

~~Sex-based Harassment Investigation Procedures~~
(Title IX) **Title IX Sexual Harassment Grievance Procedures**

The district is committed to maintaining a learning environment that is free from sex-based discrimination, including ~~sex-based~~ sexual harassment. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports ~~sex-based~~ sexual harassment ~~discrimination or harassment~~ or participates in a harassment investigation. The following procedures only apply to sexual harassment covered under Title IX. Sexual harassment and other sex-based harassment or misconduct not covered under Title IX may still constitute misconduct that is incompatible with the district's standards and may be addressed by other applicable district policies or procedures.

Definitions

For purposes of this regulation, these terms have the following meanings:

- “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent.
- “Advisor of choice” means a person the complainant or respondent selects to be present during any grievance proceeding, including related meetings or proceedings.
- “Complainant” means an individual who is alleged to have been subjected to conduct that could constitute ~~sex-based~~ sexual ~~discrimination or sex-based~~ harassment under Title IX, regardless of whether the individual filed the formal complaint.
- “Decision Maker” means an individual(s) who assess the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the respondent to be responsible for the alleged ~~sex-based~~ sexual harassment. The decision maker may not be the Title IX Coordinator or the investigator. The district's decision maker may be the superintendent, another designated administrator, or a third-party.
- “Disciplinary Sanction” means a consequence imposed by the district on a respondent who is found to have violated this policy. Sanctions are designed to remedy and prevent the recurrence of discrimination, harassment, and/or

retaliation. Disciplinary sanctions may include: no-contact orders, required training, loss of privileges, suspension, or expulsion.

- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control, including disciplinary authority, over both the complainant and respondent and the context in which the ~~sex-based~~sexual harassment occurs.
- **“Formal Complaint”** means a document filed by a complainant (or the complainant’s parent or guardian with the legal authority to act on behalf of the 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.
- **“Investigator”** means an individual who investigates a formal complaint. The investigator may also be the Title IX Coordinator but cannot be the decision maker.
- **“Respondent”** means an individual who has been reported to have violated the district’s prohibition on sex discrimination.be the perpetrator of conduct that could constitute sex-based discrimination or sexual harassment.
- **“Sex Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **“Sex-based ual Harassment”** is a form of sex discrimination and includes sexual harassment and other harassment.means conduct on the basis of sex that satisfies one or more of the following:
 1. An employee of the district conditions the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo harassment);
 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;
 4. “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). Quid pro quo harassment. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);

~~2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the education program or activity; or~~

~~3. 3. Specific offenses. Sexual assault, dating violence, domestic violence, or stalking.~~

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- ~~“Supportive Measures” mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed, to restore or preserve the party's access to the education program/activity, including safety measures, or provide support during the grievance procedures, before or after the filing of a formal complaint or where no formal complaint has been filed. Possible supportive measures may include: academic support, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual no-contact directives, access to identified trusted adults at school, increased monitoring of locations, safety planning and referral to outside agencies and supports.~~

- ~~“Remedies” means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the education program or activity after the district determines that sex discrimination occurred. Remedies may include: *[List possible remedies, such as counseling, updating policies, staff or student training, accommodations.]*~~

- ~~“Retaliation” means threats, intimidation, coercion, discrimination, or other adverse action against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this policy.~~

- ~~“Title IX Coordinator” means the employee designated by the district to coordinate its efforts to comply with the district's responsibilities under Title IX responsibilities. The Title IX Coordinator will also objectively evaluate the credibility of parties and witnesses and synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each situation.~~

~~The following individual has been designated to handle inquiries regarding the non-discrimination policies: Executive Director of Student Support Services, Andrew~~

Burns, andrew.burns@pueblod60.org, Title IX Coordinator/Compliance Officer for complaints. This individual can be located at 315 West 11th Street, Pueblo, Colorado 81003, (719) 549-7100. Inquiries about Title IX can be directed to Pueblo School District No. 60's Title IX Coordinator/Compliance Officer named herein; the Assistant Secretary for Civil Rights of the Department of Education at (800) 421-3481, OCR@ed.gov; or both. Si tiene alguna pregunta sobre esta información, por favor llame a la escuela de su niño. ~~The district's Title IX Coordinator is:~~

~~Executive Director of Student Support Services
Andrew Burns
315 West 11th Street
Pueblo, Colorado 81003
(719) 549-7100
andrew.burns@pueblod60.org~~

Title IX Sexual Harassment Prohibited

The district—as required by Title IX—prohibits sexual harassment in the district's education program or activity against a person in the United States.

Reporting Sexual Harassment

- *Students and Nonemployees.* The district encourages all individuals participating in its education program or activity to report sexual harassment or allegations of sexual harassment (whether or not they are the alleged victim of the conduct that could constitute sexual harassment) to the Title IX Coordinator or other district employees.
- *Employees.* District employees who receive reports of sexual harassment must immediately contact the Title IX Coordinator.
- *Reporting sexual harassment to Title IX Coordinator.* If you wish to report sexual harassment to the Title IX Coordinator, you may do so in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Response to Reports of Sexual Harassment

If the district has actual knowledge of sexual harassment that occurs in the district's education program or activity in the United States, the district's Title IX Coordinator will contact the complainant within 3 business days. The Title IX Coordinator will discuss the availability of supportive measures and explain the process for filing a formal complaint.

A. Complaint Resolution Process-Supportive measures

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may include, but are not limited to:

1. counseling;
2. extensions of deadlines or other course-related adjustments;
3. modifications of work or class schedules;
4. excused absences;
5. individualized supervision during passing periods or other unstructured times or activities;
6. mutual restrictions on contact between the parties; and
7. increased security and monitoring of certain areas of the campus, and other similar measures.

Any supportive measures provided to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the district to provide supportive measures.

A.B. Emergency removal

Student-respondents may be removed from the district's education program or activity on an emergency basis. If the Title IX Coordinator determines—after an individualized assessment—that the student-respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment.

The district will provide the student-respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Administrative leave

An employee-respondent may be placed on administrative leave during the pendency of a grievance process, at the district's sole discretion.

~~Investigations into complaints alleging violations of Title IX will proceed as described below. The investigation will be adequate, reliable, and impartial. All parties will be treated equitably and will be provided equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. Throughout the investigation, the district will take reasonable steps to protect the privacy of the parties and witnesses during the investigation, provided this does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.~~

~~The district will make a good faith effort to complete the investigation and make any findings within sixty days after the complaint, and the Title IX Coordinator will adhere to all timeframes. Reasonable extensions of timeframes will be granted on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay.~~

~~No person can serve as a Title IX Coordinator or decisionmaker if they have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. An alternate will be designated in the event it is claimed that an employee with responsibilities under this regulation is the one who committed the alleged discrimination. Additionally, the Title IX Coordinator may assign any or all aspects of the complaint response process to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters. As used in this regulation, the term “Title IX Coordinator” refers to the compliance officer or their alternate.~~

~~The Title IX Coordinator must offer and coordinate supportive measures, as appropriate, for both the complainant and the respondent. A complainant may request modification of supportive measures if circumstances have changed materially, or they disagree with the district’s decision to provide, deny, modify, or terminate supportive measures. Challenges of a district’s decision must be submitted to the Title IX Coordinator within ten (10) days of the decision, and an impartial employee other than the Title IX Coordinator will review the challenge.~~

~~1. Making a Complaint~~

~~A complainant, or a parent or guardian with the legal right to act on the complainant’s behalf, may file a complaint with the Title IX Coordinator. Complaints are an oral or written request that objectively can be understood as a request for the school to investigate and make a determination about alleged discrimination. If a complaint is given to a district employee, the district employee will promptly forward all information regarding the complaint to the Title IX Coordinator. Complaints must be filed within 180 days of the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence. The complainant will receive assistance as needed in filing a complaint.~~

~~Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation, is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary sanctions.~~

~~2. Evaluation and Dismissal by Title IX Coordinator~~

~~Within five school days after a complaint is received, the Title IX Coordinator will determine if the alleged conduct occurred in the district’s education program or activity. If the alleged conduct is not part of the education program or activity, the complaint must be dismissed under these procedures.~~

~~At any point throughout the investigation, the Title IX Coordinator may dismiss the complaint if the respondent cannot be identified or is not participating/employed in district programs or activities, or the complainant voluntarily withdraws the complaint, and the Title IX coordinator declines to initiate a complaint.~~

~~Upon dismissal, the Title IX Coordinator will promptly notify the complainant as to the basis of the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the respondent will also be notified. Additionally, the district will provide both parties with an opportunity to appeal the dismissal. Dismissals may be appealed on one of the following bases, if it would change the outcome: new evidence, procedural irregularities, or a conflict of interest.~~

~~Allegations in a dismissed complaint may constitute discrimination or harassment prohibited by Policy AC, in which case the investigation will continue under the associated regulations: AC-R-1 or AC-R-2. A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from addressing the allegations in any manner the district deems appropriate.~~

~~If the dismissal is appealed, the district will: notify the parties of any appeal, including notice of the allegations if not already provided; implement appeal procedures equally for the parties; ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint; ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations; provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and notify the parties of the result of the appeal and the rationale for the result.~~

~~When a complaint is dismissed, the district will offer supportive measures to the complainant and respondent and take other prompt and effective steps to ensure that prohibited sex discrimination does not occur, including directing the parties to AC-R-1.~~

~~3. Initial Meetings with the Parties~~

~~Following this determination, the Title IX Coordinator will begin the investigation in a reasonably prompt manner and take the following steps:~~

- ~~a. *Initial meeting with Reporting Party, if any, and Complainant:* The Title IX Coordinator will meet with the complainant to provide the information detailed in paragraph (c) below. If the complainant does not want to proceed with their complaint, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the safety of the~~

school environment.

~~b. Initial Meeting with Respondent: As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will provide the respondent written notice as to the allegations against them and give the respondent a chance to respond to those allegations.~~

~~The compliance officer may meet with the respondent to advise them of the allegations even if the compliance officer determines, after meeting with the Complainant and any reporting party, that there is no merit to the allegations.~~

~~c. Notice of Allegations. At the initial meetings, the Title IX Coordinator will provide to both the complainant and respondent notice of the allegations, which includes the following information:~~

- ~~i. Available supportive measures;~~
- ~~ii. Copies of Board Policy AC and this implementing regulation;~~
- ~~iii. Timeline for the investigation process and the district's legal obligations;~~
- ~~iv. Information on the informal resolution process, if offered;~~
- ~~v. Sufficient information regarding identities to allow parties to respond;~~
- ~~vi. Retaliation is prohibited;~~
- ~~vii. Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or a description of the evidence; and~~
- ~~viii. Additional notice will be provided if the district decides to investigate additional allegations.~~

~~If the complainant or respondent is a student with a disability, the Title IX Coordinator must consult with the student's IEP/504 Plan Team to determine supportive measures and other actions that comply with the requirements of federal law.~~

~~4. Informal Resolution~~

~~When the Title IX Coordinator deems it appropriate, an informal resolution process may be instituted with an impartial facilitator who is not the Title IX Coordinator or decision maker. Informal resolution is not appropriate in all circumstances. It may only be used if both parties must agree, with agreement voluntary, non-coerced, and documented in writing. Informal resolution is not available in cases where a district employee is alleged to have sexually harassed a student.~~

~~Prior to initiating an informal resolution process, both parties must be provided written notice explaining the allegations, the requirements of the informal resolution process, that either party has the right to withdraw from the informal resolution process, that an agreement at the conclusion of the informal resolution process would prevent the parties from initiating grievance procedures arising from the same allegations; the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and what information the district will maintain and whether/how that information could be disclosed for use in the investigation, if informal resolution is not successful and the investigation resumes.~~

~~Generally, the informal resolution process should be completed within sixty school days from the parties' agreement to the process, unless good cause is shown.~~

~~5. Formal Complaint Grievance Process~~

~~If informal resolution is inappropriate, unavailable, or unsuccessful, the Title IX Coordinator or their qualified designee will investigate the complaint and provide a report to the decision-maker, who will determine whether discrimination occurred. Any designee must be free of bias and able to act with independence. Either party may raise a concern regarding lack of qualification or bias by contacting the Title IX Coordinator (identified in AC-E-1).~~

~~The burden is on the district - not on the parties - to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.~~

- ~~a. *Collect Evidence:* The Title IX Coordinator will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or ways as appropriate.~~

During the investigation, the Title IX Coordinator will presume that the respondent is not responsible for the alleged sex discrimination until a determination is made (the “presumption of innocence” standard). The Title IX Coordinator may question parties and witnesses to adequately assess a party’s or witness’s credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. However, the Title IX Coordinator will protect the complainant from inappropriate questions and evidence about the complainant’s prior sexual history and will not make credibility determinations based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence protected under legal privilege or provided to a confidential employee, unless waived voluntarily;
- A party’s or witness’s records that are made or maintained by a recognized health professional or paraprofessional in connection with the provision or treatment, unless voluntary, written consent for use in the grievance procedures is obtained;
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless offered to prove someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

b. *Report:* Within sixty calendar days of the receipt of the complaint, the Title IX Coordinator must issue a report to the decision maker. The Title IX Coordinator’s report must be advisory and must not bind the decision maker to any particular course of action or remedial measure.

c. *Determination:* The decision maker will determine whether discrimination or harassment occurred, by applying the preponderance of the evidence standard. In making the determination, the decision maker will consider the following:

- i. The degree to which the conduct affected the complainant’s ability to access the district’s education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties’ ages, roles within the district’s education program or activity, previous interactions, and other relevant factors;
- iv. Location and context of the conduct;

- v. ~~Other sex-based harassment in the district's education program or activity;~~
- vi. ~~Any other relevant considerations.~~

~~The decision maker will notify the parties in writing of the determination that sex discrimination occurred under Title IX including the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal.~~

~~6. Disciplinary Sanctions and Remedies~~

~~If there is a determination that sex discrimination occurred, the Title IX Coordinator will coordinate the provision and implementation of remedies to a complainant and other impacted individuals; coordinate any disciplinary sanctions and notify the complainant; and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.~~

~~Disciplinary sanctions will not be imposed until the grievance procedures are completed, and parties will not be disciplined under Title IX for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.~~

~~7. Appeal~~

~~The investigation is closed after the decision maker issues a decision, unless either party appeals the decision within 10 days by making a written request to the decision maker detailing why the decision should be reconsidered.~~

~~Grounds for appeal will be limited in accordance with applicable law, to either a: procedural irregularity that affected the outcome of the matter; 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/or the Title IX Coordinator or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.~~

~~Both parties shall receive written notice of any appeal and both shall have the opportunity to submit written statements either in support of or challenging the written determination. The superintendent or designee shall have up to ten (10) school days to arrange for and hold a meeting with each of the parties if the party so desires. Following the meeting, the superintendent or designee shall have ten (10) school days to provide a written decision to the parties. Appeal decisions defer to the original~~

~~decision, making changes to the determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. The Superintendent or designee may 1) affirm the written determination; 2) overturn the written determination, or 3) send the report back for additional investigation. The Superintendent or designee's decision to affirm or overturn the report is final.~~

Notice and Training

~~To reduce discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of these procedures to all district schools and departments. The policy and complaint procedures must be prominently posted on the district's website, referenced in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.~~

~~All students and district employees will receive periodic training related to recognizing and preventing sex-based harassment. District employees must receive additional periodic training related to handling reports of sex-based harassment. Title IX Coordinators, Decision Makers, Informal Resolution Facilitators, and other persons involved in the grievance procedures or with authority to modify or terminate supportive measures must receive additional periodic training specific to their role relating to handling reports of sex-based harassment as required by law.~~

~~The Title IX Coordinator must monitor the district for barriers to reporting information that may constitute sex discrimination under Title IX. Additionally, all employees who are not confidential employees must notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination under Title IX.~~

~~Training materials are available to the public on the district's website.~~

Filing a Formal Complaint

- Complainant may file a formal complaint. A complainant (or a complainant's parent or guardian with the legal authority to act on behalf of the complainant) may file a formal complaint with the Title IX Coordinator, requesting the district investigate and adjudicate a report of sexual harassment. A formal complaint requires a physical or digital signature by the complainant, or an indication that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the district's education program or activity.
- Title IX Coordinator may file a formal complaint. If the complainant chooses not to file a formal complaint, the district may still initiate the grievance process if the

Title IX Coordinator signs the formal complaint. The Title IX Coordinator will only sign a formal complaint after considering the complainant's wishes and evaluating whether an investigation is clearly unreasonable in light of the specific circumstances. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

- Consolidating multiple complaints. The district may consolidate formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances.

Time Limit to File a Formal Complaint

Absent good cause, complaints must be filed within 180 days of the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence.

Dismissal of a Formal Complaint

A. Mandatory dismissal

The Title IX Coordinator will dismiss a formal complaint for Title IX purposes if the allegations (1) do not meet the definition of sexual harassment; (2) did not occur in the district's education program or activity; (3) did not occur against a person in the United States; or (4) if, at the time of filing a formal complaint, the complainant is not participating in or attempting to participate in the district's education program or activity. The district may continue to address these incidents outside the Title IX grievance process, as described in Policies AC, GBAA, and JBB.

B. Discretionary dismissal

The district may, in its discretion, dismiss a complaint if (1) the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or some of its allegations; (2) the respondent is no longer enrolled or employed by the school; or (3) specific circumstances prevent the school from gathering evidence sufficient to reach a determination about the allegations.

C. Notice of dismissal and Right to appeal

Upon dismissal of a formal complaint, the Title IX Coordinator will send written notice to the parties within three (3) business days, stating the reasons for the dismissal. Both parties have a right to appeal this decision in accordance with the procedures specified below.

A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from offering supportive measures or from addressing the allegations in any manner the district deems appropriate.

Written Notice of Allegations

Within 5 school days of receiving a formal complaint, the Title IX Coordinator will provide a written notice of allegations simultaneously to both parties. The parties will have at least 3 calendar days from the day the written notice is sent to prepare for an initial interview.

If the district, at any point, starts to investigate allegations that are materially beyond the written notice, the district will provide a supplemental written notice describing the additional allegations to be investigated.

District Resolution Procedures

Following the filing of a complaint, there are two available options for resolution:

1. **Formal Grievance Process.** The formal grievance process involves a full investigation and adjudications as described in “Formal Grievance Process” below.
2. **Informal Resolution Process.** At the district’s discretion, the parties may also be offered the opportunity to participate in an informal resolution process as opposed to the more formal grievance process. The informal resolution process does not involve a full investigation. Participation in the process is voluntary. For more information on the informal resolution process see “Informal Resolution Process” below.

Formal Grievance Process

After a formal complaint is filed, the grievance process will begin (unless the parties are eligible and willing to participate in an informal resolution process). The district’s grievance process treats complainants and respondents equitably by providing remedies to a complainant when a respondent is found responsible, and by following a grievance process that complies with Title IX before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. As part of this process, a respondent is presumed not to have violated Title IX, and a determination regarding responsibility is made only at the conclusion of the grievance process.

Timeframe

- A. **General timeframe.** The district is committed to providing a prompt, impartial, and thorough investigation and resolution that is consistent with Title IX. The

complainant and respondent will be kept apprised of the investigation's status and anticipated timeframes. The grievance process, in most cases, takes between 60 to 90 calendar days to complete.

B. *Delay or extension for good cause.* The district may delay or extend timeframes for good cause. Good cause may include, but is 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 accommodation of disabilities. If the grievance process must be delayed or extended, the Title IX Coordinator will provide the complainant and respondent with a written notice.

Conflicts of Interest

Any individual designated by the district as a Title IX Coordinator, investigator, or decisionmaker may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. If the Title IX Coordinator, investigator, or decisionmaker has a conflict of interest, the affected party has grounds for an appeal.

Right to an Advisor of Choice

Each party is entitled to an adviser of their choice during the process. The advisor may be present during any grievance proceeding, including related meetings or proceedings, but may not speak or otherwise participate.

Expectation of Privacy

All participants involved in the grievance process are expected to respect the seriousness of the matter and the privacy of the individuals involved. The school's expectation of privacy during the process should not be understood to limit any legal rights of the parties during or after the resolution. All other conditions for disclosure of records and outcomes are governed by the school's obligations under the Family Educational Rights and Privacy Act (FERPA), any other applicable privacy laws, and professional ethical standards.

Prohibition on Knowingly Making False Statements

The district prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Investigation Procedures

All Title IX investigations will be conducted in a prompt, thorough, and fair and impartial manner. The investigative process will generally include: (1) interviewing the complainant; (2) interviewing the respondent; (3) interviewing witnesses; (4) collecting

evidence and objectively evaluating whether the evidence is relevant; and (5) preparing an investigative report that fairly summarizes relevant evidence.

A. Interviewing Parties and Witnesses

The district will provide written notice to parties and witnesses before the Investigator conducts an interview with the date, time, location, participants, and purpose for the meeting. The parties will have at least 3 calendar days to prepare to participate. At the interview, or any other meeting or related proceeding, the complainant or respondent may be accompanied by their advisor. However, the advisor may not participate in the meeting. The district may conduct follow-up interviews with parties and witnesses, as necessary.

B. Collecting Evidence

- The district bears the burden of gathering evidence. The district is responsible for gathering evidence sufficient to reach a determination. However, the parties will also have an equal opportunity to: present witnesses, present inculpatory or exculpatory evidence, and inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.
- The district will not collect medical records. The district will not 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.
- The district will not collect privileged information. The district also will 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.
- Parties will have 10 calendar days to review evidence. The investigator will send to each party and the party's advisor, if any, the evidence directly related to the allegations in the formal complaint. The parties will have 10 calendar days to submit a written response, which the investigator will consider.

C. Preparing the Investigative Report

- Preparing investigative report. The investigator will then create an investigative report that fairly summarizes all relevant evidence. The investigator is ultimately responsible for determining what evidence is relevant.

- Parties will have 10 calendar days to review investigative report. Ten days prior to submitting the investigative report to the decision maker, the district will send the investigative report to each party and the party's advisor, if any, in an electronic format for their review and written response. If either party wishes to respond, they must do so during this 10-calendar day review period.

Reaching a determination

Following the 10-calendar day review period, the investigator will submit the investigative report and all relevant evidence to the decision maker for their review. The parties will also receive copies of the investigative report.

A. Questioning of Parties and Witnesses

After the review period, the decision maker will facilitate the exchange of written questions between the parties before a final determination is made.

- The decision maker will invite each party to submit proposed questions for other parties or witnesses. Each party will have 3 calendar days to submit the proposed questions to the decision maker. After receiving the questions, the decision maker will determine whether the questions must be rephrased, excluded, or permitted. The decision maker will explain any decision to rephrase the question or to exclude a question as not relevant.
- The decision maker will then provide the parties and witnesses with the relevant written questions. The parties and witnesses receiving the questions have 3 calendar days to submit written answers, and the parties may submit limited follow-up questions to the decision maker. The exchange of questions and responses by the parties and witnesses will be concluded within a 10-calendar day period.

B. Irrelevant Questions will be Excluded

The decision maker may exclude questions that are improper or not relevant. For example, 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 (1) that someone other than the respondent committed the conduct alleged by the complainant, or (2) 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. If the decision maker excludes a question, they will explain the decision to do so to the party proposing the question.

C. Determining Responsibility

- The decision maker will evaluate relevant evidence. The decision maker will objectively evaluate all relevant evidence. They will not make credibility determinations based on a person’s status as a complainant, respondent, or witness.
- The decision maker will apply the preponderance of the evidence standard. The decision maker will apply the preponderance of the evidence standard to determine whether a party is responsible for the conduct alleged in the formal complaint.
- The decision maker will issue a written determination and, if appropriate, specify the remedies and sanctions. The decision maker will issue a written determination simultaneously to both parties within 30 calendar days after reviewing the investigative report. The written determination will include:
 - A statement of the allegations;
 - A description of the procedural steps taken by the district from the receipt of the formal complaint through the determination, including any notifications sent to the parties, interviews conducted with parties and witnesses, site visits performed, methods used to gather other evidence;
 - Findings of fact supporting the determination;
 - Conclusions regarding the application of the district’s code of conduct to the facts;
 - A statement of, and rationale for the determination regarding responsibility as to each allegation; and
 - The bases and procedures for filing an appeal.
- Sanctions and Remedies. If the respondent is found responsible, they may be subject to a range of disciplinary sanctions, up to and including expulsion. The complainant may, if appropriate, also receive remedies that are designed to restore or preserve equal access to the district’s education program or activity. The Title IX Coordinator is responsible for implementing these measures.
- A determination of responsibility in no way prejudices either the complainant or the respondent from seeking redress through state or federal agencies, as provided in law.

Appeal

Either party will have an opportunity to appeal the decision maker's determination regarding responsibility or the district’s dismissal of a formal complaint or any

allegations therein within ten (10) school days by making a written request to the decision maker detailing why the decision should be reconsidered. Grounds for an appeal shall be limited in accordance with applicable law to the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. 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
3. 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 district will notify the other party in writing when an appeal is filed. Each party will have ten (10) school days to submit a written statement in support of or challenging the outcome.

The decision maker for the appeal will may not be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator. The decision maker for the appeal shall have ten (10) school days to provide a written decision to the parties. Appeal decisions defer to the original decision, making changes to the determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. The decision maker for the appeal may: (1) affirm the written determination; (2) overturn the written determination, or (3) send the report back for additional investigation. The decision maker for the appeal's decision to affirm or overturn the report is final.

Informal Resolution. When the Title IX Coordinator deems it appropriate, an informal resolution process may be instituted. Informal Resolution can include three different approaches:

- When the Title IX Coordinator or designee can resolve the matter informally by providing supportive measures only and complainant agrees.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process, and complainant agrees.
- When the parties agree to resolve the matter through an alternate resolution mechanism (as described below).

When agreement is required, the party's agreement must be voluntary, non-coerced, and documented in writing. Informal resolution is not available in cases where a district employee is alleged to have sexually harassed a student.

At any time while engaging in informal resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. Generally, the informal resolution process should be completed within sixty (60) calendar days from the parties' agreement to the process.

unless good cause is shown.

Alternate resolution mechanism. Alternate resolution, one form of informal resolution, references mediation, restorative practices, transformative justice, and similar methods that must only be used when designed and facilitated by well-trained individuals. Due to the specialized training required, the district may use community partners as third-party facilitators with the consent of all the parties. Alternate resolution is rarely appropriate or advisable in cases involving violent incidents, dangerous patterns, or threats.

Retaliation prohibited

The district prohibits retaliation. It is a violation of this policy to 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 this part.

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, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Training

The district will ensure that Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process, receive training on:

1. the definition of sexual harassment;
2. the scope of the district's education program or activity;
3. how to conduct an investigation and grievance process including determinations, appeals, and informal resolution processes, as applicable; and
4. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The district will also ensure that decisionmakers and investigators receive training 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.

Recordkeeping

The district will maintain the following items for a period of 7 years:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required, 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.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These training materials will also be publicly available on the district's website.
5. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment or documentation of why supportive measures were not offered to the complainant.

The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

August 25, 2020 (Temporarily Adopted)
September 10, 2020 (Permanently Adopted)
Revised: January 30, 2024
Revised: June 13, 2024 (Temporarily Adopted)
Revised: **Date, 2025**

LEGAL REFS.: 20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972) 34 C.F.R. Part 106

CROSS REFS: AC, Nondiscrimination/Equal Opportunity
~~AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)~~
~~AC-E-3, Title IX Formal Complaint~~
JBB, ~~Sexual Harassment Under Title IX and Other Prohibited~~
~~Misconduct of a Sexual Nature~~ **and Sex-Based Harassment**
GBAA, ~~Sex-based~~ **Sexual Discrimination and** Harassment

4916-6315-8037, v. 2 ~~4873-9190-5992, v. 2~~