Title IX Policy

Notice of Nondiscrimination.

The District does not discriminate on the basis of sex in the education programs or activities it operates, and, as a recipient of federal funding, the District is required by Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681, et seq., and federal regulations published in 34 C.F.R. Part 106, pursuant thereto, not to discriminate in such a manner. The requirement not to discriminate in the education programs or activities extends to admission and to employment, and to Sexual Harassment. Any inquiries about the application of Title IX and its regulations to the District may be referred to the District's Title IX Coordinator(s) or to the Assistant Secretary of the federal Department of Education, or both.

Definitions. For purposes of this Title IX Policy:

Actual Knowledge means notice of Sexual Harassment or allegations of Sexual Harassment to the District's Title IX Coordinator(s) or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary or secondary school or District preschool. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator as described in this Title IX Policy.

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

Decision-maker means the person or persons designated to administer the procedures for resolution of a Formal Complaint and issue a written determination regarding responsibility. In the case of an appeal, the person acting as an appeal Decision-maker or hearing officer shall not be the same person who issued the initial determination regarding responsibility.

Formal 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 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 with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator in this Title IX Policy. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates

that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Title IX Policy.

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

School day or *school days* means non-holiday weekday in which instruction is delivered to students of the District and "school days" means consecutive non-holiday weekdays in which instruction is delivered.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the District 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 District'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)(10), "domestic 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 means 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 District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications 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. District employees 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 District to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Title IX Coordinator as used in this policy means at least one person designated and authorized by the Superintendent to coordinate the District's efforts to comply with Title IX and designated by that title.

Designation of Title IX Coordinator; Publication of Contact Information; Reporting Sex Discrimination or Harassment.

A. The Superintendent shall designate and authorize at least one Title IX Coordinator to coordinate the District's efforts to comply with Title IX and such employee(s) must be referred to as a "Title IX Coordinator."

B. The District will notify applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as Title IX Coordinator. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s) shall also be published on the District's website, in enrollment applications, employment applications and in any handbook provided students, parents/guardians, applicants, unions and professional organizations that have agreements with a District.

C. 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) by mail, email, telephone, or in-person communication, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

D. An employee of the District must promptly advise the employee's worksite supervisor, school site Principal, Title IX Coordinator or Superintendent, of any report of sex discrimination or Sexual Harassment made to the employee and shall report any conduct observed by the employee which appears to be sex discrimination or Sexual Harassment in a District education program or activity. If the worksite supervisor, school site Principal, or Superintendent receive a report of sex discrimination or harassment pursuing to the foregoing, such employee shall promptly notify an applicable Title IX Coordinator. The failure to communicate such report or observation shall be deemed a violation of this regulation and the District's codes of conduct applicable to employees and may result in disciplinary sanctions.

E. This policy shall also be published on the District website and in any handbook provided student, parents or guardians, and shall be provided to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District.

Response to allegations of sex discrimination not involving Sexual Harassment.

If the District receives a written complaint of sex discrimination in an education program or activity of the District against a person in the United States that does not involve any allegations of Sexual Harassment, the Title IX Coordinator, or an investigator appointed by the Title IX Coordinator, or designee, shall promptly investigate the complaint using procedures substantially in compliance with those set forth below for the investigation of a Formal Complaint of Sexual Harassment. The determination whether sex discrimination occurred shall be based on a preponderance of the evidence standard. The decision-making and appeal process

shall substantially follow the process outlined in section (b)(6), (7), and (8) of the Grievance process for Formal Complaints of Sexual Harassment, below, with reasonable modifications to reflect the non-sexual harassment nature of the complaint. The Decision-maker shall be the Deputy Superintendent. Appeals shall be to the Superintendent.

At any time after a written complaint is filed, the Title IX Coordinator may offer an informal resolution process regarding the complaint and, with the parties written consent, such an informal resolution process may be undertaken, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. During an informal resolution process, the grievance procedures may be suspended pending outcome of the informal resolution process. If the informal resolution process results in an agreement resolving the complaint, the process shall conclude. If the informal resolution process does not result in an agreement resolving the complaint, the grievance procedure outlined about shall resume.

Response to Sexual Harassment.

(a) *General response to Sexual Harassment.* If the District has Actual Knowledge of Sexual Harassment in an education program or activity of the District against a person in the United States, the District must respond promptly in a manner that is not deliberately indifferent. A response is deliberately indifferent only if its response to Sexual Harassment is clearly unreasonable in light of the known circumstances. For the purposes of this this section, "education program or activity" includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs. The District's response will treat Complainants and Respondents equitably by offering Supportive Measures, and by following a grievance process that complies with this Policy before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against a Respondent. The Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The District shall comply with this section whether or not a Formal Complaint is filed.

(b) *Response to a Formal Complaint*. In response to a Formal Complaint, the District will follow the grievance process set forth in this Title IX Policy.

(c) *Emergency removal*. Nothing in this Title IX Policy precludes the District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an

immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

(d) *Administrative leave*. Nothing in this Policy precludes a District from placing a non student employee Respondent on administrative leave during the pendency of the grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Grievance process for Formal Complaints of Sexual Harassment.

(a) *Discrimination on the basis of sex*. The District may not discriminate against a Complainant or Respondent on the basis of sex in response to a Formal Complaint of Sexual Harassment.

(b) *Grievance process*. For the purpose of addressing Formal Complaints of Sexual Harassment, District's grievance process shall comply with the requirements of this section and shall apply equally to both parties.

(1) *Requirements for grievance process*. Those personnel engaged in the Formal Complaint grievance process, including but not limited to the Title IX Coordinator, investigator(s) and Decision-maker(s) and any person designated to facilitate an informal resolution process, shall:

(i) Treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent, and by following a grievance process that complies with this Title IX Policy before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent. Remedies must be designed to restore or preserve equal access to the District's education program or activity. Such remedies may include individualized Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent;

(ii) Objectively evaluate all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness;

(iii) Not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;

(iv) Presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;

(v) Conclude the grievance process within thirty (30) school days, exclusive any appeal, absent special circumstances not within the control of the Title IX Coordinator, investigator or Decision-maker or for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event of a temporary delay of the grievance process or limited extensions of time frames for good cause, the Title IX Coordinator or Decision-maker shall give written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action;

(vi) State that the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard and that the District will apply the same standard of evidence for Formal Complaints against students as for Formal Complaints against employees, including faculty, and apply the same standard of evidence to all Formal Complaints of Sexual Harassment;

(vii) Describe the range of Supportive Measures available to Complainants and Respondents; and

(viii) 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.

(2) *Notice of allegations*—(i) Upon receipt of a Formal Complaint, a the Title IX Coordinator must provide the following written notice to the parties who are known:

(A) Notice of the District's grievance process that complies with this Policy, including any informal resolution process.

(B) Notice of the allegations of Sexual Harassment, including sufficient details known at the time and with sufficient time, not less than three school days, to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known.

(C) The written notice must 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.

(D) The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;

(E). The written notice must inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;

(F) The written notice shall describe in the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that may be implemented following any determination of responsibility;

(ii) If, in the course of an investigation, the Title IX decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice required above, the Title IX Coordinator shall provide notice of the additional allegations to the parties whose identities are known.

(3) *Dismissal of a Formal Complaint*—(i) The District must investigate the allegations in a Formal Complaint. If the conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Title IX Sexual Harassment Policy even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator or Decision-maker must dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Harassment under Title IX; such a dismissal does not preclude action under another provision of the District's code of conduct.

(ii) The Title IX Coordinator or Decision-maker may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

(iii) Upon a dismissal required or permitted pursuant to section (i) or (ii) of this above, the Title IX Coordinator or Decision-maker must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

(4) *Consolidation of Formal Complaints*. The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

(5) *Investigation of a Formal Complaint*. The Title IX Coordinator shall appoint an investigator to investigate a Formal Complaint. When investigating a Formal Complaint and throughout the grievance process, any Title IX Coordinators and investigators responsible for the

grievance process, as applicable, shall—

(i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties provided that the District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not a student who has reached 18 years of age or is attending an institution of postsecondary education, then the District must obtain the voluntary, written consent of the student's natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian;

(ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(iv) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the investigator may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Nothing herein requires that parties may attend all interviews;

(vi) Provide 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 upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;

(vii) Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and 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 must 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; and

(viii) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

(6) *Decision-making process.*

(i) The Title IX Coordinator shall appoint a Decision-maker.

(ii) The grievance process shall not consist of a live-hearing. After the Title IX Coordinator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

(7) *Determination regarding responsibility.*

(i) The Decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the District must apply the preponderance of the evidence standard of evidence.

(ii) The written determination must include—

(A) Identification of the allegations potentially constituting Sexual Harassment;

(B) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

(C) Findings of fact supporting the determination;

(D) Conclusions regarding the application of the District's code of conduct to the facts;

(E) 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

(F) The District's procedures and permissible bases for the Complainant and Respondent to appeal.

(iii) The Decision-maker must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the Decision-maker provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(iv) The Title IX Coordinator is responsible for effective implementation of any remedies.

(8) *Appeals*. (i) Either party may appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein, by providing written notice of appeal to the Title IX Coordinator within three school days of the determination or dismissal, as applicable. The notice of appeal shall set forth facts which, if true, would constitute a permissible basis of appeal. The permissible bases of appeal are:

(A) Procedural irregularity that affected the outcome of the matter;

(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

(C) The Title IX Coordinator, investigator(s), or Decision-maker(s) 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.

(ii) In addition, either party may appeal on grounds that the jurisdictional grounds for a complaint or report were not present when the report or complaint was made.

(iii) As to all appeals, the District shall:

(A) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

(B) Ensure that the Decision-maker(s) for the appeal is not the same person as the Decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

(C) Ensure that the Decision-maker(s) for the appeal has no conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, has received all training required by this Policy, and otherwise qualifies as a Decision-maker under the terms of this policy;

(D) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

(E) Issue a written decision describing the result of the appeal and the rationale for the result; and

(F) Provide the written decision simultaneously to both parties.

(9) *Informal resolution*. The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment consistent with this Policy. Similarly, the District may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a Formal Complaint is filed. However, at any time prior to reaching a determination regarding responsibility the Title IX Coordinator may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Title IX Coordinator –

(i) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(ii) Obtains the parties' voluntary, written consent to the informal resolution process; and

(iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

(iv) Ensure that any person designated as a mediator in an informal resolution process shall not have a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent.

(10) *Recordkeeping*. (i) The District must maintain for a period of seven years records of:

(A) Each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided

to the Complainant designed to restore or preserve equal access to the District's education program or activity;

(B) Any appeal and the result therefrom;

(C) Any informal resolution and the result therefrom; and

(D) All materials used to train Title IX Coordinators, investigators, Decision-makers, and any person who facilitates an informal resolution process. The District shall make these training materials publicly available on its website.

(ii) For each response required of the District when it has Actual Knowledge of Sexual Harassment, the District must create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with Supportive Measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Training.

A. All Title IX Coordinators, investigators, Decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of Sexual Harassment as set forth in this Policy, 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 of the facts at issue, conflicts of interest, and bias.

B. All Decision-makers shall receive training on any technology to be used at a live hearing and 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, as set forth in Article IV J. 1 above.

C. All investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in in this Policy.

D. Any materials used to train Title IX Coordinators, investigators, Decision-makers, and any person who facilitates an informal resolution process, shall not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment; and shall include:

1. 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;

2. reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the District offers informal resolution processes, and

3. a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. "Good cause" may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

E. All District employees shall annually receive training on how to recognize and report Sexual Harassment.

Confidentiality.

The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR Part 99, or as required by law, or to carry out the purposes of 34 CFR Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Retaliation.

(a) *Retaliation prohibited*. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under § 106.8(c).

(b) *Specific circumstances*. (1) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under paragraph (a) of this section.

(2) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute

retaliation prohibited under paragraph (a) of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Effect on Other Requirements and Preservation of Rights

Nothing in this Policy shall be interpreted to:

A. Restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution;

B. Deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution; or restrict any other rights guaranteed against government action by the U.S. Constitution;

C. Obviate or alleviate the District's obligations under the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99; or

D. Derogate any individual's rights under title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder.