SEXUAL HARASSMENT POLICY

District is committed to providing equal employment and educational opportunities and, therefore, forbids sexual harassment as defined below by or against any employee, student, or applicant for employment. This policy also applies to non-employee volunteers whose work is subject to the control of District personnel.

I. Definitions:

A. Appeal Officer: The person designated to hear an appeal from a determination of responsibility for sexual harassment. The Appeal Officer will not be the Compliance Officer, Investigator, or Decision Maker. The Superintendent is designated as the Appeal Officer.

B. Complaint: A written complaint filed by a Complainant or signed by the Compliance Officer alleging sexual harassment and requesting that District investigate. This may be referred to as the Formal Complaint.

C. Complainant: A student, an employee, or any other person who submits a Complaint as defined above.

D. Compliance Officer: An employee who is designated to coordinate compliance efforts with Title IX and to investigate complaints under Title IX. Jason Phipps, Alisha Mason, and Jennifer Akins are designated as Compliance and may be reached at 2610 Sam Noble Parkway, Ardmore, OK 73401, or by telephone at (580) 223-2070.

E. Dating Violence: As defined by the Violence Against Women Act ("VAWA"), dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

F. Day: Day means a working day; the calculation of days in processing a complaint shall exclude Saturdays, Sundays, and holidays.

G. Decision Maker: A panel of three (3) District administrators who have received Title IX training and have not had any previous involvement with the Complaint or the investigation will make a determination of responsibility and determine sanctions and remedies after the investigation is completed. The Assistant Superintendent is

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designated as the Chair of the Committee of Decision Makers. The Title IX Coordinator shall appoint the other two (2) Decision Makers from the pool of eligible administrators.

H. Domestic Violence: A felony or misdemeanor crime of violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state; or
5. any other person against an adult or youth victim who is protected from that person's acts under domestic or family violence laws.

I. Investigator: The person(s) in charge of gathering facts and interviewing parties and witnesses. The Compliance Officers who receives the Complaint will designate person(s) who have received Title IX training to serve as an Investigator or Investigative Committee for these matters.

J. Respondent: The person alleged to be responsible for the sexual harassment alleged in the Complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the Complaint.

K. Sexual Assault: As defined by the Clery Act, sexual assault is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including the following:

1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim.
2. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent incapacity.
3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape: Sexual intercourse with a person who is under the age of consent.

L. Sexual Harassment: Sexual harassment includes:

1. Any instance of "quid pro quo" harassment by a school employee;
2. Any 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 school's education program or activities;
3. Any unwelcome sexual advances, requests for sexual favors, and other verbal or

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physical conduct that explicitly or implicitly affects an individual's employment, unreasonable interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment;

4. Any instance of sexual assault, dating violence, domestic violence, or stalking as defined in this policy.

M. Stalking: Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

N. Supportive Measures: Supportive Measures are free, individualized services designed to restore or preserve equal access to education, protect safety or deter sexual harassment. Supportive measures are not punitive or disciplinary and do not unreasonably burden any other person. Supportive measures may be provided to both the Complainant and the Respondent, and no Formal Complaint is necessary to implement the measures. Supportive measures will be kept confidential and will be implemented by the Compliance Officer. Supportive measures may include, but are not limited to, counseling services, extension of deadlines, modifications of work or class schedules, mutual restrictions on contact between individuals, and/or modified schedules.

O. Unwelcome Conduct of a Sexual Nature: Unwelcome conduct of a sexual nature may include, but not be limited to, the following:

1. verbal or physical sexual advances, including subtle pressure for sexual activity, flirtation, advances, and/or propositions of a sexual nature;
2. touching, pinching, patting, or brushing against;
3. unwarranted displays of sexually suggestive or sexually explicit objects or pictures, including greeting cards, articles, books, magazines, or cartoons;
4. sexual assault;
5. comments regarding physical or personality characteristics of a sexual nature; and
6. sexually-oriented kidding, teasing, double meanings, and jokes.

II. Sexual Harassment: Sexual harassment can occur in a variety of circumstances, including, but not limited to, the following:

1. the individual who is sexually harassed, as well as the harasser, may be female or male and does not have to be of the opposite sex from the harasser;
2. the harasser can be the supervisor of the individual who is sexually harassed, an agent of the employer, a supervisor in another area, a co-worker, a subordinate, an instructor, or a non-employee. An administrator or teacher who engages in a sexual relationship with a student will be considered guilty of sexual harassment;
3. the individual who is sexually harassed does not have to be the specific person to whom the harasser directs the conduct which constitutes sexual harassment but must be a person who was directly affected by the offensive conduct of the harasser; and

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4. unlawful sexual harassment may occur without economic injury to or discharge of the individual who is sexually harassed.

III. Posting Requirements: District will post, on its website, all materials used to train the Compliance Officer or Title IX Coordinators, Investigators, Decision-makers, and any other person who facilitates an informal resolution process.

IV. Burden of Proof: Title IX proceedings require a "preponderance of the evidence" burden of proof, meaning that in order to prevail, the Complainant must introduce sufficient evidence that his/her claims are more likely true than not. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated and considered.

V. Reporting and Investigation:

A. Victims of sexual harassment are encouraged to report such claims by utilizing the process set forth in this policy. Students may also report complaints of sexual harassment to the principal of the building at which the student attends school.

B. Once an allegation of sexual harassment has been reported, District is deemed to have actual knowledge and must act. Actual knowledge may be attributed to any District employee. Once District has actual knowledge, District will notify the Complainant and the Respondent, or the parent/guardian of either the Complainant or the Respondent if either of the parties are under the age of eighteen (18), of the accusation of sexual harassment.

C. If the Complainant does not proceed with a Formal Complaint, no further investigation or action will take place unless the Compliance Officer determines to initiate a Formal Complaint.

D. If the Complainant desires to proceed with a Complaint, then, within ten (10) days of an alleged violation, the Complainant shall submit a written and signed Complaint to the Compliance Officer and such action shall be considered a Formal Complaint. The Complaint shall, at a minimum, state the Complainant's name, the nature of the alleged violation, the date of the alleged violation, the names of persons responsible, any witnesses, and the requested action or relief sought.

E. Upon receiving a Formal Complaint, the Compliance Officer will conduct an initial assessment, may offer supportive measures, will notify parents if students are involved, and will notify the designated Investigator who will investigate allegations of discrimination. Additionally, the Compliance Officer may direct an investigation without a Formal Complaint according to the procedures set forth herein whenever the Compliance Officer deems such action to be appropriate.

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F. During the initial assessment, the Compliance Officer will determine whether the allegations rise to a violation of this Policy. The Compliance Officer will consider whether the allegations meet the definition of Sexual Harassment, whether the conduct occurred on District property or during District-sponsored activities, whether the Complainant is still a District student, whether the Respondent is no longer enrolled in District or an employee of District, and whether there are any other circumstance which would prevent the Investigator from gathering evidence sufficient to reach a determination as to the Formal Complaint and its allegations. If the Compliance Officer determines to dismiss a Complaint at the initial assessment state, the Compliance Officer will provide written notice of the dismissal to the Complainant and the Respondent. If a Complaint is dismissed and the Respondent is a student, the District may address the issue under its Student Code of Conduct. If a Complaint is dismissed and the Respondent is an employee, the District may address the alleged conduct as a personnel matter. A complainant or a Respondent may appeal the dismissal of the Complaint as set forth below.

G. After receipt of a Complaint, the Compliance Officer shall provide written notice to the Complainant and the Respondent of the allegations of the Complaint including if known, the identities of the parties, the date and location of the incident, and the specific alleged Policy violations. The notice will include a copy of the Title IX procedures, will state the Respondent is presumed not responsible until the determination of responsibility is final, and advise of the right to have an advisor of their choosing.

H. The Investigator will conduct a fair, thorough, and impartial investigation and provide both parties with an equal opportunity to present facts, witnesses, and evidence to support their positions. The Investigator may request that the Respondent submit a written answer or response which shall confirm or deny the facts upon which the allegation is based, indicate acceptance or rejection of the Complainant's requested action, and/or outline alternatives. The Respondent may also identify witnesses who should be contacted to provide input during the investigation.

I. The Investigator shall initiate an appropriate investigation which may include, but is not limited to, interviewing both the Complainant and the Respondent and any witnesses identified by either party, identifying any documents or tangible evidence supporting or opposing the Complaint, and undertaking any further investigation deemed appropriate by the Investigator. The investigation should be concluded within one hundred twenty (120) days after receiving the Complaint, but the Investigator may extend the period of time for an investigation by notifying the Complainant and the Respondent. Additionally, when a law enforcement agency is investigating the same alleged conduct, an investigation may be delayed temporarily so as not to interfere with the law enforcement investigation and so as to meet the needs of the law enforcement investigation.

J. Each party is entitled to select an advisor of their choosing to advise them during the investigation. An advisor may not be a witness in the investigation and may not be

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someone whose participation will create a conflict of interest. An advisor shall not act in a manner that obstructs or disrupts the investigative process.

K. After completion of the investigation, the Investigator shall prepare a written report and shall provide a copy of the written report to the Complainant, the Respondent, and the Compliance Officer. The written report shall include a time line, ~~be~~ a summary of the investigation including the statements of all persons interviewed, a synopsis of the evidence, and any applicable creditability determinations. ("Investigative Report"). The Investigator shall include in an appendix all relevant physical or documentary evidence.

L. The Complainant and the Respondent shall have ten (10) days to review the Investigative Report and provide written feedback and/or responses to the Investigator about the information contained in the Investigative Report. After the ten (10) day review period, the Investigator shall incorporate relevant elements of the parties' written responses into the Investigative Report, finalize the Investigative Report and provide it to both parties. The Investigator shall also refer the Investigative Report to the selected Decision Makers to make a determination regarding responsibility and, if applicable, appropriate disciplinary action.

M. Within ten (10) days of receipt of the final Investigative Report Complainant and/or the Respondent may submit a written, relevant questions that the party wants asked of another party prior to the determination of responsibility. Both parties will be provided with the answers and follow-up questions.

N. After ten (10) days to submit written questions, the Compliance Officer shall send a Notice of Decision-Making to the parties and the Decision Makers. The Notice of Decision-Making shall include a description of the alleged violation, a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential disciplinary actions.

O. Determination of Responsibility:
   a. If the Complainant or Respondent is an adult student as defined by law, the following process will be follow:
   1. The parties will be notified in writing of the date, time, location, participants and purpose of a Live Hearing.
   2. The Decision Makers will oversee and conduct the live Hearing, with the Assistant Superintendent serving as the Chair of the Committee and the point of contact for the parties.
   3. The Decision Makers will receive a copy of the Investigative Report with all of the parties' written responses.
   4. Within ten (10) business days of receipt of the notification, both parties will provide the Decision Makers with the name and contact information of their Advisor for the Hearing, their supporting evidence and a list of any witnesses. If either the Complainant or Respondent do not have an Advisor, one may be appointed to assist them at the Live Hearing, free of charge.

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5. Both parties will be provided the opportunity to review and object to each other's supporting evidence and choice of witnesses.
6. The Decision Makers will make the final determination as to whether evidence is admissible and will have the discretion to redact or exclude any evidence that they feel is irrelevant or unfairly prejudicial. For further information on the full Live Hearing process, please see BH-R.

b. When the complaint involves secondary students, The Decision Makers will review the Investigative Report to determine responsibility and will issue a written Determination of Responsibility which:

1. Identifies the allegations that potentially constitute sexual harassment;
2. Describes the District's procedural steps taken from receipt of the Complaint to the determination;
3. Includes Findings of Fact to support the determination;
4. Includes Conclusions regarding applicable discipline;
5. Includes a statement of, and rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the District's educational programs or activities will be provided to the Complainant; and
6. The procedures and permissible basis for appeals.

VI. **Appeals**: Within ten (10) days of receipt of Decision Maker's determination of responsibility or dismissal of a Complaint, either party may appeal for one of the following reasons:

1. A procedural error affected the outcome.
2. New evidence that was not reasonably available at the time of the determination and could affect the outcome;
3. Conflicts of interest on the part of the Compliance Officer, Investigator, or Decision Maker that affected the outcome.

If an appeal is made, District will provide written notice of the appeal to both parties. Both parties will be provided an equal opportunity to submit a written statement in support of or challenging the determination within ten (10) days of receipt of the written notice to both parties of the appeal being filed. The appeal will be heard by an Appeal Officer who is not the Compliance Officer, the Investigator, or the Decision Maker. The Appeal Officer cannot have a conflict of interest or bias against complainants and respondents generally or the particular complainant and respondent. The Appeal Officer will receive training as mandated by law. The decision of the Appeal Officer will be final and nonappealable. The written decision of the Appeal Officer will be provided within ten (10) days of the deadline for written statements supporting or challenging the initial determination. The written decision will be provided simultaneously to both parties.

VII. Extension of Time: Except as otherwise provided, any time limits established by this policy and these procedures may be extended by mutual consent of the parties involved.

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VIII. Retaliation: No person shall take any retaliatory action against a Complainant, a Respondent, or any person who participated in the investigation of alleged discrimination. Employees or students who engage in prohibited retaliation may be disciplined as set forth in District policies.

IX. Confidentiality of Records: All records, complaints, notes, documents, and statements made during or relating to allegations of discrimination shall be maintained on a confidential basis by the Compliance Officer. However, in the event official proceedings relating to such allegations are initiated by a party or District, such records may become public in accordance with law. District shall maintain information pertaining to Complaints under this policy for three (3) years after completion of the investigation.

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