

SEXUAL HARASSMENT UNDER TITLE IX

The «**districtCommonName**» does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions, as required by Title IX. While all forms of sex-based discrimination are prohibited in the district, the purpose of this policy is to address, and only to address, sexual harassment as defined in Title IX that occurs within the educational programs and activities of the district. However, the district will respond promptly to investigate and address any report or complaint of sexual harassment.

Sexual Harassment Under Title IX is:

Conduct on the basis of sex, within the scope of the district's Education Programs or Activities (as defined below) 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).

In creating this policy the district does not relieve any person under the district's jurisdiction from the consequences for violations of other policies and rules of the district meant to establish an environment conducive to teaching, learning, support services, work, and the social and emotional well-being and development of the students entrusted to the district.

NOTE: If a student alleges sexual misconduct on the part of any district employee to any person employed by the district, that person will immediately report the allegation to the Children's Division (CD) of the Department of Social Services in accordance with state law and district policy. Moreover, nothing in the policy precludes the mandatory or voluntary reporting of any acts of possibly criminal activity to the appropriate law enforcement agency at any time.

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Reporting Sexual Harassment or Title IX Retaliation

Any person may report sexual harassment, regardless of whether the person is the alleged victim. However, board members and employees, *must* immediately report to the Title IX Coordinator any incident or behavior that could constitute sexual harassment or retaliation in accordance with this policy. Reports may be made at any time, including during non-business hours, but using the telephone number, e-mail address or office address listed below.

The Board authorizes the following to serve as Title IX Coordinator(s) for the (district name) and coordinate and implement the district's efforts to comply with the requirements of Title IX.

Title:

Office Address:

Email:

Phone:

(TDD/TTY, if available)

In the event the Coordinator is unavailable or is the Respondent to a complaint, reports should instead be directed to the compliance officer or alternate compliance officer listed in Policy AC.

Notice of the Policy Against Discrimination on the Basis of Sex

The district will provide notice of the district's prohibition on discrimination on the basis or sex under district policy and Title IX; the name or title, office address, email and phone number of the Title IX Coordinator (Coordinator); notice of the district's grievance procedures and grievance process to students, parents/guardians, employees, applicants for admission and employment and all unions or professional associations holding collective bargaining or professional agreements with the district. The notice must state that the requirement not to discriminate extends to admission and employment and direct inquiries to the Title IX Coordinator or to the Assistant Secretary for Civil Rights at the U.S. Department of Education.

The district's policy prohibiting discrimination on the basis of sex and the contact information of the Title IX Coordinator(s) will be prominently displayed on the district's website and in each handbook or course catalog.

Retaliation Prohibited

No person employed by or associated with the district will intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX 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 Title IX Note: While the law allows an individual to refuse to participate in a Title IX investigation, proceeding or hearing, district policy and the law requires that employees immediately report to the Title IX coordinator any notice of an allegation of Sexual Harassment

under Title IX and an employee can be reprimanded or disciplined for failing to do so.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment Under Title IX, but arise out of the same facts or circumstances as a report or Formal Complaint of Sexual Harassment under Title IX, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation. Complaints alleging retaliation must be filed with the Title IX Coordinator.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of the grievance proceeding is not retaliation, with the understanding that a determination regarding responsibility for sexual harassment is not sufficient to conclude that a party made a materially false statement in bad faith.

Definitions Applicable to this Policy

The following definitions are intended for use only for the purposes of this policy.

Complainant - an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment Under Title IX. A Title IX Coordinator who signs a Formal Complaint is not considered a Complainant.

Respondent- an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment Under Title IX.

Party/Parties – Complainant(s) and Respondent(s).

Report: information provided by a Complainant or any other person to the Title IX Coordinator, when that information indicates, suggests, or alleges misconduct. This includes the intake information obtained by the Title IX Coordinator prior to the filing of a Formal Complaint.

Formal Complaint- A document or electronic submission filed by the Complainant or signed by the Title IX Coordinator alleging Sexual Harassment under Title IX against a Respondent and requesting that the district investigate the allegations. When a Complainant files a Formal Complaint, the document or electronic submission must have the Complainant's physical or digital signature or otherwise indicate the Complainant's identity. A Formal Complaint may only be filed by a Complainant participating in or attempting to participate in the educational programs or activities of the district.

Sexual Assault: This includes all behaviors constituting forcible or non-forcible sexual offenses within the scope of the FBI national uniform criminal incident reporting system. At present these classifications include any sexual act directed against another person, without the consent of the

victim including instances where the victim is incapable of consent. Sexual Assault specifically includes:

- **Rape:** The carnal knowledge of a person, 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 mental or physical incapacity.
- **Sodomy:** Oral or anal sexual intercourse with another person, 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 mental or physical incapacity.
- **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 mental or physical incapacity.
- **Fondling:** The touching of private body 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 or her age or because of his or her permanent or temporary mental incapacity.
- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent pursuant to Missouri law.

Dating Violence- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence- Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws Missouri, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

Stalking - 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.

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 district's education programs or activities 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.

Remedies – upon a final determination of responsibility, remedies are actions taken to restore or preserve equal access to the district's education program or activity. These may include continued or new supportive measures but may also include imposition of more burdensome requirements, limitations, and conditions upon the respondent, as well as disciplinary referral of the respondent including suspension, termination or expulsion.

Education Program or Activity. Any part of the district-sponsored instruction or employment in the district, including locations, events, or circumstances over which the district exercised substantial control over both the Respondent and the context in which the sexual harassment occurred.

Determination of Responsibility. A formal finding of a decision-maker on each allegation of Sexual Harassment contained in a Formal Complaint., that the Respondent did or did not engage in conduct constituting Sexual Harassment Under Title IX based on a preponderance of the evidence.

Title IX Decision: the comprehensive decisional document of the independent decision-maker concluding the Grievance Process, as may be amended or affected by the results of an appeal.

Actual Knowledge: notice of Sexual Harassment Under Title IX or notice of allegations of Sexual Harassment Under Title IX to the district's Title IX Coordinator or to any district official who has authority to institute corrective measures on behalf of the district or to any employee of the district, except where the only district official or employee with actual knowledge is also the Respondent.

Investigative Report: the report of the investigator of a Formal Complaint.

Informal Resolution Process: Alternative dispute resolution methods designed to resolve

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allegations of sexual harassment without completing the formal complaint process. The purpose of the process is to restore or preserve equal access to the district's education program or activities for all parties. Such process may be offered by the Title IX Coordinator after a formal complaint has been filed and after consultation with the district's attorney as to whether an informal resolution process will be sufficient to meet the district's Title IX obligations.

Business Day: Days on which the district's business offices are open.

Intake and Classification of a Report and Procedures Prior to or Without a Formal Complaint

The Title IX Coordinator will receive and review all reports of sexual harassment even if a Formal Complaint has not been filed. The context of behavior can make a difference between conduct falling within the technical definition of Sexual Harassment Under Title IX, and conduct of a sexual nature that is offensive or hostile in itself, but which does not arise to the level within that definition. District policies prohibit both, but for purposes of its Title IX obligations the district must specially address cases within the definition under this special, limited scope policy.

If the Title IX Coordinator determines that the report concerns conduct that does NOT involve Sexual Harassment Under Title IX as that term is defined in this policy or did not occur in the district's Education Program or Activity, the Title IX Coordinator will use the grievance process in policy AC or forward the complaint to the individual responsible for implementing policy AC.

When the Title IX Coordinator has actual knowledge of an allegation of Sexual Harassment Under Title IX in an education program or activity of the district, the Title IX Coordinator will promptly contact the Complainant and:

1. Provide information about the Supportive Measures available to the Complainant and inform the Complainant that he or she may receive Supportive Measures without filing a Formal Complaint,
2. Consider the Complainant's wishes with respect to Supportive Measures and implement appropriate supportive measures.
3. Explain to the Complainant the process for filing a Formal Complaint.

Parties Enrolled in Special Education

In the case of all reports of sexual harassment, if the complainant or respondent has an individualized education plan (IEP) in place, the Title IX Coordinator will consult with the appropriate special education administrator(s) for assistance in determining the appropriate supportive measures based on the special needs of the student.

If the district determines a student's specific circumstances, including disabilities, prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or

allegations therein, the district will pursue such measures as are available under district policy and law. Such measures will be designed to restore or preserve the student's equal access to the district's education program or activities.

The Formal Complaint Process

Nothing in this process will interfere with any legal right of a parent/guardian to act on behalf of a complainant, respondent or party including, but not limited to, filing a formal complaint. If a student who is not an eligible student pursuant to FERPA files a formal complaint the parent/guardian will be notified.

The Complainant may file a Formal Complaint or choose not to file a Formal Complaint and simply receive the Supportive Measures.

If the Complainant does not file a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint, initiating the grievance process. The Title IX Coordinator will do so only if initiating the grievance process against the Respondent is not clearly unreasonable in light of the known circumstances.

If no Formal Complaint is filed by the Complainant or signed by the Title IX Coordinator no disciplinary action will be taken against the Respondent on the grounds of Sexual Harassment Under Title IX.

Title IX Grievance Process Upon Filing of a Formal Complaint

- The district's grievance process will provide a prompt and equitable resolution of complaints and will: 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;
- Comply with Title IX regulations before imposing any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent;
- Require a Decisionmaker to objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, not make credibility determinations based on a person's status as a complainant, respondent, or witness;
- Require that all Title IX Coordinators, investigators, those responsible for facilitating informal resolution processes and decision-makers not have conflicts of interest or bias for or against the Complainant or Respondent generally or an individual Complainant or Respondent.
- Presume that the Respondent is not responsible for the alleged conduct until a Determination of Responsibility is made at the conclusion of the grievance process;
- Follow stated timelines unless the district temporarily delays the grievance process for good cause, including, but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity, or the need for language assistance or

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accommodation of a disability. The parties will be notified in writing of the reason for a delay, if any; and

- 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.

Notice to the Parties

When the Complainant files a Formal Complaint, written notice will be provided to all known parties and will include:

- Notice of the grievance process, including any informal resolution process that is available and the timeline for such process.
- Notice of the allegations of Sexual Harassment under Title IX made by the Complainant with sufficient details known at the time and with sufficient time to allow the Respondent to prepare before the initial interview. At minimum, the details will include the identities of the parties involved in the incident, if known; the alleged conduct and the date and location of the alleged incident if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and a Determination of Responsibility will be made at the conclusion of the grievance process.
- A statement that parties may have an advisor of their choice, who may be an attorney.
- A statement that the parties and their advisors will have an equal opportunity to inspect and review any evidence that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the district does not intend to rely, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation
- Notice of any provision in the district's discipline code that prohibits knowingly making a false statement or providing false information during the grievance process.
- If, in the course of the investigation of Sexual Harassment Under Title IX the district decides to investigate allegations about the Complainant or Respondent that were not in the initial notice, notice of the additional allegations will be provided to all known parties.

Range of Possible Disciplinary Sanctions and Remedies

The discipline of employees is addressed in board policies and in Missouri law regarding employees under contracts. An appropriate disciplinary response for an employee found responsible for sexual harassment in this grievance process may include any available suitable response available for the discipline of employees for any other violation of board policy. These are posted on the district's web site.

The discipline of students is addressed in the policies and procedures that establish the district's comprehensive student code of conduct. These are posted on the district's web site.

Remedies may include the imposition upon a responsible respondent of any additional non-

disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity.

Interim Action

A. Emergency Removal

The district may remove the Respondent from the district's programs and activities prior to the grievance procedure on an emergency basis, provided that the district:

- Performs 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 federal disability laws.

B. Administrative Leave

The district may place an employee Respondent on administrative leave during the pendency of the grievance process in accordance with Board policy and law. This provision may not be construed to modify any rights under federal disability laws.

Investigating a Formal Complaint

Consolidation.

Formal Complaints may be consolidated as to allegations of Sexual Harassment Under Title IX 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.

Investigation Process and Scope.

After the Formal Complaint is filed, the investigator will provide an investigative report to the decision-maker. The investigation will be conducted by someone other than the Title IX Coordinator. The investigator will gather evidence sufficient to reach a determination regarding responsibility, or non-responsibility, and may not require the parties to do so.

During the investigation and the grievance process, the district will:

- Provide equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence as well as other evidence.
- Not restrict the parties from discussing the allegations under investigation or to gather and present relevant evidence.
- Provide the same opportunity for parties to have others, including an advisor of their choice present during any grievance proceedings and related meetings, though the district may restrict the extent to which advisors may participate as long as the rules apply to both parties.
- Provide written notice to parties who are invited or expected to participate 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.
- Obtain voluntary consent before accessing records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional which are made and maintained in connection with the provision of treatment to the party such a medical records or counseling notes. If the Party is at least eighteen or is enrolled in postsecondary education, the party can sign on his or her own behalf. Otherwise, a parent or guardian must sign on the party's behalf.
- 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 recipient 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.
- Prior to completion of the investigative report and within ___ [Recommend: 20] business days of the parties receiving notice of the Formal Complaint, 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 and provide the parties ___ [Required: at least ten] business days to submit a written response, which the investigator will consider prior to the completion of the report.
- Create an investigative report that fairly summarizes relevant evidence and, ___ [Required: at least ten] business days prior to the time of determination of responsibility by the decisionmaker, 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.

Dismissal of the Formal Complaint

If the district determines that the allegations, even if proved would not constitute Sexual Harassment Under Title IX as defined in this policy, did not occur in the district's Education Program or Activity, or was not committed against a person in the United States, the Formal Complaint will be dismissed. The dismissal does not mean that a complaint cannot be made under another district policy or that any misbehavior will not be addressed under another policy or the

district's code of conduct,

The district may dismiss a Formal Complaint or any allegations in a Formal Complaint at any time if:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in the Formal Complaint;
- The Respondent is no longer enrolled or employed by the district;
- If specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein

If the Formal Complaint is dismissed, the district will notify the parties simultaneously. A party may appeal the dismissal of a formal complaint by submitting a written notification of appeal to the Coordinator within ___ [*Recommend: five*] business days of receiving the notice that the complaint was dismissed. If the Coordinator or the investigator dismissed the complaint, the dismissal will be heard by the decision-maker. If the decision-maker dismissed the complaint the dismissal will be heard by the appellate decision-maker. The appeal is limited to the following basis:

- A. There was a procedural irregularity that affected the outcome;
- B. There was new evidence that was not reasonably available at the time the dismissal was made that could affect the outcome of the matter;
- C. The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias for or against the Complainant or Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter.

Time Consumed by the Investigation

It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion.

Submission for a Determination of Responsibility and the Related Findings and Conclusions

The Title IX Coordinator will designate someone to serve as the decision-maker to determine whether the Respondent is responsible for Sexual Harassment Under Title IX. The designated person may be a district administrator, an attorney or other appropriate adult. The person designated cannot have been part of the investigation.

Procedures of the Decision-Maker; Party Questions and Answers Regarding the Investigative Report Contents

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After the parties receive the final investigative report, each party may submit written, relevant questions that the party wants asked of any party or witness to the decision-maker. Each party will receive the answers to the questions and will be allowed time to submit limited follow-up questions.

The decision-maker:

- Will only permit questions and evidence about the Complainant's sexual predisposition or prior sexual behavior if such questions and evidence 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.
- May exclude a question that is not relevant. The party who submitted the question will receive an explanation as why the question was not relevant.

Preponderance of the Evidence Standard

The decision-maker may find the Respondent is responsible for the alleged Sexual Harassment Under Title IX only when the evidence provided more clearly and more probably favors the Complainant's claim (preponderance of the evidence).

Decision-Maker's Findings and Resulting Remedies

Within __ [Recommend 20] business days after the closing of the questions period, including follow-up questions, the decision-maker will provide a written Title IX Decision that includes:

- The allegations potentially constituting Sexual Harassment Under Title IX
- 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 other methods used to gather other evidence and hearings held
- Findings of fact supporting the determination
- Conclusions regarding the application of the facts to the district's code of conduct and, if the student code of conduct is implicated, a referral of a student respondent to district officials charged generally with the discipline of students pursuant to Missouri law
- A statement of, and rationale for, the result as to each allegation, including a Determination of Responsibility, any disciplinary actions recommended to the district to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided to the Complainant;
- The recipient's procedures and permissible bases for the Complainant and Respondent to appeal.

The written Title IX Decision will be provided to the parties simultaneously and a copy will be provided to the Title IX Coordinator.

Finality of the Title IX Decision

The Title IX Decision becomes final either on the date that the district 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.

Implementation of Discipline and Remedies by Title IX Coordinator; Disciplinary Matters

The Title IX Coordinator is responsible for effective implementation of any remedies, including coordination with the disciplinary authorities of the district. The Complainant is not a party to the disciplinary procedures concerning a Respondent. The record of the grievance will be provided to the administrator(s) responsible for the disciplinary referral and may be used as evidence in the disciplinary process.

Appeals of the Determinations of Responsibility in the Title IX Decision

A. Initiating an Appeal of Title IX Decision – Time, Contents, Assignment

Either party may appeal the Determination(s) of Responsibility or the dismissal of a Formal Complaint or any allegation in a Formal Complaint by notifying the Title IX Coordinator in writing within ____ [*Recommend: five*] business days of the parties receiving the written Title IX Decision from the decision-maker.

Appeals must be based on one or more of the following:

A procedural irregularity that affected the outcome of the matter;

New evidence that was not reasonably available at the time the determination that could affect the outcome of the matter;

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.

The party who files the appeal will state the basis for the appeal in writing. If there are multiple Determinations of Responsibility, the appeal should specify which ones are affected by the appeal. Appeals filed for any reason other than those listed above will not be heard.

If an appeal is filed, the Title IX Coordinator will:

Assign the appeal to an appellate decision-maker who is not the same person as the initial decision-maker, the investigator, or the Title IX Coordinator.

Notify other parties in writing.

Implement the appeals process equally to all parties

Give all parties the opportunity to submit a written statement in support of or challenging the outcome within ____ [*Recommend: five*] business days of receiving the notice of appeal.

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Written statements and other written documents pertaining to the appeal will be shared with all parties.

B. Conduct of the Appeal

The appellate decision-maker will review the findings of the initial decision-maker and review written statements filed by the parties. Within ___[Recommend: 10] business days of the close of the period for parties to file their written statements supporting or opposing the appeal the appellate decision-maker will issue a written decision describing the result of the appeal and the rationale for the result to all parties simultaneously. The appellate decision-maker may refer an appealed issue back to a prior point in the grievance process for correction.

Informal Resolution of Formal Complaints – Process

After a Formal Complaint has been filed and at any time prior to reaching a Determination of Responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. If a party requests the use of an informal resolution process, the district will provide 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
 - 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, with voluntary written consent from the parties will be maintained or could be shared; and
 - Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process may not be used to resolve allegations that an employee sexually harassed a student. If the informal resolution process does not resolve the Formal Complaint within ___ [Recommend: 30] business days after both parties consented to use the process, the Title IX Coordinator will resume the grievance process unless both parties again consent to continue using the informal resolution process.

Training

Title IX Coordinators, investigators, decision-makers and any person designated to facilitate an informal resolution process, should the district offer one, will receive training on the following: The definition of Sexual Harassment under Title IX as used in this policy

The scope of the district's educational programs and activities
How to conduct the investigation and grievance process; including determining responsibility, appeals, and informal resolution processes, as applicable
How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
Issues of relevance necessary to create an investigative report that fairly summarizes the relevant evidence
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

The district will not use training materials that rely on sex stereotypes. All training materials used for the district will promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment Under Title IX. These training materials must be publicly available on the district's website, or if the district does not maintain a website the materials must be available in upon request for inspection by members of the public

Records

The district will maintain the following records for seven years
Records of each investigation of Sexual Harassment Under Title IX, 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 recipient's education program or activity;
Any appeal and the result therefrom;
Any informal resolution and the result therefrom; and
All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. Records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment Under Title IX. These records must document the basis for the conclusion and that the district's response was not deliberately indifferent
Documentation if the district did not provide a Complainant with Supportive Measures and the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The district may add documentation of additional steps taken by the district that were not initially provided in conjunction with the initial complaint was filed.

Confidentiality

The district will 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 under Title IX, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as

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may be permitted by the FERPA statute or regulations, or as required by law, or to carry out the purposes of Title IX including the conduct of any investigation, hearing, or judicial proceeding arising thereunder

The district will keep confidential any Supportive Measures provided to the Complainant or Respondent to the extent that maintaining confidentiality to the extent that it would prevent the district from providing the Supportive Measures.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs:
AC, [title]
GBCB, Staff Conduct
GBCC, Staff Use of Communication Devices
GBH, Staff/Student Relations
GBL, Personnel Records
GBLB, References
GCPD, Suspension of Professional Staff Members
GCPE, Termination of Professional Staff Members
GDPD, Suspension of Support Staff Members
GDPE, Nonrenewal and Termination of Support Staff Members
IGD, District-Sponsored Extracurricular Activities and Groups
IICC, School Volunteers
JFCF, Bullying
JFCG, Hazing
JG, Student Discipline
JHG, Reporting and Investigating Child Abuse/Neglect
KL, Public Concerns and Complaints
KLA, Concerns and Complaints Regarding Federal Programs

Legal Refs: §§ 105.255, 160.261, 162.068, 167.161, .171, 213.010 - .137, 290.400 -
 .450, RSMo.
 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
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