Title IX Grievance Procedures

Response to Sexual Harassment.

A student or any individual wishing to report sexual harassment may inform the Title IX Coordinator or any other employee. Any Dover Sherborn Public School District ("the District") employee with knowledge of an allegation of sexual harassment, must report it, whether they personally witness the sexual harassment, learn of it from a third party or the alleged victim directly. Sexual harassment must have occurred in a school's education program or activity.

Title IX of the Education Amendments of 1972 ("Title IX") identifies three separate types of conduct that would constitute "sexual harassment."

1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2) 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
3) "Sexual Assault" as defined by 20 U.S.C. 1092(f)(6)(A)(v), "Dating Violence" as defined in 34 U.S.C. 112291(a)(10), "Domestic Violence" as defined in 34 U.S.C. 12291(a)(8), or "Stalking" as defined as 34 U.S.C. 12291(a)(30).

Once the Title IX Coordinator learns of an allegation of sexual harassment, they will contact the alleged victim, or "the Complainant," to gather preliminary information, offer "Supportive Measures," and inform that person of the right to file a "Formal Complaint" against the alleged perpetrator, or "the Respondent," that initiates the Title IX "Grievance Process."

A "Formal Complaint" is a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment and initiate the Grievance Process. Formal Complaints may be filed with the Title IX Coordinator in person, by mail, or electronic mail. To file a Formal Complaint, the alleged sexual harassment must have occurred in the school's District educational programming or activity, and within the United States. The District has discretion to dismiss a Formal Complaint where the passage of time results in an inability to gather sufficient evidence for a determination of responsibility or the District lost responsibility over the Respondent. The District must dismiss the Formal Complaint if it does not constitute sexual harassment as contemplated by Title IX regulations. However, the school may investigate the conduct as it pertains to other school policies.

"Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has filed. Such measures are designed to restore or preserve equal access to the District's education

and activities, including measures designed to protect the safety of all or the educational environment, or deter sexual harassment.

The District will maintain the confidentiality of any Supportive Measures to the extent possible and document the supportive measures offered by the Title IX Coordinator to the Complainant and Respondent. Examples of Supportive Measures include, but are not limited to the following: counseling, deadline extensions, course adjustments, work or schedule modifications, and increased security.

Grievance Procedure.

Once the Formal Complaint is filed, the "Grievance Process" commences. The District is committed to treating all parties equitably during the Grievance Process. The District is committed to completing the Grievance Process as soon as possible with the goal of completion within 60 days. However, if required, by good cause, such as the absence of a party, a party's advisor, or a witness, discovery of new evidence, law enforcement or DCF involvement; or the need for accommodations, the District may elect to extend this timeline. The Respondent is presumed not responsible for the alleged conduct until a determination of responsibility has been made.

The District will provide the Complainant and Respondent with written notice of the allegations and the Grievance Process. This notice will include specific detail of the allegations against the Respondent. The parties will be informed at this time of their right to have an advisor of their choice, who may be, but is not required to be, an attorney, and may accompany them at any point during the process. They will also be informed of their right to inspect and review evidence. The District will remind the parties of the school's prohibition against knowingly making false statements during this process. Supportive Measures are available to all parties during the Grievance Process.

The Title IX Grievance Process requires the involvement of several different employees that fulfill separate roles. As noted earlier, the Title IX Coordinator oversees Title IX compliance and the Grievance Process. Additionally, each Formal Complaint will be assigned an "Investigator," who could be a Principal, Vice-Principal, or other person that is properly trained in investigations. Each Title IX investigation will be assigned a "Decision-Maker," which similarly could be a Principal, Vice-Principal, or other employee that is properly trained. All appeals will be reviewed by someone who was not involved in the underlying Title IX investigation.

The District will ensure that Title IX coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process, receives training on this policy and his or her respective role.

Informal Resolution of Sexual Harassment.

If appropriate, the Title IX Coordinator will offer the parties the option of an informal resolution process, but, pursuant to Title IX, not until a Formal Complaint has been filed and the parties have been fully advised of their Title IX rights. Before beginning an informal resolution process, The District will obtain written consent from the Complainant and Respondent. At any time, the parties can withdraw from the informal resolution and the Grievance Process will resume. Informal Resolution shall not be offered in the event the Respondent is a District employee.

Investigation of Sexual Harassment.

A properly trained Investigator will complete an investigation into the Formal Complaint. Both, the Respondent and Complainant, will have an equal opportunity to offer witnesses and other evidence. Prior to any interviews with a witness, the District will provide the witness with notice of the date, time, location, participants, and sufficient time to prepare for that interview. Both parties will have an equal opportunity to examine and inspect evidence. Unless waived by one of the parties, the investigation will not intrude on any information that is legally privileged. Information about a person's sexual predisposition or prior sexual behavior are not relevant, unless it is offered to prove that someone other than the Respondent committed the alleged act, or the information concerns specific incidents of sexual behavior between the parties and it is offered to prove consent. At the conclusion of the investigation, the Investigator will create an 2 Investigative Report that summarizes the relevant evidence and send it to each party and the party's advisor.

The parties will have at least 10 days before any hearing or determination of responsibility to review and respond to the report if they so choose. Time periods may be extended or delayed for good cause, including the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodations of disabilities.

The designated Decision-Maker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow additional, limited follow-up questions. However, before presenting the question, the Decision-Maker will determine if it is relevant. In the event that the Decision-Maker decides to exclude a question, he/she will provide a written decision explaining their reasoning.

Hearings.

Though it is not required, the District reserves the right to conduct a full-live hearing as part of the Grievance Process. At such a hearing, the Decision-Maker will permit each party's Advisor to ask the other party and any witnesses relevant questions. If a party does not have an advisor, the District will provide one at no cost. Upon the request of the Complainant or Respondent, the District will utilize technology to separate the parties during the hearing process. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not consider any statement of that party or witness in determining responsibility.

Finding of Responsibility.

Any Respondent found, by a preponderance of the evidence, to have committed Sexual Harassment shall be subject to a range of discipline, including, but not limited to: detention, exclusion of extracurricular activities, suspension, or in the case of an employee, termination. The Decision-Maker will simultaneously issue a written determination of responsibility that includes a description of the allegations, the procedural steps of the grievance process, the findings of facts, the conclusions reached, and a statement and rationale of responsibility and related discipline. If applicable, it will also include remedies designed to restore or preserve equal access to education and activities at the District.

Appeal.

Both the Complainant and Respondent shall have the right to appeal the decision of the Grievance Process by notifying the Title IX coordinator in writing within 10 business days of receiving the decision. The grounds for appeal are limited to: procedural irregularity, new evidence that was not reasonably available at the time of the determination or dismissal, or an alleged conflict of interest. Both parties shall have an opportunity to provide a written statement supporting their position on Appeal. The Appeal shall be reviewed by a person who is not the original Decision-Maker, Investigator, or Title IX Coordinator. That person shall issue a written decision and rationale simultaneously to the parties.

Retaliation.

The District strictly prohibits retaliation in any form against persons seeking protection under or participating in an investigation related to this policy. As such, the District will investigate any reports of retaliation and take separate disciplinary action against those found to have retaliated against someone.