Title IX Grievance Procedure

As required by Title IX of the Education Amendments of 1972 ("Title IX") and its implementing regulations (34 C.F.R. Part 106), the District does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX concerning everyone in the District's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

Title IX Sexual Harassment Prohibited

Sexual harassment as defined in the Title IX implementing regulations ("Title IX Sexual Harassment") is prohibited. Any person, including a District employee or agent, or student, engages in Title IX Sexual Harassment when that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:

1. Quid Pro Quo: A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
2. Hostile Environment: 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 District's educational program or activity; or
3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(11), *domestic violence* as defined in 34 U.S.C. §12291(a)(12), or *stalking* as defined in 34 U.S.C. §12291(a)(36).

Examples of Title IX Sexual Harassment can include, but are not limited to, touching, rape, sexual battery, sexual abuse, sexual coercion, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Definitions from 34 C.F.R. §106.30

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Education program or activity includes locations, events, or circumstances where the District has substantial control over both the *Respondent* and the context in which alleged Title IX Sexual Harassment occurs.

Formal Title IX Sexual Harassment Complaint means a document filed by a *Complainant* or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that the District investigate the allegation.

Respondent means an individual who has been reported to be the perpetrator of the conduct that could constitute Title IX Sexual Harassment.

Supportive measures mean 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 Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed.

Title IX Sexual Harassment Prevention and Response

The District's Title IX Coordinator, identified in Board Policy, or designee, will oversee the District's efforts to prevent and respond to allegations of Title IX Sexual Harassment, which shall include the following, at a minimum:

1. The District's comprehensive health education program in Board policy 6:60, *Curriculum Content*, will incorporate (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6.65, *Student Social and Emotional Development*.
2. The District will incorporate education and training for school staff as required by law, or at the Superintendent and Title IX Coordinator's discretion, recommended by the Superintendent, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Associate Building Principal, Dean of Students, or a Complaint Manager. All training materials used to train its Title IX Coordinator(s), investigator(s), decisionmaker(s), and informal resolution facilitator(s) will be posted on the District's website.
3. The District will notify applicants for employment, students, parents/guardians, employees, and collective bargaining units of its nondiscrimination policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website, if any, and in each handbook made available to such persons.

Making a Report or Inquiry

A person who wishes to make a report of Title IX Sexual Harassment is encouraged to do so to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Associate Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking.

School employees must promptly forward any report of or information about suspected Title IX Sexual Harassment to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

Inquiries about Title IX, its implementing regulations, or any policy or procedure prohibiting Title IX Sexual Harassment may be directed to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights (OCR) (https://www.ed.gov/about/ed-offices/ocr).

The Superintendent shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator.

Title IX Coordinator:

Dr. Kelly Zuerner
kzuerner@csd99.org
Director of Staff Experiences
Community High School District 99
6301 Springside Avenue
Downers Grove, IL 60516
630-795-7119

Any person may report sex discrimination under Title IX, including Title IX Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination under Title IX or Title IX Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address or by mail to the office address listed for the Title IX Coordinator.

Processing and Reviewing a Report

Upon receipt of a report made under this Title IX grievance procedure, the Title IX Coordinator and/or designee will promptly contact the Complainant to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the Complainant of the availability of supportive measures with or without the filing of a *Formal Title IX Sexual Harassment Complaint*, and (4) explain to the Complainant the process for filing a *Formal Title IX Sexual Harassment Complaint*.

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall, at a minimum, review Board policies 2.260, *Uniform Grievance Procedure*; 5.20, *Workplace Harassment Prohibited*; 5.90, *Abused and Neglected Child Reporting*; 5.120, *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*; 7:20, *Harassment of Students Prohibited*; 7.180*, Prevention of and Response to Bullying, Intimidation, and Harassment*; 7.185, *Teen Dating Violence Prohibited*; and 7.190, *Student Behavior*, to determine if the allegations in the report require further action under those policies.

Reports of alleged Title IX Sexual Harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

Formal Title IX Sexual Harassment Complaint Grievance Process

The Title IX Coordinator shall implement the Title IX Grievance Process for all *Formal Title IX Sexual Harassment* Complaints which process fully complies with the Title IX implementing regulations, at 34 C.F.R. §106.45. The District's grievance process shall, at a minimum:

1. Require the Title IX Coordinator to investigate all Formal Title IX Sexual Harassment Complaints or appoint a qualified person to undertake the investigation using a Title IX grievance process that fully complies with the Title IX implementing regulations, 34 C.F.R. 106.45.
2. Treat *Complainants* and *Respondents* equitably by providing remedies to a *Complainant* where the *Respondent* is determined to be responsible for sexual harassment and by following a grievance process that complies with the Title IX implementing regulations, 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent*.
3. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a *Complainant, Respondent,* or witness.

4. Require that any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process:
    a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
    b. Receive training on the definition of Title IX Sexual Harassment, the scope of the District's *education program or activity*, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
5. Require that any individual designated by the District as an investigator receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
6. Require that any individual designated by the District as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant.
7. Include 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.
8. Include reasonably prompt timeframes for conclusion of the grievance process.
9. Describe the range of possible disciplinary sanctions and remedies the District may implement following any determination of responsibility.
10. Base all decisions upon the *preponderance of evidence* standard.
11. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
12. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
13. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Enforcement

Any District employee who is determined, at the conclusion of the grievance process, to have engaged in Title IX Sexual Harassment will be subject to disciplinary action up to and including discharge consistent with any applicable laws, policies, or agreements addressing procedures for implementing employee discipline. Any third party who is determined, at the conclusion of the grievance process, to have engaged in Title IX Sexual Harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent, invitee, etc. Any District student who is determined, at the conclusion of the grievance process, to have engaged in Title IX Sexual Harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with any applicable laws, policies, or procedures addressing student discipline. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.

Retaliation Prohibited

The District prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under

this policy. Any person should report claims of retaliation using Board policy 2.260, *Uniform Grievance Procedure*.

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Adopted: 09/21/20
Revised: 03/20/23; 06/17/24; 9/23/24; 07/09/25 (contact only); 10/20/25