

TITLE IX GRIEVANCE PROCESS

I. Statement of Policy

The Waterville Central School District (the District) has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or others who are participating or attempting to participate in its education program or activity. The Title IX Coordinator is also permitted to make a complaint alleging any action that would be prohibited by Title IX or its regulations.

II. Definitions

A. Complainant means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations.
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District education program or activity at the time of the alleged sex discrimination.

B. Confidential Employee means:

1. An employee of the District whose communications are privileged or confidential under Federal or State law. The employee's confidential status is only with respect to information received while the employee is acting within the scope of their duties to which privilege or confidentiality applies.
2. An employee of the District who, for the purpose of providing services related to sex discrimination, has been designated as confidential. The employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.

C. Respondent means a person who is alleged to have violated the District prohibition on sex discrimination.

D. Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

1. Quid pro quo harassment happens when an employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. Hostile environment harassment looks at the totality of the circumstances to determine if unwelcome sex-based conduct is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity. Whether a hostile environment has been created includes consideration of:
 - a. The degree to which the conduct affected the complainant's ability to access the District education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the District education program or activity.
3. Specific Offenses
 - a. Sexual assault, which is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence, meaning violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. The nature of the relationship, which is determined based on:
 - a. The length of the relationship;

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

- b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.
 - c. Domestic violence, which are felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of New York, or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - iii. Shares a child in common with the victim;
 - iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - v. Commits a stalking offense by engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for their safety or the safety of others; or
 - b. Suffer substantial emotional distress.
- E. Supportive measures are individualized measures that are free, appropriate, not unreasonably burdensome to a complainant or respondent, and not for punitive or disciplinary reasons. Supportive measures are designed to:
 - 1. Restore or preserve that party's access to the District education program or activity, including measures that are designed to protect the safety of the parties or the District educational environment;
 - 2. Provide support during the District grievance procedures; or
 - 3. Provide support during an informal resolution process.

III. Complaints

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

- A. The following persons can make a complaint of sex discrimination, including complaints of sex-based harassment, and request that District investigate and make a determination under Title IX:
 - 1. A student or employee as defined in Section II(A) of this Policy;
 - 2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 - 3. The District Title IX Coordinator as defined in Section II(A) of this Policy.

- B. With respect to complaints of sex discrimination other than sex-based harassment, the following persons also have a right to make a complaint:
 - 1. Any student or employee of District; or
 - 2. Any person other than a student or employee who was participating or attempting to participate in District education program or activity at the time of the alleged sex discrimination.

- C. When allegations of sex discrimination arise out of the same facts or circumstances from multiple respondents or complainants, the District may consolidate those complaints. When there is more than one (1) complainant or respondent, the references to “party” throughout this Policy include those multiple respondents and complainants.

- D. If a complainant or respondent is a student with disabilities, the Title IX Coordinator shall consult with one (1) or more members of the student’s Individual Education Plan (IEP) or 504 placement team, as appropriate, to determine how to comply with Individuals with Disabilities Education Act (IDEA) or 504 while implementing Title IX grievance procedures.

IV. Title IX Coordinator Responsibilities

- A. The District Board appoints the following person/title as Title IX Coordinator for purposes of this Policy:
 - School Business Official
 - 381 Madison Street, Waterville, NY 13480

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

315-841-3913

district@watervillecsd.org

- B. The Title IX Coordinator must monitor for barriers to reporting and take steps reasonably calculated to address them.
 - C. The Title IX Coordinator may investigate and issue a decision on a complaint or may appoint an investigator.
 - D. The Title IX Coordinator is responsible to ensure that no person investigating or issuing a determination under this Policy has a conflict of interest or bias for or against complainants or respondents generally or against an individual complainant or respondent.
 - E. During the investigation, it is presumed that the respondent is not responsible for the alleged sex discrimination.
 - F. The District will take reasonable steps to protect the privacy of the parties and witnesses during the grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.
- V. Notice of Allegations
- A. All employees who are not deemed confidential employees by the (District) Superintendent or their designee are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination.
 - B. Confidential employee(s) must explain to any person informing them of conduct that reasonably may constitute sex discrimination:
 - 1. That their confidential status and those circumstances in which they are not required to notify the Title IX Coordinator about conduct that may reasonably constitute sex discrimination;
 - 2. How to contact the Title IX Coordinator and to make a complaint; and
 - 3. That the Title IX Coordinator may be able to offer and coordinate supportive measures and initiate informal resolution process/investigation.

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

- C. Upon initiation of the Title IX grievance procedures, the Title IX Coordinator will provide the parties:
 - 1. The Title IX grievance procedures and any informal resolution process; and
 - 2. Sufficient information to allow the parties to respond to the allegations, including the identities of the parties involved, the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the conduct.

- D. The Title IX Coordinator will advise the parties that:
 - 1. Retaliation against any party or witness is prohibited; and
 - 2. The parties are entitled to an equal opportunity to access the relevant and permissible evidence or an accurate description of it. If a description of the evidence is provided, the parties are entitled to an equal opportunity to access the relevant and permissible evidence upon request.

- E. During an investigation, the Title IX Coordinator may decide to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated. In that situation, the Title IX Coordinator will inform the parties.

VI. Dismissal of a Complaint

- A. The Title IX Coordinator may dismiss a complaint of sex discrimination if:
 - 1. The Title IX Coordinator is unable to identify the respondent after taking reasonable steps to do so;
 - 2. The respondent is not participating in the District education program or activity and is not employed by the District;
 - 3. The complainant voluntarily withdraws any or all of the allegations in the complaint and the Title IX Coordinator declines to initiate a complaint, upon a determination that, without the complainant's allegations, the

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

conduct would not constitute sex discrimination under Title IX even if proven; or

4. The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.

B. Upon dismissal, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

C. The Title IX Coordinator will notify the complainant that the dismissal may be appealed pursuant to the procedures within this Policy. If the complaint is dismissed after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed.

D. When a complaint is dismissed, the Title IX Coordinator will:

1. Offer supportive measures to the complainant as appropriate;
2. Offer supportive measures to the respondent as appropriate but only if the respondent has been notified of the allegations; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

VII. Investigation

A. It is the responsibility of the Title IX Coordinator to ensure that investigations of complaints under the Title IX grievance process are adequate, reliable, and impartial.

B. The fact-finding inquiry shall begin promptly after receiving the complaint and

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

be pursued with sufficient diligence to reach a conclusion within a reasonably prompt time frame. If a reasonable extension of time is needed for good cause, the Title IX Coordinator shall notify the parties and include the reason for the delay.

- C. The Title IX Coordinator will conduct an investigation, or appoint an investigator, to gather sufficient evidence to determine whether sex discrimination occurred. As part of this investigation process, the Title IX Coordinator or other investigator, shall:
1. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible;
 2. Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
 3. Objectively evaluate all evidence (inculpatory and exculpatory) that is relevant and not otherwise impermissible. The investigator will not make credibility determinations based on a person's status as a complainant, respondent, or witness;
 4. Only access or consider impermissible evidence to determine whether an exception applies. If no exception applies, the evidence will not be disclosed and will be disregarded regardless of its relevance. Impermissible evidence includes the following:
 - a. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - b. Records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a party or witness, unless the District obtains that party's or witness' voluntary, written consent for use in grievance procedures; and
 - c. Evidence that relates to the complainant's sexual interests or prior

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

sexual conduct, unless:

- i. It is offered to prove that someone other than the respondent committed the alleged conduct; or
 - ii. Is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.
- d. The fact of prior consensual sexual conduct between the complainant and respondent does not demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
5. Provide each party with an equal opportunity to access the evidence relevant to the allegations of sex discrimination and not otherwise impermissible, or a description of this evidence;
 6. Provide each party a reasonable opportunity to respond to the relevant and permissible evidence or an accurate description of the evidence;
 7. Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of information and evidence related to the complaint of sex discrimination are authorized only for purposes of administrative proceedings or litigation; and
 8. If an investigator is handling the complaint, the Title IX Coordinator will provide a process that enables the investigator to question parties and witnesses and to assess a party's or witness' credibility to the extent credibility is both in dispute and relevant to evaluating one or more of the allegations.

VIII. Determining Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Title IX Coordinator or investigator will:

- A. Use the preponderance of the evidence standard of proof to determine whether

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

sex discrimination occurred. The standard of proof requires the evaluation of relevant and not otherwise impermissible evidence for its persuasiveness. If the Title IX Coordinator or investigator is not persuaded by the evidence, they will determine that sex discrimination did not occur.

- B. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.
- C. Impose discipline on a respondent for sex discrimination prohibited by Title IX only upon a determination that the respondent engaged in prohibited sex discrimination.
- D. If the Title IX Coordinator or investigator determines that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - 1. Coordinate the provision and implementation of remedies to a complainant and any other people the District has identified as having had equal access to the District education program or activity limited or denied by sex discrimination;
 - 2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions;
 - 3. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District education program or activity;
 - 4. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - 5. Ensure that individuals are not disciplined based solely on the determination when they have:
 - a. Made unintentional false statements during the grievance process; or
 - b. Engaged in consensual sexual conduct.

IX. Appeals

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

A. Appeal of Determination:

An appeal of a determination shall be processed pursuant to Section IX(C), below.

B. Appeal of Dismissal:

Dismissals may be appealed on the following bases:

1. Procedural irregularity that would change the outcome;
 - a. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
 - b. The Title IX Coordinator or investigator had a conflict of interest or bias that would change the outcome.
2. If the dismissal is appealed, the Title IX Coordinator will:
 - a. Notify the parties and include notice of the allegations if notice was not previously provided to the respondent;
 - b. Ensure that the party deciding the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - c. Ensure that the party deciding the appeal has been trained consistent with the Title IX regulations;
 - d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - e. Notify the parties of the result of the appeal and the rationale for the result.

C. Process for All Appeals:

1. If a party is not satisfied with the determination, or the complaint is dismissed pursuant to IX(B), they may request a review by the (District) Superintendent.

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

2. A request for review by the (District) Superintendent must be made in writing and filed with the (District) Superintendent's office within fourteen (14) calendar days of receiving the written notice of the determination. The person requesting review shall also provide a written explanation of their objection(s) to the determination, including the corrective action taken if any. The person requesting review shall limit their submission to their written statements.
3. The (District) Superintendent will provide the person appealing with a written verification of receipt, the name of the person reviewing the appeal, and an anticipated decision date.

X. Informal Resolution

In lieu of resolving a complaint through the District Title IX grievance procedures, the parties may elect to participate in an informal resolution process. This option is not available where the complaint includes allegations that an employee engaged in sex-based harassment of a student or when such a process would conflict with Federal, State, or local law.]

XI. Supportive Measures

- A. The Title IX Coordinator will offer and coordinate supportive measures as appropriate for the parties to restore or preserve their access to the District education program or activity and to provide support during the Title IX grievance procedures or during the informal resolution process. Supportive measures may vary depending on what the District deems to be reasonably available.
- B. For complaints of sex-based harassment or discrimination, supportive measures may include, but are not limited to:
 1. counseling;
 2. extensions of deadlines and other course-related adjustments;
 3. campus security services while on District property;
 4. increased security and monitoring of certain areas of the campus;
 5. restrictions on contact applied to one or more parties;

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

6. changes in class, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
7. training and education programs related to sex-based harassment.

XII. Disciplinary Sanctions and Remedies

Following a determination that sex-based discrimination or harassment occurred, disciplinary sanctions may be imposed against individuals who have been found to engage in prohibited conduct. Disciplinary sanctions shall align with applicable laws and collective bargaining agreements, if any, and may include but are not limited to counseling memoranda, transfer, written reprimand, suspensions with or without pay, and/or termination.

XIII. Records Retention

The Title IX Coordinator shall maintain records for seven (7) years or longer where required by state law.

XIV. Notification & Training

- A. The Title IX Coordinator shall ensure that the District provides annual training to all employees on:
 1. The scope of conduct that constitutes sex discrimination;
 2. The obligation of employees to report possible sex discrimination to the Title IX Coordinator; and
 3. Notifications and how reports of sex discrimination for purpose of seeking confidential assistance only can be made and how to file a complaint, pursuant to this Policy.
- B. Any person who will serve as an investigator or issue a determination under this Policy, informal resolution facilitators, and others responsible for implementing grievance procedures must be trained annually on the procedures and their obligations to address sex discrimination and sex-based harassment pursuant to this Policy.
- C. The Title IX Coordinator will maintain the training materials and ensure that they are available for inspection, upon request.

POLICY

GENERAL COMMITMENTS

0013

TITLE IX GRIEVANCE PROCESS

XV. Coordination with Other District Policies

The Compliance, Title IX, and Dignity for All Students Act (DASA) Coordinators shall promptly inform each other of complaints that involve conduct that may violate other District policies for further review and investigation, if required.

Waterville Central School District

Legal Ref: Title IX, Education Amendments of 1972 (20 USC 1681, 45 CFR Part 86), as amended; 34 CFR §§ 106 et seq.

Cross Ref: Equal Opportunity and Prohibition of Discrimination, Harassment, and Bullying; Sexual Harassment Policy; Rights of Nursing Employees to Express Breast Milk

Adopted: 11/08/22

Revised: 11/12/24