under the district's education program or activity to must, upon request by the Title IX Coordinator, an investigator, or a decisionmaker, participate as a witness in, or otherwise assist with, an investigation or proceeding under Policy 504.24 including these grievance procedures.

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

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.

The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

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, or an accurate description of the evidence, in the following manner:

- If the district provides a description of the evidence, the district will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The district will provide a reasonable opportunity for either party to respond to the evidence or the description of the evidence; and
- 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.

Evidentiary Exclusions

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a legal privilege, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- 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 obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless it 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.

Confidentiality and Privacy

The district will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The district must not disclose personally identifiable information obtained in the course of complying with Title IX, except in the following circumstances:

- When the district has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purposes of Title IX, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the district's education program or activity;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or

- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under FERPA.

Investigatory Questioning of the Parties and Witnesses:

The grievance decisionmaker will question parties and witnesses to adequately assess their credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Where the investigator has interviewed a party or witness and the investigator is also serving as the grievance decisionmaker, credibility evaluation is inherent in the process of conducting the interview. In situations where credibility determinations are required from a grievance decisionmaker who did not interview a party or witness, the Title IX Coordinator will facilitate an opportunity for the decisionmaker to conduct an interview as part of the grievance decisionmaker's process of engaging with the evidence resulting from the investigation.

Making the Determination Whether Sex Discrimination Occurred:

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

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. If the decisionmaker is not persuaded by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
- If sex discrimination occurred, identify recommended discipline for the respondent for sex discrimination prohibited by Title IX ;
- Promptly transmit the grievance record and the determination to the Title IX Coordinator if the Title IX Coordinator did not serve as the decisionmaker.

If Sex Discrimination Occurred, How Does the District Respond?

When the respondent is found to have violated the prohibition on sex discrimination under Policy 504.24, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies, provided to restore or preserve equal access to the district's education program or activity when limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- 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.

- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Grievance Process Outcomes

Appropriate supportive measures managed by the Title IX Coordinator will continue during all appeals.

Within 5 days after the decisionmaker makes a final decision at the conclusion of the grievance process, the complainant or the respondent, or both, may appeal the decision to the superintendent or designee by notifying the Title IX Coordinator in writing. The superintendent or designee will complete a written decision on the appeal within 10 days. The decision will be provided to the Title IX Coordinator, complainant, and respondent within 5 days of the decision.

If the determination that sex discrimination occurred is affirmed, reversed, or modified on appeal, the grievance returns to the Title IX Coordinator and the superintendent or designee to implement or modify the appropriate remedies, disciplinary sanctions, and other prompt and effective district steps to ensure that sex discrimination does not continue or recur.

Remedies When Sex Discrimination Occurred

After the district determines that sex discrimination occurred, the district may provide remedies, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the district's education program or activity.

Supportive Measures

The district will provide supportive measures through its Title IX Coordinator, to complainants as appropriate and, if a complaint has been filed, to the respondent as appropriate.

For complaints of sex-based harassment, these supportive measures may include individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment; or

- Provide support during the district's grievance procedures or during an informal resolution process.

Supportive measures may vary depending on what the district deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; on-premises escort services; increased security and monitoring of certain areas of the district premises; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

The district may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or the district may continue them beyond that point.

For allegations of sex discrimination other than sex-based harassment or retaliation, the district may provide supportive measures, but is not required to alter the alleged discriminatory conduct during the grievance process.

Confidentiality of Supportive Measures

The district must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception to this policy's prohibition on disclosures of personally identifiable information applies.

Review of Supportive Measures Decisions

Upon request, the Title IX Coordinator will designate an appropriate and impartial employee to review the modification or reversal of the district's decision to provide, deny, modify, or terminate supportive measures. The reviewing employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision. The district must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Disciplinary Sanctions

Administrators should consult with the Title IX Coordinator about potential disciplinary responses to the conduct that is alleged to be in violation of the prohibition on sex discrimination. The district is not permitted to impose disciplinary sanctions upon a respondent to a complaint for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the district's grievance process that the respondent engaged in prohibited sex discrimination. Appropriate supportive measures may be

employed during the grievance process and an emergency removal may occur when necessary.

Overlapping Discrimination Claims and this Procedure

To the extent the underlying facts and legal questions in a complaint handled under the Title IX grievance process overlap with and pertain to compliance by the district with another law or regulation concerning discrimination under Policy 504.18, the evidence and findings of the Title IX grievance process may be used for both purposes, in the discretion of the Title IX Coordinator and, if not the same person, the district's Policy 504.18 Compliance Officer.

Timelines for the Grievance Process

The timelines shown in this policy are the ones approved by the board and are not statutory but are intended to establish expectations for being "prompt" in resolving Title IX matters in most cases.. The board may choose to modify those timelines within the following ranges:

- Arriving at the decision whether to investigate or dismiss a sex discrimination complaint, 1 to 15 days.
- Conducting the investigation, 1 to 30 days.
- Making a determination on the complaint, 1 to 30 days.
- Conducting and deciding an appeal, 1 to 20 days.

Training Requirements

The Title IX Coordinator must ensure that all employees are trained promptly upon hiring or change of position, and annually afterwards, on the district's obligations to address sex discrimination, the scope of conduct that constitutes sex discrimination, and reporting requirements. All training received by district personnel should be documented.

In addition to the annual training, any investigator, decisionmaker, facilitator of informal resolutions, and any person otherwise responsible for implementing the district's grievance procedures or who has the authority to modify or terminate supportive measures, must each receive additional training as required by law.

The Title IX Coordinator and any designees must receive the level of advanced training required by Title IX, and any other training necessary to coordinate the district's compliance with Title IX.

The district must make all materials it uses for required Title IX training available upon request for inspection by members of the public.

Recordkeeping

The district must maintain for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process under or the grievance procedures and the resulting outcome.
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including notifications by employees, and records documenting the actions the district took to meet its obligations to respond promptly and effectively.

Legal Reference: Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, Title VII; 42 USC 2000e et seq.
Education Amend. of 1972, Title IX; 20 USC 1681 et seq.
Exec. Order 11246, as amended by Executive Order 11375
Equal Pay Act; 29 USC 206
34 CFR part 106

Cross Reference: 103.00 Equal Educational Opportunity
402.01 Equal Opportunity Employment
402.15 Staff Conduct with Students
403.02 Child Abuse Reporting
403.03 Abuse of Students by School District Employees
404.06 Harassment by Employees
405.00 Employee Conduct and Appearance
501.00 Objectives for Equal Educ. Opportunities for Students
504.03 Student Conduct
504.14 Hazing, Initiation, Secret Societies or Gang Activity
504.18 Harassment by Students
504.20 Bullying Prevention
504.21 Dating Violence Prevention
505.03 Suspension and Expulsion of Students
612.05 Individualized Education Program
612.10 Procedural Safeguards