

NON-DISCRIMINATION ON THE BASIS OF SEX UNDER TITLE IX

Notice of Nondiscrimination on the Basis of Sex Under Title IX

Lyon County School District (“the school district”) does not discriminate on the basis of sex in the education program and activity it operates. Title IX prohibits sex-based discrimination, including sexual harassment, in violation of Title IX of the Education Amendments of 1972. Title IX provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any school district education program or activity. The school district is required by Title IX not to discriminate in such a manner. Title IX applies to any school district education program or activity, whether such program or activity occurs on-campus or off-campus. The requirement not to discriminate in the school district’s program or activity extends to employment.

Sexual harassment by school employees is considered grounds for disciplinary action, up to and including discharge. Sexual harassment by students is considered grounds for disciplinary action, up to and including expulsion.

I. Sexual Harassment Defined Under Title IX

Sexual harassment is defined under the federal Title IX regulations as conduct on the basis of sex that satisfies one or more of the following:

- a. A school 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 conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in sexual conduct (i.e., *quid pro quo*); or
- b. Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and is subjectively and objectively offensive that it limits or denies a person’s ability to participate in or benefit from equal access to the school district’s education program or activity; or
- c. Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act (VAWA).

II. Reports and Complaints of Sexual Harassment

The school district must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Notice to a Title IX Coordinator or notice to an official with authority to institute corrective measures on the school district’s behalf, or notice to

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any school district employee charges a school with actual knowledge and triggers the school district's response obligations.

Because the school district must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment, **all school district employees are required to report possible incidents of sexual harassment involving students and/or employees directly to the school district's Title IX Coordinator as soon as practicable, but not later than a time during the same day on which the employee became aware of an incident of sexual harassment, including allegations of sexual harassment. Reports by school district employees must be made in person, by telephone, and/or by email.** Failure to report such incidents may result in disciplinary action.

Any person other than a school district employee may report sexual harassment including allegations of sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) in person, by mail, by telephone, or by email, using the contact information listed below for the school district's Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

A report of sexual harassment may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

The school district has designated the following employee to coordinate its efforts to comply with Title IX. The school district's Title IX Coordinator is:

Executive Director of Human Resources
Lyon County School District 25 E. Goldfield Avenue
Yerington, NV 89447
(775) 463-6800
bhogan@lyoncsd.org

The school district notifies applicants for employment, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the school district, of the name or title, office address, email address, and telephone number of the school district's Title IX Coordinator.

The contact information for the Title IX Coordinator will be prominently displayed on the school district's website and on the websites for each school in the district.

Inquiries about the application of Title IX to the school district may be referred to the school district's Title IX Coordinator, or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202, or both.

III. Title IX Sexual Harassment Mandatory Response Obligations

The school district will respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. The school district has the following mandatory response obligations:

- The school district will offer supportive measures to the person alleged to be the victim (referred to throughout as the "complainant" whether or not that is the person who reported the sexual harassment or allegation of sexual harassment)
- The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint
- The school district will follow a grievance process that complies with Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent
- The school district will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX
- The school district will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator
- A complainant's wishes with respect to whether the school district investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances
- If the allegations in a formal complaint do not meet the definition of sexual harassment under Title IX, or did not occur in the school district's education program or activity against a person in the United States, the school district will dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school district deems appropriate under the school districts code of conduct

IV. Title IX Sexual Harassment Grievance Process

The school district has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that would constitute sexual harassment under Title IX, and a grievance process for resolving formal complaints of sexual harassment. The grievance process incorporates these requirements:

- The school district treats complainants equitably by providing remedies any time a respondent is found responsible, and treats respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- The school district provides remedies, which are required to be provided to a complainant when a respondent is found responsible, that are designed to maintain the complainant's equal access to education and may include the same individualized services described as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- The school district requires objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoids credibility determinations based on a person's status as a complainant, respondent, or witness.
- The school district requires Title IX personnel (Title IX Coordinator, investigators, decision-makers, people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents.
- The school district provides training of Title IX personnel to include training on the definition of sexual harassment in Title IX regulations, the scope of the school district's education program or activity, how to conduct an investigation and how to conduct hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- The school district provides training of decision-makers and investigators to include training on issues of relevance, including how to apply the rape shield protections provided only for complainants.
- The school district includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- The school district posts materials used to train Title IX personnel on its website.

- The school district includes reasonably prompt time frames for concluding the grievance process, including appeals and informal resolutions, with allowance for temporary, short term, good cause delays or extensions of the time frames.
- The school district describes the range, or list, of the possible remedies that may be provided to a complainant and disciplinary sanctions that may be imposed on a respondent, following determinations of responsibility.
- The school district has chosen to use the preponderance of the evidence standard for all formal complaints of sexual harassment (including where employees are respondents).
- The school district has described its appeal procedures, and the range of supportive measures available to complainants and respondents.
- The school district's grievance process does not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Any provisions, rules, or practices other than those required by Title IX regulations that the school district has adopted as part of its grievance process for handling formal complaints of sexual harassment apply equally to both parties.

All reports and complaints of sexual harassment in violation of Title IX will be addressed through the grievance process described below. See, *NONDISCRIMINATION ON THE BASIS OF SEX UNDER TITLE IX—ADMINISTRATIVE REGULATION*.

V. Related Policies and Administrative Regulations

This policy and administrative regulation address sexual harassment as that term is defined under Title IX. The school district also prohibits bullying and cyber-bullying as those terms are defined under Nevada Revised Statutes ("NRS") 388.121 et seq. ("Provision of Safe and Respectful Learning Environment"). The prohibitions on bullying, cyber-bullying, discrimination based on race, and procedures to address conduct that does not include sexual harassment as defined under Title IX are addressed in *LCSD Board Policies GBBA - Prevention of Sexual Misconduct Towards Students, Mandatory Reporting of Child Abuse and Neglect, and Corporal Punishment; GBBC - Employee Bullying; and JFCC - Safe and Respectful Learning Environment*.

The school district also prohibits employee bullying, harassment, sexual harassment, intimidation, discrimination and/or retaliation. The prohibitions and grievance procedures for this conduct that does not include sexual harassment as defined under Title IX are addressed in *LCSD Board Policies GBBC - Employee Bullying and GL - Staff Complaints*.

If an employee or volunteer has reasonable cause to believe that sexual harassment in violation of Title IX arises to abuse or neglect under NRS 432B and/or NRS 392.275 et seq., such

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misconduct will be reported to law enforcement officials and/or Child Protective Service agency personnel in accordance with the procedures set forth in Board policies and regulations concerning mandatory reporting. These procedures are addressed in *LCSD Board Policy GBBA - Prevention of Sexual Misconduct Towards Students, Mandatory Reporting of Child Abuse and Neglect, and Corporal Punishment*.

Legal Reference(s): Title IX of the Education Amendments of 1972, 20 USC 1681-1683 Title IX federal regulations, 34 CFR Part 106 NRS 388.1251 et seq., Provision of Safe and Respectful Learning Environment Nevada Revised Statutes, 392.275 et seq., Reports of Abuse, Neglect and Other Illegal Conduct NRS 432B.010 et seq., Protection of Children from Abuse and Neglect

Policy #AB
Revised 5/27/25

***NON-DISCRIMINATION ON THE BASIS OF SEX UNDER TITLE IX -
ADMINISTRATIVE REGULATIONS***

Recognizing and Reporting Sex-Based Discrimination and Harassment

Lyon County School District (“the school district”) has established a grievance process to provide prompt and equitable resolution of reports and complaints of sexual harassment in violation of Title IX.

Any individual who is unsure about whether sexual harassment in violation of Title IX has occurred and/or which complaint procedure applies is encouraged to contact the Title IX Coordinator:

Executive Director of Human Resources
Lyon County School District
25 E. Goldfield Avenue
Yerington, NV 89447
(775) 463-6800
bhogan@lyoncsd.org

I. Definitions

For purposes of this Title IX grievance process, the following definitions apply.

A. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the school district’s Title IX Coordinator, or to any official of the recipient who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary or secondary school in the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual notice. This standard is not met when the only official of the school district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the school district.

“Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment made verbally or in writing to the Title IX Coordinator.

B. “Complainant” is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The school district treats a person as a complainant and

refers to a person as a complainant any time the school district has notice that the person is alleged to be the victim of conduct that could constitute sexual harassment, regardless of whether the person reported, or a third party reported the sexual harassment, and irrespective of whether the complainant ever chooses to file a formal complaint.

C. “Education program or activity” includes locations, events, or circumstances over which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

D. “Formal complaint” is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment. There is no time limit or statute of limitations on a complainant’s decision to file a formal complaint.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school district with which the formal complaint is filed.

The phrase **“document filed by a complainant”** means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the school district) that contains the complainant’s physical or digital signature or otherwise indicates that the complainant is the person filing the formal complaint.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under Title IX regulations.

E. “Respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

F. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning the provision of an aid, benefit, or service of the school district on an individual’s participation in sexual conduct (i.e., quid pro quo); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and is subjectively and objectively offensive that it effectively denies a person equal access to the school district’s education program or activity; or

3. Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act (VAWA).

“Sexual assault” as defined in the Clery Act means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Dating violence” as defined in the Violence Against Women Act (VAWA) means violence committed by a person:

- (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) where the existence of such a relationship will be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons in the relationship.

“Domestic violence” as defined by the VAWA includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family laws of the jurisdiction.

“Stalking” as defined by the VAWA means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) fear for his or her safety or the safety of others; or
- (b) suffer substantial emotional distress.

G. “Supportive measures” means:

- Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.
- Supportive measures are designed to restore or preserve access to the school district’s education program or activity, without unreasonably

burdening the other party; protect the safety of all parties and the recipient's educational environment; or deter sexual harassment.

- Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.
- The school district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

***NOTE:** The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.*

II. Title IX Grievance Procedures

A. Reporting Sexual Harassment, Including Allegations of Sexual Harassment

1. School district employees who have reason to believe that a student or employee has been subjected to sexual harassment, including allegations of sexual harassment, are required to promptly make a report to the school district's Title IX Coordinator. The report must be made as soon as practicable, but not later than a time during the same day on which the employee became aware of an incident of sexual harassment, or an allegation of sexual harassment. Reports by school district employees must be made in person, by telephone, and/or by email to the Title IX Coordinator. Failure to report such incidents may result in disciplinary action.
2. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) in person, by mail, by telephone, or by email, using the contact information listed above for the school district's Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
3. A report of sexual harassment may be made at any time, including during nonbusiness hours.

4. Title IX complaints may also be made directly to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 Second Ave., Room 3310, Seattle, WA 98174-1099.

5. Individuals will not be retaliated against for reporting sexual harassment or for participating in an investigation. Retaliation is illegal under Title IX and any retaliation will result in disciplinary actions, up to and including discharge for employees or expulsion for students.

B. Addressing Supportive Measures

If the individual making the report is the complainant¹ or if the complainant is identified by the individual making the report, the Title IX Coordinator will meet with the complainant to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

1. Supportive measures are individualized measures designed to ensure the complainant (alleged victim) can continue to access educational program and activity, including employment (such as requiring no contact between individuals or changing classes)
2. Supportive measures may be continued even if the complainant chooses not to file a formal complaint, if appropriate under the circumstances

C. Filing a Formal Complaint

1. A complainant may file a formal written complaint requesting investigation of alleged Title IX sexual harassment with the Title IX Coordinator. A formal written complaint may be filed by the parent/legal guardian of a student complainant. The written complaint must include basic information concerning the allegation of sexual harassment, including date, time, location, individual(s) who allegedly engaged in sexual harassment, and a description of the allegation. Students or employees who need assistance in preparing a formal written complaint should contact the school district's Title IX Coordinator.

¹ A "complainant" is defined under Title IX as an individual who is alleged to be the victim of conduct that constitute sexual harassment, regardless of whether that person is the person who makes a report of sexual harassment, and regardless of whether the complainant ever chooses to file a formal complaint.

2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the complainant chooses not to file. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found

responsible for previous sexual harassment or there is a safety threat within the school. In such cases, the complainant (alleged victim) is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

3. The Title IX Coordinator must dismiss a formal complaint under this procedure if:

- (a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or
- (b) if the conduct alleged did not occur within the scope of the school district's education program and activity, or
- (c) the conduct did not occur in the United States.

4. The Title IX Coordinator may dismiss a formal complaint under this procedure if:

- (a) a complainant withdraws the formal, or withdraws particular allegations within the complaint;
- (b) the respondent is no longer employed by or enrolled in the school district; or
- (c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through the applicable Board policy/procedure.

5. If a formal complaint is dismissed under this procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties may appeal dismissals in accordance with the *Appeals Procedure (J)* below.

D. Emergency Removal or Administrative Leave

1. The Superintendent or designee will undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment. Examples may include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.

2. If the Superintendent or designee determines that an immediate threat exists, a respondent may be immediately removed from the education program or activity. The Superintendent or designee will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This is an opportunity to be heard, not a hearing.
3. The school district may place a non-student employee respondent on administrative leave during the pendency of the grievance process.
4. Any decision to remove a respondent from an education program or activity, or to place a non-student employee on administrative leave, must comply with school district policies and administrative regulations, collective bargaining agreements, and applicable federal or state law, including but not limited to student discipline laws and the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

E. Notice to Parties of Formal Complaint

1. **Within five business days after the filing of a formal complaint** (filed by the complainant or signed by the Title IX Coordinator), the Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under Title IX. The notice will include:
 - a. Notice regarding the complaint procedure and the availability of an informal resolution process if the Title IX Coordinator believes the circumstances are appropriate.
 - b. Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview. **No interview will be conducted until at least five business days after the date notice has been provided to the parties.**
 - c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process.
 - d. Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence.
 - e. Notice that knowingly making false statements or submitting false

information during the grievance process is prohibited and may result in disciplinary action.

f. Notice of the name of the investigator, with notice that parties must raise concerns of conflict of interest or bias **within two business days after the date notice has been provided to the parties**. The Title IX Coordinator will resolve concerns of conflict of interest or bias **within two business days after receipt of a party's objections**.

2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.

3. The Title IX Coordinator will initiate or continue discussions with the complainant and the respondent regarding the provision of supportive measures.

F. Informal Resolution Process

After a formal complaint has been filed, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; mediation; restorative justice; acknowledgement of responsibility by a respondent; apologies; or supportive measures.

If the Title IX Coordinator determines that informal resolution is available to the parties, the Title IX Coordinator will provide the parties a written notice disclosing the allegations in the formal complaint, and stating the following:

1. The Title IX Coordinator has determined that informal resolution is available to the parties.
2. The parties must voluntarily agree in writing to participate in an informal resolution process.

3. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
4. If an informal resolution agreement is reached, it must be signed by both parties and the Title IX Coordinator.
5. Any such signed agreement is final and binding according to its terms. Once an agreement has been reached, the school district will not resume the formal complaint process, nor initiate or allow either party to initiate another formal complaint process addressing any allegations resolved in the informal resolution process or arising out of the same facts or circumstances as any allegations resolved in the informal resolution process.
6. If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process will be considered as evidence in the subsequent investigation or determination.

G. Investigation

1. The formal complaint will be investigated by a trained internal or external individual designated by the Title IX Coordinator. Any complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the President of the Board, who will consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator will consult with the Title IX Coordinator as necessary during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement will be applied, to the extent they do not conflict with the federal Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint will be maintained in accordance with applicable state and federal laws.
5. The investigator will:

- a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
- b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
- c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
- d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (e.g., site visits, review of documents, etc.).
- e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
- f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
- g. **Within 10 business days of resolving any objection to the investigator**, and prior to the completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, **and provide the parties with ten business days to submit a written response**. The evidence subject to inspection and review includes any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source.
- h. Consider the parties' written responses to the evidence prior to completing the investigation report.
- i. **Within 10 business days of receiving the parties' written responses to the evidence**, create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any) for them to **review and provide written responses within ten business days of receipt of the investigative report**.
- j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision-maker.

6. The investigation report and party responses will be forwarded to the assigned decision-maker **within 60 business days of the date a formal complaint is filed**,

if practicable. A temporary, short-term delay or extension of time for good cause will be allowed.

H. Determination of Responsibility

1. The decision-maker cannot be the investigator or Title IX Coordinator.
2. **Within five business days of receiving the investigation report and party responses,** the decision-maker will provide notice to the parties that they have **five business days to submit written, relevant questions that the party wants asked of another party or witness.**
3. **Within five business days of receipt of all questions,** the decision-maker will provide relevant questions to parties/witnesses for response. A party/witness will be given **five business days to respond to the relevant questions asked by another party.** If the decision-maker excludes a question as not relevant, the decision-maker will explain that decision to the party who proposed the question.
4. **Within five business days of receipt of all responses,** the decision-maker will provide the responses to the parties. A party will be given **an additional five business days to ask limited written, relevant follow-up questions that the party wants asked of another party or witness.**
5. **Within five business days of receipt of all follow-up questions,** the decision maker will provide relevant questions to parties/witnesses for response. **A party/witness will be given five business days to respond to the follow-up questions asked by another party.** The decision-maker will send each party a copy of the responses to any follow-up questions.
6. The decision-maker will review the investigation report, the parties' responses and other relevant materials, and apply the preponderance of the evidence standard ("more likely than not") when making a determination.
7. **Within five business days of receipt of the responses to follow-up questions,** the decision-maker will issue a written determination, which will include the following:
 - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;

- b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather evidence, and meetings held;
- c. A determination regarding responsibility as to each allegation and findings of fact supporting the determination;
- d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the school district's program and activity will be provided to the complainant; and
- e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.

8. The written determination will be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

9. The written determination will be provided to the parties **within 45 business days of the date the investigation report was provided to the decision maker**. A temporary, short-term delay or extension of time for good cause will be allowed.

I. Remedies, Discipline and Other Actions

It is the intent of the Board that appropriate corrective action will be taken by the school district to stop the sexual harassment, prevent its recurrence and address negative consequences. The age and maturity of any student(s) involved and other relevant factors will be considered in determining appropriate action.

Any school employee or student that is found to have violated this policy will be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, termination or discharge. Students who violate this policy will be disciplined in accordance with school district policies and procedures for discipline, suspension, and expulsion (*LCSD Board Policy JG - Student Discipline*).

Any remedy, discipline, or other action imposed on a student or employee will comply with school district policies and administrative regulations, collective bargaining agreements, and applicable federal or state law.

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education program and activity following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions – Students

Following are the types of discipline and other actions that may be imposed on a student when there is a determination that the student is responsible for one or more violations involving sexual harassment:

- In-school or out-of-school suspension
- Expulsion
- Restorative justice
- Requirement to engage in education or counseling program

3. Discipline and Other Actions – Employees

Following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that the employee is responsible for one or more violations involving sexual harassment:

- Written warning
- Probation
- Demotion
- Suspension without pay
- Dismissal
- Performance improvement plan
- Counseling
- Training
- Loss of leadership/stipend positions

J. Appeals

The person deciding an appeal cannot be the decision-maker, investigator, or Title IX Coordinator.

The parties may appeal a determination regarding responsibility, and from dismissals of formal complaints. Appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. 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.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and will not be considered.

Appeals must be filed with the Superintendent, who will consider the appeal.

Within five business days of receipt of the appeal, the Superintendent will notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision-maker. **Parties will be given five business days to submit statements.**

The Superintendent will conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making the decision.

Within fifteen business days of receipt of the appeal, the Superintendent will issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision-maker for further consideration; or grant the appeal by revising the disciplinary or other action(s). A temporary, short-term delay or extension of time for good cause will be allowed.

K. Records

Records in connection with sexual harassment reports and the grievance process will be maintained for a **minimum of seven years**, including:

1. Any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant designed to restore or preserve equal access to the school district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. The training materials will be made publicly available on the school district's website.