Van Buren School District Title IX
Grievance Procedures Sexual Harassment

Title IX of the Education Amendments Act of 1972 is a federal law that states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Definition of Title IX Sexual Harassment: Conduct on the basis of sex that meets one or more of the following:

A. Quid pro quo- An employee of the District conditioning the provision of an aid, benefit or service of the recipient on an individual’s participation in unwelcome sexual conduct;
B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
C. Sexual Assault, Dating violence, Domestic violence or stalking

I. Initial Intake Report

A. Completed by the person receiving the complaint.
B. The completed intake form with documentation, if any, is submitted to the Title IX Coordinator.
C. The completed intake form with documentation, if any, is submitted to the Title IX Coordinator.
D. The Title IX Coordinator is to contact the Complainant to ensure they fully understand the process and if they wish to file a formal complaint. If under 18, a parent or guardian must be contacted. If 18, a parent can be contacted at the permission of the complainant.
E. Immediate Response to Sexual Harassment Report - Supportive Measures
   Brief description of what measures have already been taken for supportive measures. May be written on the intake form.
   1. If supportive measures do involve the respondent, the Title IX Coordinator will expedite the notification with the respondent.

II. District Letter for no Complaint Filed

A. Title IX Coordinator will send a letter/email to the parents of the complainant detailing any supportive measures taken if applicable.
B. Without a formal complaint, the file will be maintained for seven years.

III. Formal complaint

A. The complainant completes the formal complaint form with any attachments and submits it either online via an online form or hard copy to the Title IX Coordinator
B. The Title IX coordinator will contact the respondent to discuss the allegations only if a formal complaint is filed.
C. Notice to Parties (Notice of Allegations)
    1. Notice of Formal complaint must be mailed or emailed only after a formal complaint has been filed.
    2. This notice must be sent separately and simultaneously to the complainant and respondent and before an investigation of the Formal Complaint begins, including before student interviews occur.
    3. Notice is to be sent to both parties with the formal complaint.

IV. Right to Advisor

The parties may each have an advisor (attorney, advocate or family friend) of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their advisor as long as the advisor is eligible and available. For students, this advisor can be someone in addition to their parent/guardian who may also be present with them for all meetings, interviews, and hearings within the resolution process. Advisor is not required.

V. Investigator:

A. The district may hire an individual or individuals to conduct the investigation or to act as the decision maker when necessary.
B. The formal complaint and all documentation is copied for the investigator.
C. The investigator will schedule a formal interview with the complainant. Allow enough time for written notice to be delivered to the complainant.
D. The investigator will schedule a formal interview with the respondent. Allow enough time for written notice to be delivered to the respondent.
E. Investigator will share the scheduled interviews with the Title IX Coordinator. The Investigator or Title IX Coordinator will mail the “Notice to Parties of Interviews”
F. The investigator will conduct interviews and collect information from witnesses submitted by both sides. No formal notice is necessary for witness interviews.
G. Notices to Parties of Interviews
1. The Investigator will provide written notice of the date and time of the interview to each party as it pertains to them.

H. Witness form provided for each witness that is called to testify.

1. A witness has the right to refuse to be a part of the interview.

VI. Violence Risk Assessment

A. The Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted as part of the initial assessment. The threat assessment evaluates the actionability of violence by an individual against another person or group of person following the issuance of a direct or conditional threat.

B. Submit the form to the Title IX Coordinator.

VII. Administrative Leave - Personnel, if applicable

A. Submit documentation to the Title IX Coordinator

VIII. Dismissal

1. The complaint shall be dismissed if:
    i. Conduct alleged would not constitute sexual harassment
    ii. Conduct did not occur in the recipient's education program or activity
    iii. The Van Buren School District does not have control of the respondent
    iv. Conduct did not occur in the United States

2. The complaint may be dismissed if:
    v. The complainant notifies the Title IX Coordinator in writing that they want to withdraw the formal complaint
    vi. The respondent is no longer enrolled in or employed by the district
    vii. If specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination

B. Title IX Coordinator reserves the right to continue with a formal complaint if deemed necessary.

IX. Investigative Report and Notice of Opportunity to Submit Response Sent to Parties

A. Investigator - Create an initial report and share all documentation with the Title IX Coordinator
    1. There is no draft of the investigation report
    2. There is simply the presenting of all the related evidence collected in the investigation and then the creation of the investigative report that is a summary of all relevant evidence collected in the investigation

B. The Investigator will share the investigation report, the evidence submitted, including witness statements, photographs, electronic communications with the parties.

1. This provides both parties a chance to review the investigation report.

2. Both parties have 10 calendar days from the date received to submit additional information or ask additional questions.
    a. This is about reviewing all the related evidence and submitting feedback regarding whether they believe such evidence is relevant and should or should not be included in the investigation report.

X. Final Investigation Report

A. The Investigator will consider any additional requests and/or information from the parties and create a final investigation report.
    1. The final report should include who, what, when, and where.

B. The investigator will submit the final investigation report to the Title IX coordinator for distribution to the decision-maker and the parties involved.

XI. Notice of Opportunity to Submit Questions

A. Both parties will receive a copy of the final investigation report being sent to the decision-maker.

B. The parties will have 10 days to submit any additional questions for the decision-maker to consider.
    a. The additional questions submitted are questions either party wants the other party to answer. (This is in lieu of a cross examination in a live hearting)
    b. As a result, the decision maker must give any of the additional questions they determine to be relevant to the other party to respond to and allow limited additional time for them to respond.

XII. Standard of Proof – Preponderance of Evidence and Presumption

All investigations of sexual harassment under the above Van Buren School Board Policies and this grievance procedure will employ the preponderance of evidence standard of proof. The same standard of proof will apply to investigations involving employees and students.

A preponderance of evidence means the greater weight of the evidence, or whether the allegation is more likely true than not true. Investigators and decision-makers will consider whether a preponderance of evidence exists by considering all the evidence and deciding what evidence is more believable.

XIII. Decision Maker - Questions Submitted and Answer Determination of Responsibility

A. Decision-maker will receive and review all documentation provided in the Final Investigation Report.

B. Decision-maker will complete the determination of responsibility form and submit it back to the Title IX Coordinator.

a. Both parties will receive a copy of the Determination of Responsibility

XIV. Post-Determination of Responsibility -

A. Documentation of disciplinary sanctions, remedies and other measures imposed
B. Building level administrator will initiate any remedies that are suggested based on the determination of responsibility report which may include some of the same supportive measures
C. Submit any documentation of supportive measures to the Title IX coordinator for the official file.

XV. Appeals Documentation, if any

A. Both parties have 7 calendar days to appeal the decision maker's findings.
B. If no appeal is filed, the case will be closed.
C. Superintendent - if an appeal is filed, the additional documentation will be submitted to the district superintendent to review the documentation and develop a final decision.
D. Appeals are limited to:
    a. A procedural irregularity that affected the outcome of the matter;
    b. New evidence that was not reasonably available at the time of determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
    c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the complainant or respondent generally, or the specific complainant or respondent, that affected the outcome of the matter.

XVI. Decision on Appeal

A. Both parties will receive a copy of the decision on appeal.
B. Once an appeal is decided, the outcome is final; further appeals are not permitted.
C. The case documentation will be maintained for seven years.

XVII. Record Keeping

Van Buren Public Schools will maintain the following records for a period of at least seven (7) years:

Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;

1. Any disciplinary sanctions imposed on the respondent;
2. Any remedies provided to the complainant designed to restore or preserve equal access to Van Buren Public Schools' education program or activity;
3. Any appeal and the result therefrom;
4. Any Informal Resolution and the result therefrom;
5. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an Informal Resolution process. Van Buren Public

Schools will make these training materials publicly available on the Van Buren Public Schools' website; and

6. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
    1. The basis for all conclusions that the response was not deliberately indifferent;
    2. Any measures designed to restore or preserve equal access to Van Buren Public Schools' education program or activity; and
    3. If no supportive measures were provided to the complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Van Buren Public Schools will also maintain any and all records in accordance with state and federal laws.

XVIII. Revision of Procedure

These procedures supersede any previous procedures addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. These procedures are based upon, and do not supersede, current Van Buren School Board policies related to sexual harassment. Van Buren Public Schools reserves the right to make changes to this document as necessary.

During the resolution process, the Title IX Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with notice (on the school/district website, with the appropriate effective date identified) upon determining that changes to law or regulation require procedural alterations not reflected in these procedures.