Policy 3.191 Annual Training

Gender-Based Discrimination and Harassment Prohibitions Under Title IX

School District Mission

Policy 3.191

The School District is committed to maintaining a work and learning environment free from gender-based discrimination, sex discrimination, sexual harassment, retaliation, and other prohibited conduct under Title IX.

Key Definitions & Terms

- **Complainant:** The individual alleged to be the victim of conduct that could constitute sexual harassment.
- **Respondent:** The individual reported to be the perpetrator of prohibited conduct.
- **Formal Complaint:** A document filed and signed by a Complainant, or signed by the Title IX Coodinator, alleging sexual harassment against a Respondent or requesting that the District investigate the allegation.
- **Supportive Measures:** Non-punitive, individualized services (e.g., counseling, schedule changes) offered to restore equal access.
- **Decision-Maker:** The official who determines responsibility; this person cannot be the Investigator or Title IX Coordinator.
- **Clear and Convincing Evidence:** The high evidentiary standard required to reach a determination of responsibility.
- **Presumption of Non-Responsibility:** The Respondent is presumed not responsible for the alleged conduct until the formal grievance process concludes and final written determination is issued.

Purpose & Jurisdiction

What Title IX Covers

- **Employment Phases:** Covers all phases of employment, including recruitment, testing, hiring, promotions, demotions, transfers, layoffs, termination, suspensions, rates of pay, benefits, and selection for training.
- **Prohibited Conduct:** Establishes procedures for reporting, investigating, and resolving complaints of sexual harassment, gender-based harassment, discrimination, and retaliation.
- **Educational Access:** Specifically addresses conduct that may effectively deny an individual equal access to the District's education programs or activities.

Purpose & Jurisdiction

Who is Covered

- **District Personnel:** Applies to all employees, applicants for employment, Board members, and other individuals participating in District employment-related programs or activities .
- **Students:** Protects all students participating in District educational programs or activities, including K-12 students and adult learners.
- **Third Parties:** Applies to volunteers, vendors, contractors, consultants, service providers, visitors, and other non-employees participating in District programs or activities.

Purpose & Jurisdiction

Jurisdiction

- **Substantial Control:** Applies to alleged conduct where the District exercises substantial control over both the **Respondent** and the **context** in which the conduct occurs.
- **Locations and Events:** Includes District facilities, work assignments, school-sponsored and District-sponsored activities inside the United States.
- **Exclusions:** Conduct occurring off District property that is not in connection with a District-sponsored activity is generally not subject to this specific Policy.

Title IX Sexual Harassment Defined

Quid Pro Quo

Benefits conditioned on unwelcome sexual conduct, or punishment resulting from refusal.

Hostile Environment

Unwelcome conduct so severe, pervasive, ***and*** objectively offensive that it denies equal access to District programs.

Violence Against Women Act (VAWA)

Includes sexual assault, dating violence, domestic violence, or stalking as defined by law.

Prohibited Conduct (including, but not limited to):

- Graphic verbal comments about appearance.
- Unwelcome sexual flirtations or demands.
- Sexual jokes, slurs, or suggestive gestures.
- Spreading sexual rumors or bullying.
- Touching body or clothes in a sexual way.
- Retaliation against any reporting individual.

Reporting & Filing Requirements



Timely Reporting
Reports must be filed as soon as possible, but no later than 180 days after the last act of discrimination.

- **PBSD Form 2695:** Official form used for all Title IX complaints.
- **Verbal or Written:** Reports can be made via multiple formats.
- **Mandatory Reporting (All Staff):** *Every* **district employee** (teachers, drivers, counselors, etc.) is a mandatory reporter. Allegations must be reported immediately. All reports must be forwarded promptly to the District Title IX Coordinator.

The Formal Grievance Process

When a Formal Complaint is initiated, the District executes a strict, impartial process:

- **Written Notice:** Sent simultaneously to both parties outlining the allegations, rights, and the presumption of innocence.
- **Objective Investigation:** An investigator gathers evidence. Both parties have equal opportunity to provide witnesses and evidence.
- **Evidence Review:** Both parties and their advisors are given 10 days to review all directly related evidence before the report is finalized.
- **Independent Decision:** A separate, unbiased Decision-Maker evaluates the final report, handles written questions between the parties, and issues a detailed written determination.
- **Appeals:** Both parties have the right to appeal the decision based on procedural irregularities, new evidence, or conflicts of interest.

Questions About this Policy

If you have any questions about this policy or would like to submit a report, please contact the **Office of Professional Standards' Title IX Coordinator at 561-434-8873.**

Acknowledgement

While this presentation covers the key prohibitions of Title IX, you are ***required*** to ***read*** the ***full policy*** before signing the electronic acknowledgment. Your signature on the next section certifies that you have completed this annual training and agree to abide by **Policy 3.191**.

