

**I. Introduction**

Title IX of the Educational Amendments of 1972 prohibits any educational entity that receives federal financial assistance from discrimination on the basis of sex. Title IX is one of several laws that govern sexual harassment. If more than one policy applies, the Millbrook Central School District (“District”) will follow the procedure that is most stringent and provide multiple determinations as appropriated under DISTRICT Policy and the New York State Education Law.

This policy is solely limited to sexual harassment or discrimination under Title IX pursuant to the 2020 Title IX Regulations. The DISTRICT will modify these regulations pursuant any amendments made by the United States Department of Education.

**II. Notifications**

The DISTRICT does not discriminate on the basis of sex in the education program or activity that it operates, and is required by Title IX and its regulations not to discriminate in such a manner. This extends to admission, and employment.

Inquiries about the application of Title IX may be referred to the Title IX Coordinator(s) listed below or to the Assistant Secretary for Civil Rights of the United States Department of Education Assistant Secretary or the United States Department of Education, or both.

The District has appointed the following Title IX Coordinator(s) to coordinate its efforts to comply with the requirements with Title IX:

Name: Dr. Amy Watkins  
Title: Assistant Superintendent of Instruction and Community Relations  
Office Address: PO Box AA, 43 Alden Place, Millbrook, NY 12545  
Office Phone: 845-677-4200  
Email: amy.watkins@millbrookcsd.org

The DISTRICT must notify applicants for admission and employment, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the DISTRICT. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information above for the Title IX Coordinator(s), or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such reports may be made at any time by using the contact information above.

The DISTRICT will prominently display the contact information for the Title IX Coordinator(s) on its website and in each handbook or catalog that it makes available to potential applicants for admission and employment, employees, and unions/professional agreements.

The DISTRICT shall not treat applicants, students, or employees differently on the basis of sex, except as permitted by Title IX.

### **III. Key Definitions**

**Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator(s) or any official of the recipient who has authority to institute corrective measures on behalf of the DISTRICT.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**"Educational Program or Activity":** Locations, events, or circumstances over which the DISTRICT exercised substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the DISTRICT. The alleged misconduct must occur in the United States of America.

**Formal Complaint:** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. 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 DISTRICT. A "document filed by a complainant" a document or electronic submission that contains the complainant's signature or otherwise indicates that they individual is filing a formal complaint with an electronic signature.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient 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 in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Supportive Measures: 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 been filed. Such measures are designed to restore or preserve equal access to the recipients education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modification of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures. The DISTRICT shall 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 recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Jurisdiction: A DISTRICT is required to respond, under Title IX, to those allegations of sexual harassment where:

A. The DISTRICT exercises substantial control over both the respondent (i.e., the person accused of sexual harassment) and the context (e.g., school setting, or school sponsored event) in which the harassment occurred; and

B. At the time of the alleged sexual harassment, the complainant (i.e. the alleged victim of sexual harassment) must be:

(1) in the United States, and

(2) trying to access the DISTRICT’s educational program or activity.

#### **IV. Grievance Procedure**

Upon actual knowledge as defined above, the District will not be deliberately indifferent in its response to any complaint of sexual harassment.

Upon actual knowledge of an allegation of sexual harassment, the Title IX Coordinator shall promptly meet with the (alleged) complainant to (1) offer supportive measures; (2) review the DISTRICT’s grievance procedure; and (3) explain how to file a Formal Title IX Complaint. If the (alleged) complainant decides not to file a Formal Title IX Complaint the DISTRICT shall address the behavior under its Code of Conduct and any other applicable policy/procedure.

### ***Formal Title IX Complaint—Grievance Procedure***

If a Formal Title IX Complaint is filed, the DISTRICT is committed to:

- Treating both the complainant and the respondent equitably;
- Requiring 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.
- Requiring the individuals designated in all aspects of the process (Coordinator, Investigator, Decision Maker, Appeals, Decision Maker, or Informal Resolution Facilitator) are free from a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- Requiring all individuals designated in all aspects of the process (Coordinator, Investigator, Decision Maker, Appeals, Decision Maker, or Informal Resolution Facilitator) receive training on the definition of 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, including by avoiding prejudgment on the facts at issue, conflicts of interest, and bias, relevance (for Investigator and Decision Maker), and when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.
- Presuming that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Including reasonably prompt timeframes for the conclusion of the grievance process. Delays require good cause and written notification to all parties. Good cause may include absence of a party, a party’s advisor or witness (to a reasonable extent); concurrent law enforcement activity; or the need for language assistance or to accommodate a disability.
- Describing the range of possible disciplinary sanctions and remedies that may be implemented.
- Following a preponderance of the evidence standard.
- Providing baises for the complainant or respondent to appeal.
- Avoiding reliance or required release of information that is privileged, unless the person holding such privilege waives the privilege.

#### *Notice of Allegations*

When a formal complaint is filed, the DISTRICT will notify in writing all known parties regarding (1) the grievance procedure, (2) the allegations of sexual harassment potentially constituting sexual harassment, and (3) sufficient details and time to prepare for any response and/or initial interview. Sufficient details include known parties, date, time, location, and the alleged conduct.

The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. In addition, the written notice will include that each party has the right to an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence. Furthermore, the written notice will remind the parties that they are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

If new allegations develop during the investigation that will be investigated by the DISTRICT, the DISTRICT will provide written notification of such new allegations. Similarly, if appropriate, the DISTRICT may consolidate formal complaints. Written notification will be required.

#### *Title IX Team*

When a Formal Complaint is received the Title IX Coordinator shall assemble a trained team to address the Formal Complaint. The team shall be composed of the Coordinator, Investigator, Decision Maker, Informal Resolution Facilitator, and Appeals Decision Maker. The Title IX Coordinator may request the Board approve the team.

#### *Emergency Removal*

The Title IX Coordinator shall be able to recommend immediate removal in emergency situations under the DISTRICT's normal procedures for both employees, students, or other individuals who pose an immediate threat to the community.

#### *Dismissal of a Complaint*

The DISTRICT must investigate the allegations in a Formal Complaint. The DISTRICT is required under Title IX to dismiss a Formal Complaint that (1) would not constitute sexual harassment as defined above; (2) did not occur in the United States; or (3) did not occur in the DISTRICT's education program or activity.

The DISTRICT may dismiss a Formal Complaint, if at anytime during the investigation or hearing: (1) the complainant through written notification to the Title IX Coordinator wants to withdraw the complaint; (2) the respondent is no longer enrolled or employed by the recipient; or (3) specific circumstances prevent the DISTRICT from gathering evidence sufficient to reach a determination as to the formal complaint and allegations.

The DISTRICT will promptly send written notice of the dismissal and the reason(s) why simultaneously to both parties.

#### *Investigation of a Formal Complaint*

The DISTRICT has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. The Investigator is responsible for the following:

- Ensuring that the DISTRICT has voluntary, written consent to use treatment records obtained in the investigation;
- Providing an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restricting the ability of either party to discuss the allegation to gather and present relevant evidence;
- Providing the parties with the same opportunities to have others present during any grievance proceeding, including but not limited to the advisor of their choice in any meeting or grievance proceeding;
- Providing written notice to a party of the date, time, location, participants, and any purpose of interviews or other meetings, with sufficient time for the party to prepare;
- Providing both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence the DISTRICT does not intend to rely on in reaching a determination of responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. This shall be referred to as the preliminary investigation report. Each party shall have the opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.
  - The Investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or hard copy. The parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The DISTRICT shall make all such evidence subject to the parties inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross examination.
  - The Investigator shall then have at least 10 days to create a final investigative report that fairly summarizes relevant evidence. The final investigative report shall not reach a determination. It shall be issued at least 10 days prior to the date of the hearing.

#### *Determination Phase (Question and Answer)*

The DISTRICT shall utilize a question-and-answer method to provide the Parties an opportunity to ask questions of each other through the Decision Maker, who will make

determinations of relevance. If a question is determined to be not relevant the decision maker will explain why the question is not relevant. Questions will be asked through the advisor. The decision maker must permit each party's advisor to ask the other party and any witness all relevant questions and follow-up questions, including those challenging credibility. If a party does not have an advisor, the DISTRICT must supply one.

### *Determination of Responsibility*

The Decision Maker, who cannot be the same person as the Title IX Coordinator or the Investigator, must issue a written determination regarding responsibility. To reach this determination, the DISTRICT shall apply a preponderance of the evidence standard. The written determination must include:

- The allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and the hearing;
- Findings of fact to support the determination;
- Conclusions regarding the DISTRICT's Code of Student Conduct or Employee Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the DISTRICT imposes on the respondent, and whether remedies designed to restore or preserve equal access to the DISTRICT's education program or activity will be provided by the DISTRICT to the Complainant; and
- That either party shall have 10 days to appeal the determination of responsibility.

The Decision Maker, through the Title IX Coordinator, shall provide the written determination to the parties simultaneously. The determination of responsibility becomes final either on the date the DISTRICT provides the parties with the written determination of the result of the appeal, if filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### *Appeals*

The DISTRICT offers both the respondent and the complainant equally the opportunity to appeal the determination of responsibility, and from a dismissal (required or permissive) of a formal complaint or any allegation therein based on the following:

- A procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator, 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.

If an appeal is filed with the Title IX Coordinator within ten days of the determination of responsibility, the Appeals Decision Maker shall:

- Notify the other party in writing that an appeal has been filed and that the both parties share have equal procedural rights.
- The Appeal Decision Maker shall not be the same person as the Title IX Coordinator, Investigator, or Decision Maker.
- The Appeal Decision Maker shall provide both parties with a reasonable, equitable opportunity to submit a written statement in support of, or challenging, the outcome.
- The Appeal Decision Maker shall not re-investigate the matter. The Appeal Decision Maker will review the final investigative report, the written determination of responsibility, review the hearing transcript/recording and the submissions of the parties on appeal.
- The Appeal Decision Maker shall issue a written decision describing the result of the appeal and the rational for the result;
- The written decision shall be provided to the parties simultaneously.

#### *Potential Penalties*

If the Respondent is found responsible for the allegations in violation of Title IX, sanctions may include:

- No contact order;
- Mandatory Educational Training/Counseling;
- Loss of privileges;
- Suspension; or
- Expulsion from the DISTRICT or
- For employees: no contact order, mandatory educational training/counseling; loss of privileges; probation; a letter of reprimand, fine/suspension, demotion, or termination from employment.

#### *Informal Resolution*

Informal resolution may be available to the parties under certain conditions. An informal resolution process may be utilized any time prior to a determination of responsibility is reached. Both parties must provide voluntary, written consent to the informal resolution process. Either

party may, prior to agreeing to a resolution, withdraw from the informal resolution process. Informal resolution is not available for instances involving allegations that an employee sexually harassed a student.

Informal resolution shall not be required or made a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to investigation and adjudication.

When an informal resolution process is utilized the DISTRICT shall inform the parties of any consequences resulting from participation in the informal resolution process, including the records that will be maintained or shared.

## **V. Recordkeeping**

The DISTRICT must maintain for a period of seven years the following records:

(1) Each sexual harassment investigation including any determination regarding responsibility and any recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;

(2) Any appeal and the result;

(3) Any informal resolution and the result, if any; and

(4) All materials to train the Title IX Coordinators, Investigators, Decision-Makers, and any other person who facilitates an informal resolution process. Such training materials shall be publicly available on the DISTRICT's website.

In addition, the DISTRICT shall maintain a log of supportive measures taken in response to a report of or formal complaint of sexual harassment. In addition, the log should include documentation to demonstrate that the DISTRICT was not and did not respond in a manner that was deliberately indifferent.

## **VI. Retaliation is prohibited.**

The DISTRICT prohibits retaliation against any individual filing a complaint or participating in any phase of the formal complaint grievance process. An Advisor is subject to this retaliation prohibition and may also not retaliate against any person participating in this process. To report possible retaliation, please contact the Title IX Coordinator.

## **Agency's Title IX Nondiscrimination Statement**

The Agency shall post a nondiscrimination statement readily on its website, at the time of admissions or employment application and in required handbooks/contracts. The statement shall be as follows:

Dutchess DISTRICT does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to DISTRICT' Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

**DISTRICT' Title IX Coordinator is**

Name: Dr. Amy Watkins

Title: Assistant Superintendent of Instruction and Community Relations

Office Address: PO Box AA, 43 Alden Place, Millbrook, NY 12545

Office Phone: 845-677-4200

Email: amy.watkins@millbrookcsd.org

and the contact information for OCR is <https://ocras.ed.gov/contact-ocr>.

DISTRICT' nondiscrimination policy and grievance procedures can be located at

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to

Ref

20 USC 1092(f)(6)(A)(v)

20 USC 1681, et. seq.

34 USC 12291(a)(8, 10, and 30)

34 CFR Part 106

Education Law 13

8 NYCRR 100.2(kk)

Adopted: November 18, 2025