Huffman ISD

Party, Parent/Guardian, and Advisor Rights and Expectations

The Title IX regulations governing Huffman ISD's Title IX grievance process require the District acknowledge the legal rights of parents, guardians, and others legally authorized to act on behalf of their minor students ("parents/guardians"), including student complainants, student respondents, and other individuals, throughout the grievance process. They also allow each party to select an advisor of the party's choice to accompany, advise, and assist the party with navigating the grievance process. The District does not restrict the right of each party to select an advisor with whom the party feels most comfortable and believes will best assist the party.

The District retains significant flexibility and discretion regarding expectations for advisors, parents/guardians of minor parties, and parties during the grievance process. All restrictions on the participation of parties, parents/guardians of minor parties, and advisors during the grievance process apply equally to both parties.

The purpose of this document is to explain the rights and restrictions applicable to parties, parents/guardians of minor parties, and advisors and the consequences for failure to comply with expectations.

Rights

- Parties in the Title IX sexual harassment grievance process have the right to be assisted by an advisor of choice during all portions of the Title IX sexual harassment grievance process. Parties are best positioned to decide which individuals should serve as their advisors. Advisors may be friends, family members, attorneys, or other individuals with whom the party has a trusted relationship. The status of any party's advisor (for example, whether a party's advisor is an attorney or not), the financial resources of any party, and the potential of any party to yield financial benefits to the District will never affect the District's compliance with the Title IX regulations.
- For minor parties, the advisor can be in addition to the minor's parent(s)/guardian(s), who have the right to participate in the Title IX process on the same conditions as the minor party. If there is a dispute between a minor party and their parent/guardian about the choice of advisor, the parent/guardian's choice will prevail.
- The District will objectively evaluate relevant evidence and use investigators and decision-makers free from bias or conflicts of interest. Such procedural rights, which are required to be part of the Title IX grievance process, allow both parties to advance their respective interests in the case regardless of whether the party has an advisor, pays for their advisor's services, or has an advisor with a certain level of experience.
- The District will presume that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance process, using the preponderance of the evidence standard.

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- The decisionmaker will not consider impermissible evidence such as evidence that is protected under a legally-recognized privilege; a party's or witness's medical records; or evidence that relates to the complainant's sexual predisposition. Such impermissible evidence may be considered, however, with written consent or, with regard to the complainant's prior sexual conduct with the respondent, where it is offered to prove consent or that someone other than the respondent committed the alleged conduct.

- The District will attempt to accommodate parties' schedules and the schedules of parents/guardians of student parties, and witnesses throughout the grievance process to provide parties a meaningful opportunity to exercise their rights under the Title IX regulations. However, the District must also meet its own designated timeframes. The Title IX grievance process can proceed to a conclusion even without a party's, parent's/guardian's, or witness's participation if the District cannot secure that participation after offering a meaningful opportunity. Accordingly, the District may elect to move forward with the Title IX grievance process, including any meeting, interview, or deadline, if it cannot secure reasonable cooperation regarding scheduling

- If a parent/guardian of a minor party or a party's advisor also serves as a witness in the Title IX process, the decision-maker can consider a perceived "conflict of interest" in weighing the credibility and persuasiveness of the witness's testimony.

- Title IX team members will copy a minor party's parents/guardians on all correspondence. If a party has exercised the party's right to select an advisor of the party's choice, unless the party requested in writing that the recipient not transmit the information to the party's advisor, the Title IX team will copy the advisor on communications transmitting (1) evidence subject to the parties' inspection and review and (2) the investigative report. Title IX team members may copy the advisor on other communications during the process but are not required to do so. The party is responsible for forwarding communications on which the advisor is not copied to the advisor, if the party so wishes.

Expectations

- The District will not forbid a party from conferring with the party's advisor or, for a minor party, their parents/guardians during the grievance process. However, if a question is pending a break generally may not be taken until the question is answered.

- Breaks will be limited based on reasonableness and potential impact on the District's timely completion of the process.

- Parties, parents/guardians of minor parties, and advisors may use information or evidence obtained through the Title IX process, including evidence received for inspection and review and the investigative report, only for purposes of the grievance process. No party, parent/guardian, or advisor may disseminate or disclose such materials.

- Parties and parents/guardians of minor parties must maintain confidentiality of the materials and information obtained during this process unless it restricts the ability

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for the party to obtain and present evidence, speak to witnesses, consult with family members, confidential resources or advisors, or otherwise prepare for participation in the grievance procedures.

- Parties must personally answer questions posed by an investigator during an interview and, if appropriate based on age and maturity level, respond to written questions during the decision-making process. The advisor and parent/guardian of a minor party must remain silent during interviews unless asked a question by a Title IX team member or conferring with their party.
- The District can and will enforce rules of decorum that ensure all participants, including parties, parents/guardians of minor parties, and advisors, participate respectfully and non-abusively during the Title IX grievance process.
- No party, parent/guardian, or advisor may act abusively or disrespectfully toward any Title IX team member or another party, a witness, or an advisor.
- No party, parent/guardian, or advisor may use profanity or make irrelevant or ad hominem attacks upon any other person.
- Parties, parents/guardians of minor parties, and advisors must comply with all policies, codes of conduct, and other guidelines for students, employees, and community members, as applicable, at all times during the Title IX grievance process.

Consequences

By participating in the Title IX process, every party, advisor, and parent/guardian of a minor party agrees to conform to the expectations outlined in this document.

Parties, parents/guardians of minor parties, and advisors who fail or refuse to comply with these and other stated expectations of decorum for the District's educational environment will receive consequences. For advisors and parents/guardians, the District can remove that person from the process and require another parent/guardian or other representative or advisor to attend instead. Consequences can also include those provided for in relevant policies, administrative regulations, and codes of conduct appliable to students, employees, parents, and other District community members.

The Title IX Coordinator or their designee has sole discretion to determine if these expectations have been violated. In most cases a verbal warning will be given in response to a first violation of these expectations. Exceptions can be made based on the severity of the violation. Repeated violations, even of different expectations than those for which a previous warning was provided, will not require a warning. If a parent/guardian or advisor is removed under these guidelines, the party may select a different advisor. Reasonable delays, including the temporary adjournment of the process, may occur if a parent/guardian or an advisor is removed, but are not guaranteed.

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