

School Board

Title IX Grievance Procedure

~~Sexual~~Discrimination on the basis of sex, including sex-based harassment, affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from ~~sexual harassment~~ discrimination on the basis of sex is an important District goal.

The District does not discriminate on the basis of sex and prohibits sex discrimination in any ~~of its~~ education ~~programs~~program or ~~activities, and activity that it~~ operates, as required by Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) ~~concerning everyone in the District's education programs and activities;~~ including against applicants for employment, students, parents/guardians, employees, and third parties.

Title IX ~~Sexual Harassment~~Sex Discrimination Prohibited

~~Sexual harassment~~Sex discrimination as defined in Title IX (Title IX ~~Sexual Harassment~~Sex Discrimination) is prohibited. ~~Any person, including a~~ District employee ~~or~~ agent, or student, ~~engages in Title IX Sexual Harassment~~ violates this prohibition whenever that person engages in conduct on the basis of ~~an individual's sex that causes another person to be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any education program or activity operated by the District. Title IX Sex Discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.~~

Sex-based harassment is a form of Title IX Sex Discrimination. Sex-based harassment occurs whenever a person engages in conduct on the basis of sex that satisfies one or more of the following:

1. A District employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service on ~~an individual's~~ a person's participation in unwelcome sexual conduct; or
2. Unwelcome ~~conduct determined by a reasonable person to be so severe, pervasive, and~~sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it ~~effectively~~limits or denies a person equal access to person's ability to participate in or benefit from the District's ~~educational~~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)(11)~~, domestic violence ~~as defined in 34 U.S.C. § 12291(a)(12)~~, or, or stalking as defined in 34 U.S.C. § 12291(a)(36).C.F.R. § 106.2.

~~Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.~~

Definitions from 34 C.F.R. § 106.302

Complainant means ~~an individual:~~ (1) a student or employee who is alleged to be the victim of have been subjected to conduct that could constitute ~~sexual harassment~~.

~~Education program or activity~~ includes locations, events, or circumstances where the District has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.

Formal Title IX ~~Sexual Harassment Complaint~~ means a document filed by Sex Discrimination; or (2) a *Complainant* person other than a student or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that the District investigate the allegation.

~~Respondent means an individual employee who has~~ is alleged to have ~~been reported to be the perpetrator of the~~ subjected to ~~conduct that could constitute sexual harassment.~~

~~Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee~~ Title IX Sex Discrimination and who was participating or charge to the Complainant or the Respondent before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no Formal Title IX Sexual Harassment Complaint has been filed.

Title IX Sexual Harassment Prevention and Response

~~The Superintendent or designee will ensure that the District prevents and responds to allegations of Title IX Sexual Harassment as follows:~~

~~Ensures that attempting to participate in the District's comprehensive health education program in Board policy 6:60, Curriculum Content, incorporates (a) age appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12; and (b) age appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the District's educational program as required by State law and in alignment with Board policy 6:65, Student Social and Emotional Development education program or activity at the time of the alleged Title IX Sex Discrimination.~~

- ~~1. Incorporates education and training for school staff as recommended by the Superintendent, Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager.~~
- ~~3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the District's website, if any, and in each handbook made available to such persons.~~

~~Complaint means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.~~

~~Respondent means a person who is alleged to have violated the District's prohibition on Title IX Sex Discrimination.~~

~~Retaliation means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.~~

Making a Report

A person who wishes to make a report under this ~~Title IX Sexual Harassment grievance procedure~~ policy may make a report to the Title IX Coordinator, Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any employee with whom the person is comfortable speaking. ~~A person who wishes to make a report may choose to report to a person of the same gender.~~

School employees who receive information about conduct that reasonably may constitute Sex Discrimination under this policy shall respond to incidents of sexual harassment by promptly making or forwarding forward the report or information to the Title IX Coordinator. An employee who fails to promptly make or forward a report or information may be disciplined, up to and including discharge.

The Superintendent shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator.

Title IX Coordinator:

Name

208 North State Street

Address

hwalsh@nbceusd.org

Email

815-765-3113

Telephone

Processing and Reviewing a Report or Complaint

Upon receipt of a report of conduct that reasonably may constitute Title IX Sex Discrimination, the Title IX Coordinator and/or designee ~~will promptly contact the Complainant to: (1) discuss the availability of~~ shall offer and coordinate supportive measures, ~~(2) consider the Complainant's wishes with respect to supportive measures,~~ (3) inform the Complainant of the availability of supportive measures with or without the filing of a ~~Formal Title IX Sexual Harassment Complaint~~, and (4) explain to the Complainant the process ~~as appropriate, for filing a Formal Title IX Sexual Harassment Complaint.~~ a Complainant.

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall review Board policies 2:260, Uniform Grievance Procedure; 5:10, Equal Employment Opportunity and Minority Recruitment; 5:20, Workplace Harassment Prohibited; 5:90, Abused and Neglected Child Reporting; 5:120, Employee Ethics; Code of Professional Conduct; and Conflict of Interest; 7:10, Equal Educational Opportunities; 7:20, Harassment of Students Prohibited; 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment; 7:185, Teen Dating Violence Prohibited; and 7:190, Student Behavior, to determine if the allegations in the report require further action under those policies.

Reports of alleged ~~sexual harassment~~ Title IX Sex Discrimination will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of ~~sexual harassment~~ Title IX Sex Discrimination.

Formal Title IX Sexual Harassment Complaint Grievance Process

~~When a Formal Title IX Sexual Harassment Complaint is filed, the Title IX Coordinator will investigate it or appoint a qualified person to undertake the investigation.~~

The Superintendent or designee shall implement procedures to ensure ~~that~~ the prompt and equitable resolution of all ~~Formal Title IX Sexual Harassment~~ Complaints ~~are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45. The~~ See the District's grievance process shall, at a minimum: Title IX Complaint Grievance Process (Grievance Process) under administrative procedure 2:265-AP2, Formal Title IX Complaint Grievance Process.

- ~~2. Treat Complainants and Respondents equitably by providing remedies to a Complainant where the Respondent is determined to be responsible for sexual harassment, and by following a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a Respondent.~~
- ~~3. Require an objective evaluation of all relevant evidence including both inculpatory and exculpatory evidence and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.~~
- ~~4. Require that any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process:~~

- a. ~~Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.~~
- b. ~~Receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.~~
5. ~~Require that any individual designated by the District as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.~~
6. ~~Require that any individual designated by the District as a decision maker 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.~~
7. ~~Include a presumption that the *Respondent* is not responsible for the alleged conduct until When a Complaint is filed, the Title IX Coordinator will investigate it and make a determination regarding responsibility is made at the conclusion ~~outcome~~ of the grievance process.~~
8. ~~Include reasonably prompt timeframes for conclusion of Complaint, or appoint a qualified person(s) to undertake the grievance process.~~
9. ~~Describe the range of possible disciplinary sanctions investigation and remedies the District may implement following any make a determination of responsibility.~~
10. ~~Base all decisions upon regarding the preponderance of evidence standard.~~
11. ~~Include outcome of the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.~~
12. ~~Describe the range of supportive measures available to *Complainants* and *Respondents*.~~

~~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.~~ Complaint.

Enforcement

Any District employee who is determined, at the conclusion of the ~~grievance process~~ Grievance Process, to have engaged in ~~sexual harassment~~ Title IX Sex Discrimination will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the ~~grievance process~~ Grievance Process, to have engaged in ~~sexual harassment~~ Title IX Sex Discrimination will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, e.g., vendor, parent/guardian, invitee, etc. Any District student who is determined, at the conclusion of the ~~grievance process~~ Grievance Process, to have engaged in ~~sexual harassment~~ Title IX Sex Discrimination will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies. Any person making a knowingly false accusation regarding sexual harassment Title IX Sex Discrimination will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the District or the parties to exercise any other rights under existing law.

Retaliation Prohibited

The District prohibits any form of retaliation ~~against anyone who, including peer retaliation, in good faith, has made a report~~ its education program or ~~complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy~~ activity. Any person should report claims of retaliation using this Board policy 2:260, Uniform 265, Title IX Grievance Procedure.

~~Any person~~ A student, employee, or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary

action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments of 1972; 34 C.F.R. Part 106.

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent Sch. Dist., 524 U.S. 274 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:200 (Terms and Conditions of Employment and Dismissal), 5:240 (Suspension), 5:290 (Employment Termination and Suspension), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 7:10 (Equal Educational Opportunities), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior)

~~Amended: July 2024~~