

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

1 The process provided in this policy is designed for those who believe that they have been  
2 sexually harassed in violation of policy 1725/4035/7236, Title IX Sexual Harassment –  
3 Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials  
4 shall follow the grievance process established in this policy when responding to all formal  
5 complaints of sexual harassment.

6  
7 The superintendent is responsible for notifying students and their parents or legal guardians,  
8 employees, and applicants for employment of this policy and ensuring that each principal or site  
9 supervisor provides a copy of this policy to these persons.

10  
11 **A. DEFINITIONS**

12  
13 All definitions in policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited  
14 Conduct and Reporting Process, are incorporated by reference and have the same  
15 meaning when used in this policy, including all references to “sexual harassment” in this  
16 policy.

17  
18 The following additional definitions apply in this policy.

19  
20 1. Investigator

21  
22 The investigator is the school official responsible for investigating and responding  
23 to a formal complaint.

24  
25 2. Decision-Maker

26  
27 The decision-maker is the school official responsible for making a determination  
28 regarding responsibility in response to an investigation of sexual harassment  
29 triggered by a formal complaint.

30  
31 3. Investigative Report

32  
33 The investigative report is a written account of the findings of the investigation  
34 conducted in response to a formal complaint.

35  
36 4. Remedies

37  
38 Remedies are individualized measures provided to a complainant designed to  
39 restore or preserve the complainant’s equal access to the education program and  
40 activities of the school system when a respondent is found responsible for sexual  
41 harassment.

43 Remedial measures available to a complainant following a determination of  
44 responsibility include counseling, mental health services referral, extensions of  
45 deadlines or other course-related adjustments, modifications of work or class  
46 schedules, escort services, mutual or one-way restrictions on contact between the  
47 parties, changes in work locations, leaves of absence, increased security and  
48 monitoring, and other measures determined by school officials to be necessary to  
49 restore or preserve the complainant's equal access to the education program and  
50 activities, regardless of whether such measures impose a burden on the respondent  
51 or are punitive or disciplinary in nature.

52  
53 5. Disciplinary Sanctions

54  
55 Disciplinary sanctions are consequences imposed on a respondent when the  
56 respondent is found responsible for sexual harassment.  
57

58 **B. FILING A FORMAL COMPLAINT TO INITIATE THE GRIEVANCE PROCESS**

59  
60 A formal complaint initiates the grievance process.

61  
62 1. Individuals Who May File a Formal Complaint

63  
64 a. Eligible Complainants

65  
66 Eligible individuals who believe that they have been sexually harassed in  
67 violation of policy 1725/4035/7236, Title IX Sexual Harassment –  
68 Prohibited Conduct and Reporting Process, may initiate the grievance  
69 process for alleged sexual harassment by filing a formal written complaint  
70 with the Title IX coordinator. To be eligible to file a formal written  
71 complaint, the complainant must be participating in or attempting to  
72 participate in the education program or activities of the school system at  
73 the time of filing.  
74

75 b. The Title IX Coordinator

76  
77 If the complainant does not wish to file a formal complaint and the matter  
78 has not been adequately resolved through the provision of supportive  
79 measures, the Title IX coordinator may initiate the grievance process by  
80 signing a formal complaint. In accordance with law, only the complainant  
81 and the Title IX coordinator may initiate the grievance process; no other  
82 individuals or school officials shall have authority to do so.  
83

84 2. Time Period for Filing a Formal Complaint

86 There is no deadline for filing a complaint. A complaint should be filed as soon  
87 as possible after the conduct occurs, preferably within 30 days after the  
88 complainant becomes aware of the alleged sexual harassment, unless the conduct  
89 forming the basis for the complaint is ongoing. School officials will initiate the  
90 grievance process regardless of when the formal complaint is submitted, but  
91 delays in reporting may significantly impair the ability of school officials to  
92 investigate and respond to the allegations.

93  
94 In addition, in some circumstances it may be necessary for the Title IX  
95 coordinator to sign a formal complaint to initiate the grievance process in order to  
96 meet the school system's legal obligations when the coordinator is aware of  
97 sexual harassment or alleged sexual harassment and the complainant has not yet  
98 filed a formal complaint. The Title IX coordinator can do so at any time.  
99

100 3. Contents of the Formal Complaint  
101

102 The complaint should (1) contain the name and address of the complainant and  
103 the student's parent or guardian if the complainant is a minor student, (2) describe  
104 the alleged sexual harassment, (3) request an investigation of the matter, and (4)  
105 be signed by the complainant or otherwise indicate that the complainant is the  
106 person filing the complaint.  
107

108 4. How to File the Formal Complaint  
109

110 The complaint may be filed with the Title IX coordinator in person, by mail, or by  
111 email. Complaint forms may be obtained from the Title IX coordinator or on the  
112 school system website.  
113

114 5. School System's Response to Receipt of the Formal Complaint  
115

116 a. Upon receipt of a formal complaint of sexual harassment, the Title IX  
117 coordinator shall engage in an interactive process with the complainant,  
118 consider the provision of supportive measures in light of the complainant's  
119 wishes, provide supportive measures as appropriate, and otherwise fulfill  
120 the requirements of Section D of policy 1725/4035/7236, Title IX Sexual  
121 Harassment – Prohibited Conduct and Reporting Process, unless the Title  
122 IX coordinator has already done so in response to an initial report of the  
123 same allegation of sexual harassment.  
124

125 b. School officials reserve the right to consolidate formal complaints against  
126 more than one respondent, or by more than one complainant against one or  
127 more respondents, or by one party against the other party, where the  
128 allegations of sexual harassment arise out of the same facts or

129 circumstances. The Title IX coordinator shall advise the complainant if  
130 the formal complaint will be consolidated with others.  
131

132 c. The formal complaint initiates the grievance process as described below.  
133

134 **C. GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**  
135

136 To ensure a complete, thorough, and fair grievance process for formal complaints of  
137 sexual harassment, school officials responsible for the investigation, adjudication, or  
138 appeal of a formal complaint of sexual harassment shall comply with the following  
139 requirements. Failure by any school official to comply with these requirements or other  
140 standards or procedures established in this policy is cause for disciplinary action.  
141

142 1. Equitable Treatment  
143

144 Complainants and respondents must be treated equitably throughout the grievance  
145 process. Relevant evidence collected in the investigation of a formal complaint  
146 must be evaluated objectively. No individual designated as a Title IX  
147 coordinator, investigator, decision-maker, or appeal decision-maker will have a  
148 conflict of interest or bias for or against complainants or respondents generally or  
149 an individual complainant or respondent. Credibility determinations will not be  
150 based on a person's status as a complainant, respondent, or witness.  
151

152 The complainant and respondent shall be provided an equal opportunity to have  
153 others present during any grievance proceeding, including the opportunity to be  
154 accompanied to any related meeting or proceeding by the advisor of their choice,  
155 who may be an attorney. If a party elects to be represented by an attorney, the  
156 party should notify school officials in advance so that an attorney for the school  
157 system may also be present. Any restrictions on advisor participation in any  
158 proceeding must be applied equally to both parties.  
159

160 The complainant and respondent will both be provided a description of the range  
161 of supportive measures available to them.  
162

163 2. Adequate Training  
164

165 The Title IX coordinator, and all persons serving as Title IX investigators,  
166 decision-makers, or appeal decision-makers shall receive training on what  
167 constitutes sexual harassment, the scope of the school system's education  
168 program and activities, how to conduct an investigation and grievance process,  
169 and how to serve impartially, including by avoiding prejudgment of the facts at  
170 issue, conflicts of interest, and bias. Decision-makers will be trained on any  
171 technology to be used at a live hearing and on issues of relevance of questions and

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

- 172 evidence.  
173  
174 Materials used to train coordinators, investigators, decision-makers, and appeal  
175 decision-makers will not rely on sex stereotypes and shall promote impartial  
176 investigations and adjudications of sexual harassment. Copyright restrictions will  
177 be taken into consideration in selecting training materials in order to comply with  
178 the school system’s legal obligation to make all training materials available on the  
179 school system’s website.  
180
- 181 3. Presumption of Non-Responsibility/Innocence  
182  
183 At all times prior to a determination regarding responsibility by the decision-  
184 maker, there will be a presumption that the respondent is not responsible for the  
185 alleged conduct.  
186
- 187 4. Burden of Proof and Production of Evidence  
188  
189 The burden of proof and the burden of gathering evidence sufficient to reach a  
190 determination regarding responsibility will at all times rest on the school system  
191 and not on the complainant or respondent. Formal rules of evidence shall not  
192 apply in the grievance process.  
193
- 194 5. Written Notice of Meetings and Other Proceedings  
195  
196 Parties whose participation is invited or expected at any hearing, investigative  
197 interview, or other meeting will be provided written notice of the event’s date,  
198 time, location, participants, and purpose with sufficient time for the party to  
199 prepare to participate.  
200
- 201 6. Confidentiality and Privacy  
202  
203 The school system will keep confidential the identity of any individual who has  
204 made a report or formal complaint of sexual harassment, any complainant, any  
205 respondent, and any witness, except as may be permitted by FERPA, as required  
206 by law, or as necessary to carry out a Title IX proceeding. A violation of this  
207 provision may constitute retaliation.  
208  
209 All meetings, hearings, or other proceeding conducted pursuant to this policy will  
210 be private except to the extent that the parties are permitted to be accompanied by  
211 others as provided in subsection C.1 above.  
212  
213 School officials shall not access, consider, disclose, or otherwise use a party’s  
214 medical, mental health, or other records that are made or maintained by a

215 professional or paraprofessional in connection with the provision of treatment to  
216 the party without the party's voluntary written consent.  
217

218 7. No Disclosure of Privileged Information  
219

220 No person acting on behalf of the school system shall require, allow, rely upon, or  
221 otherwise use questions or evidence that constitute, or seek disclosure of,  
222 information protected under a legally recognized privilege, unless the person  
223 holding such privilege has waived the privilege.  
224

225 8. Timeliness of Process  
226

227 School officials shall make a good faith effort to conduct a fair, impartial  
228 grievance process in a timely manner designed to provide all parties with a  
229 prompt and equitable resolution. It is expected that in most cases, the grievance  
230 process will be concluded through the adjudication phase within 90 days after  
231 filing the formal complaint. The board reserves the right to extend this time  
232 frame or any deadline contained in this policy for good cause with written notice  
233 to the parties of the delay and the reason for the delay. Good cause may include  
234 but is not limited to the absence of the parties or witnesses, concurrent law  
235 enforcement activity, or the need for language assistance or accommodation of  
236 disabilities.  
237

238 The Title IX coordinator or other responsible school official shall make  
239 reasonable efforts to keep the complainant and respondent apprised of progress  
240 being made during any period of delay.  
241

242 **D. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART I – INVESTIGATION**  
243

244 1. Step 1 – Notice of Allegations  
245

246 a. Upon the filing of a formal complaint, the Title IX coordinator shall,  
247 within five school business days, provide the known parties written notice  
248 of the allegations that includes:  
249

250 i. notice of the allegations of sexual harassment in sufficient detail to  
251 permit the parties to prepare a response before any initial  
252 interview, including:  
253

254 a) the identities of the parties involved, if known;  
255

256 b) the conduct allegedly constituting sexual harassment; and  
257

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

- 258 c) the date and location of the alleged incident, if known;
- 259
- 260 ii. a copy of this policy to give notice of the school system’s
- 261 grievance process, including the investigative and adjudication
- 262 procedures, and any informal resolution process available;
- 263
- 264 iii. notice that the parties may have an advisor of their choice and that
- 265 either party may inspect and review any evidence;
- 266
- 267 iv. notice of the provision in board policy 4340, School-Level
- 268 Investigations, that prohibits students and employees from
- 269 knowingly making false statements or knowingly submitting false
- 270 information during the grievance process; and
- 271
- 272 v. a statement that the respondent is presumed not responsible for the
- 273 alleged conduct and that a determination regarding responsibility
- 274 will be made at the conclusion of the grievance process.
- 275

- 276 b. If during the investigation, the investigator decides to investigate
- 277 allegations of sexual harassment not included in the initial notice provided
- 278 above, notice of the additional allegations will be provided to the parties.
- 279

280 2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

281  
282 The Title IX coordinator shall review the allegations and determine whether the  
283 formal complaint must be dismissed without further investigation because the  
284 conduct alleged in the formal complaint, even if assumed true, would not  
285 constitute sexual harassment as defined in this policy, did not occur in the school  
286 system’s education program or activities, or did not occur against a person in the  
287 United States. Such a dismissal does not preclude action under another provision  
288 of the Code of Student Conduct, board policy, or expected standards of employee  
289 behavior. The complaint will not be dismissed at this stage on the basis that the  
290 allegations are frivolous, without merit, or otherwise unfounded.

291  
292 Upon a dismissal, the Title IX coordinator must promptly send written notice of  
293 the dismissal and reason(s) therefor simultaneously to the parties. The parties  
294 have the right to appeal the decision as provided in Section F.

295  
296 The Title IX coordinator shall refer the matter that was the subject of the  
297 dismissed complaint to the principal for further action as warranted.

298  
299 3. Step 3 – Initiating the Investigation

300

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

- 301 If the complaint may proceed, the Title IX coordinator shall notify the appropriate  
302 investigator, who shall investigate the formal complaint.  
303
- 304 a. In order to provide a neutral and objective investigation, the investigator  
305 shall not be a party to the complaint under investigation. The investigator  
306 of a formal complaint is ordinarily determined as described below;  
307 however, the Title IX coordinator, in consultation with the superintendent,  
308 may determine that conflict of interest, bias, or other individual  
309 circumstances warrant the assignment of a different investigator.  
310
- 311 i. If the respondent is a student, the investigator is the principal or  
312 designee of the school with jurisdiction over the incident.  
313
- 314 ii. If the respondent is an employee or applicant for employment, the  
315 investigator is the senior human resources official or designee.  
316
- 317 iii. If the respondent is neither a student nor an employee/applicant for  
318 employment, the principal of the school/site supervisor at which  
319 the complainant is enrolled or employed shall be the investigator.  
320
- 321 iv. Notwithstanding the above designations, (1) if the respondent is  
322 the senior human resources official, the superintendent shall  
323 investigate the complaint; (2) if the respondent is the  
324 superintendent or a member of the board, the Title IX coordinator  
325 shall immediately notify the board chair who shall direct the board  
326 attorney to investigate, unless the board chair determines that  
327 outside counsel should be engaged to investigate.  
328
- 329 b. The investigator may request assistance from the Title IX coordinator to  
330 conduct the investigation.  
331
- 332 c. The Title IX coordinator and the investigator shall jointly assess the need  
333 for supportive measures for either party, including assessing the  
334 effectiveness of any supportive measures currently being provided to the  
335 complainant, and, as necessary, will implement appropriate measures in a  
336 timely manner and monitor the effectiveness of the measures during the  
337 pendency of the investigation and prior to a final determination regarding  
338 responsibility. Supportive measures provided to the complainant or  
339 respondent will be maintained as confidential to the extent that  
340 maintaining such confidentiality does not impair the ability to provide the  
341 supportive measures.  
342
- 343 d. The investigator shall explain the process of the investigation to the



344 complainant and respondent.

345

346

4. Step 4 – Conducting the Investigation

347

348

349

350

351

352

353

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

354

a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.

355

356

357

358

359

360

361

362

363

364

b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.

365

366

367

368

c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.

369

370

371

d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

372

373

374

375

376

377

378

379

The investigator may, with approval of the Title IX coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint

380

381

382

383

384

385

386

387 or allegations therein. Upon dismissal, the Title IX coordinator shall promptly  
388 send written notice of the dismissal and reason(s) therefor simultaneously to the  
389 parties. The parties have the right to appeal the decision as provided in Section F.  
390

391 The investigator may consider the matter that was the subject of the dismissed  
392 complaint for action in accordance with board policy for violation of other  
393 expected standards of student or employee behavior  
394

395 5. Step 5 – Investigative Report and Opportunity to Review Evidence  
396

397 a. The investigator shall prepare an investigative report that fairly  
398 summarizes the relevant evidence.  
399

400 b. Before completing the final report, the investigator shall send to each party  
401 and the party’s advisor, if any, in hard copy or electronically, all the  
402 evidence collected which is directly related to the allegations raised in the  
403 formal complaint. The parties shall have 10 days to submit a written  
404 response for the investigator’s consideration before the investigator  
405 finalizes the investigative report.  
406

407 c. Following the parties’ opportunity to respond to the written evidence, the  
408 investigator shall finalize the written investigative report, including a  
409 recommendation on the question of responsibility and any recommended  
410 discipline sanction.  
411

412 d. The investigator shall provide a copy of the report to each party and the  
413 party’s advisor, if any, for their review and written response. The  
414 investigator shall also notify the parties of the opportunity to submit  
415 written questions to the other party and witnesses as provided in  
416 subsection E.2 below. The parties shall have 10 days to provide a written  
417 response to the investigative report, along with the party’s initial set of  
418 written questions.  
419

420 e. The investigator shall provide to the decision-maker a copy of the  
421 investigative report, the relevant evidence, and the parties’ written  
422 responses to the report and initial sets of written questions.  
423

424 The investigator shall also provide a description of the procedural steps  
425 taken, starting with the receipt of the formal complaint and continuing  
426 through the preparation of the investigative report, and including any  
427 notifications to the parties, interviews with parties and witnesses, site  
428 visits, and methods used to gather other evidence.  
429

430 **E. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II – ADJUDICATION**

431  
432 The superintendent or designee (hereinafter “superintendent”) shall serve as the decision-  
433 maker. In his or her role as decision-maker, the superintendent shall provide for the  
434 exchange of questions between the parties and a decision on responsibility in a manner  
435 consistent with state law and as provided below.  
436

437 1. Step 1 – Exchange of Questions and Answers

438  
439 After the parties are sent the investigative report, the superintendent shall provide  
440 the parties an opportunity to submit written, relevant questions that the party  
441 wants asked of any other party or witness, provide each party with the answers,  
442 and allow for additional, limited follow-up questions from each party in  
443 accordance with a reasonably prompt time frame established by the  
444 superintendent. The parties shall submit their initial set of written questions at the  
445 time they submit their response to the investigative report as described in  
446 subsection D.5.d above.  
447

448 a. Questions and evidence about the complainant’s sexual predisposition or  
449 prior sexual behavior will be considered not relevant, unless such  
450 questions and evidence about the complainant’s prior sexual behavior are  
451 offered to prove that someone other than the respondent committed the  
452 conduct alleged by the complainant, or if the questions and evidence  
453 concern specific incidents of the complainant’s sexual behavior with  
454 respect to the respondent and is offered to prove consent.  
455

456 b. The superintendent must explain to the party proposing the questions any  
457 decision to exclude questions as not relevant.  
458

459 2. Step 2 – Decision on the Question Regarding Responsibility

460  
461 Following the exchange of questions as described above, the superintendent shall  
462 decide the question regarding responsibility, any disciplinary  
463 action/recommendation of disciplinary action, and any other measures the  
464 superintendent deems appropriate. The superintendent shall consider all the  
465 relevant evidence objectively, including evidence in the investigative report and  
466 any additional information provided by the parties through the exchange of  
467 questions and responses as provided in subsection E.1 above.  
468

469 Based on an objective evaluation of the evidence, the superintendent shall  
470 determine whether the preponderance of the evidence supports a finding that the  
471 respondent is responsible for sexual harassment in violation of board policy, and

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

472 if so, what disciplinary sanction will be imposed or recommended. Remedies will  
473 be provided to the complainant if the respondent is found responsible.  
474

475 3. Step 3 – Written Determination Regarding Responsibility  
476

477 The superintendent shall issue a written determination regarding responsibility  
478 simultaneously to both parties that includes:  
479

- 480 a. identification of the allegations potentially constituting sexual harassment  
481 under board policy;  
482
- 483 b. a description of the procedural steps taken from the receipt of the formal  
484 complaint through the determination, including any notifications to the  
485 parties, interviews with parties and witnesses, site visits, methods used to  
486 gather other evidence, and hearings held;  
487
- 488 c. findings of fact supporting the determination;  
489
- 490 d. conclusions regarding the application of board policy and/or the Code of  
491 Student Conduct or expected standards of employee behavior to the facts  
492 including whether, the respondent engaged in prohibited sexual  
493 harassment or other proscribed conduct;  
494
- 495 e. a statement of, and rationale for, the result as to each allegation, including  
496 a determination regarding responsibility, any disciplinary sanctions  
497 imposed on the respondent (which may be a recommendation to the board  
498 for discipline that is beyond the authority of the superintendent or other  
499 decision-maker), and whether remedies designed to restore or preserve  
500 equal access to the school system’s education program and activities will  
501 be provided to the complainant;  
502
- 503 f. the procedures and permissible bases for the complainant and respondent  
504 to appeal; and  
505
- 506 g. any other notices that are required to accompany the decision under state  
507 law, such as when the superintendent imposes a long-term suspension or  
508 recommends dismissal of an employee.  
509

510 **F. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART III – APPEAL**  
511

512 The parties shall have the right to appeal to the board of education the determination  
513 regarding responsibility, any disciplinary sanctions imposed on the respondent, and any  
514 dismissal of a formal complaint or any allegations therein. If a party appeals both the

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

515 determination regarding responsibility and the disciplinary sanctions imposed, both  
516 matters will be heard by the board at the same time. If both parties appeal, the appeals  
517 will be heard at the same time.  
518

519 The standard for review upon appeal to the Board of Education shall be a preponderance  
520 of the evidence.  
521

522 1. Deadline and Grounds for Appeal  
523

524 Either party may appeal by submitting a request in writing to the superintendent  
525 within three school business days of receiving the determination regarding  
526 responsibility, unless the party is entitled to a longer appeal period under state law  
527 or board policy. Any longer appeal period applicable to one party shall apply  
528 equally to the other party. The grounds for appeal may be any of the following:  
529

- 530 a. procedural irregularity that affected the outcome of the matter;
- 531
- 532 b. new evidence that was not reasonably available at the time the  
533 determination regarding responsibility or dismissal was made, that could  
534 affect the outcome of the matter;
- 535
- 536 c. the Title IX coordinator, investigator, or decision-maker had a conflict of  
537 interest or bias for or against complainants or respondents generally or the  
538 individual complainant or respondent that affected the outcome of the  
539 matter;
- 540
- 541 d. the disciplinary sanction is inappropriate or unreasonable; or
- 542
- 543 e. any other basis provided by law or board policy governing appeals to the  
544 board.  
545

546 In cases where disciplinary sanctions against the respondent include a  
547 superintendent's recommendation for expulsion under G.S. §115C-390.11, the  
548 board is required by law to consider the matter as set forth in state law and policy  
549 4353. The superintendent is responsible for notifying the board of his/her  
550 recommendation to expel under G.S. §115C-390.11 regardless of whether any  
551 party files an appeal to the board under this policy. If either party files an appeal,  
552 the board's consideration of the superintendent's recommendation for expulsion  
553 shall also serve as the appeal.  
554

555 2. Notice of the Appeal  
556

557 In all appeals, the other party will be notified in writing when an appeal is filed

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

- 558 and be provided a copy of the appeal.  
559
- 560 3. Appeal Procedures  
561
- 562 a. The board will hear the appeal unless otherwise required by law. The  
563 board may designate a panel of two or more board members to hear and  
564 act on behalf of the board.  
565
- 566 b. Appeal procedures will be implemented equally for both parties and will  
567 follow the procedures in policy 2500, Hearings Before the Board,  
568 modified as necessary to allow equal participation of the parties.  
569
- 570 If the appeal includes an appeal of a disciplinary sanction, the procedures  
571 in policy 4370, Student Discipline Hearing Procedures; policy 7940,  
572 Classified Personnel: Suspension and Dismissal; or policy 7930,  
573 Professional Employees: Demotion and Dismissal, shall also apply as  
574 applicable.  
575
- 576 c. After the notice of appeal is provided, both parties will be given 10 days to  
577 submit a written statement in support of, or challenging, the outcome. If  
578 the basis of the appeal is newly available evidence affecting the outcome,  
579 the party shall submit such evidence or a summary of such evidence along  
580 with the party's written statement.  
581
- 582 d. The board will review the record and the written argument of the parties  
583 submitted on appeal, determine whether additional information is needed  
584 from any party, and take any other steps that the board determines to be  
585 appropriate in order to respond to the appeal.  
586
- 587 4. Decision on Appeal  
588
- 589 a. After considering the record and written statements of the parties, the  
590 board will determine whether the grounds for the appeal have been  
591 substantiated.  
592
- 593 b. If substantiated, the board will determine the appropriate response, which  
594 may include a remand for a new investigation, a new decision, or both, or  
595 such other action as the board determines is needed to correct the error in  
596 the original proceedings.  
597
- 598 c. The board will provide a written decision describing the results of the  
599 appeal and rationale for the result within thirty days after receiving the  
600 appeal unless the decision is delayed for good cause. The written decision

601 will be provided simultaneously to both parties.

602  
603 d. In the event of a superintendent's recommendation for expulsion, the  
604 board will provide a written decision in accordance with state law and  
605 F(4)(c) of this section.

606  
607 5. When the Decision Becomes Final

608  
609 If an appeal is timely filed, the determination regarding responsibility becomes  
610 final at the conclusion of the appeal process. However, if the decision on appeal  
611 is remand, the determination regarding responsibility does not become final until  
612 that process, including any appeal of the proceedings on remand, is concluded. If  
613 an appeal is not filed, the determination regarding responsibility becomes final  
614 after the three-day appeal period.

615  
616 The superintendent shall ensure that a copy of the final decision is provided to the  
617 Title IX coordinator and shall confer with the Title IX coordinator regarding any  
618 remedies to be provided to the complainant, as described in subsection G.4 below.

619  
620 **G. DISCIPLINARY CONSEQUENCES, REMEDIES, AND OTHER RESPONSES FOR**  
621 **SUBSTANTIATED SEXUAL HARASSMENT**

622  
623 1. Disciplinary Consequences for Students

624  
625 Disciplinary consequences for substantiated sexual harassment will be assigned in  
626 accordance with the Code of Student Conduct. Based on the nature and severity  
627 of the offense and the circumstances surrounding the incident, the student will be  
628 subject to appropriate consequences and remedial actions ranging from positive  
629 behavioral interventions up to, and including, expulsion. In addition, the conduct  
630 also may be reported to law enforcement, as appropriate.

631  
632 A student recommended for a long-term suspension or expulsion will have all  
633 applicable rights accorded by board policy and state law. A student with  
634 disabilities will have all rights accorded by law, including the right to a  
635 manifestation hearing before the imposition of a suspension or emergency  
636 removal exceeding 10 cumulative days in a school year.

637  
638 This policy will not be construed to allow school officials to punish student  
639 expression or speech based on undifferentiated fear or apprehension of a  
640 disturbance or out of a desire to avoid the discomfort and unpleasantness that may  
641 accompany an unpopular viewpoint. However, false or malicious complaints of  
642 sexual harassment and false statements made in bad faith in the course of any  
643 grievance proceeding conducted pursuant to this policy are subject to disciplinary

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

*Policy Code:* **1726/4036/7237**

---

644 action.

645

646

647

648

649

650

651

2. Disciplinary Consequences for Employees

652

653

654

655

656

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

657

658

659

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board policy and state law.

660

661

662

663

664

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

665

3. Consequences for Other Perpetrators

666

667

668

669

670

671

672

673

674

675

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

676

677

4. Remedies

678

679

680

681

682

683

684

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

685

686

The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.



687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729

5. Consideration of Need for More Extensive Response

If the superintendent determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances, the superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

**H. INFORMAL RESOLUTION**

The board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:
  - a. the allegations;
  - b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and
  - c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and
2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures

730 that are designed to restore or preserve the parties' equal access to the education program  
731 and activities, including measures that may be punitive or disciplinary in nature.  
732

733 Any informal process should be completed within a reasonable period of time, not to  
734 exceed 60 days from filing the complaint unless special circumstances necessitate more  
735 time. At any time prior to agreeing to a resolution, any party has the right to withdraw  
736 from the informal resolution process and resume the grievance process with respect to the  
737 formal complaint.  
738

739 **I. RETALIATION PROHIBITED**

740  
741 Any act of retaliation or discrimination against any person for the purpose of interfering  
742 with any right or privilege secured by Title IX or because the person has made a report or  
743 filed a formal complaint or testified, assisted, or participated or refused to participate in  
744 any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any  
745 person who is found to have engaged in retaliation will be subject to discipline, up to and  
746 including dismissal. Acts of retaliation may also be subject to policy 1760/7280,  
747 Prohibition Against Retaliation.  
748

749 Complaints alleging retaliation are to be treated as claims of sex discrimination and may  
750 be filed in accordance with policy 1720/4030/7235, Title IX Nondiscrimination on the  
751 Basis of Sex.  
752

753 **J. RECORDS**

754  
755 The superintendent or designee shall maintain for a period of seven years records of the  
756 following:  
757

- 758 1. each sexual harassment investigation including:  
759  
760 a. any determination regarding responsibility;  
761  
762 b. any audio or audiovisual recording or transcript from any live hearing;  
763  
764 c. any disciplinary sanctions imposed on the respondent; and  
765  
766 d. any remedies provided to the complainant designed to restore or preserve  
767 equal access to the school system's education program and activities;  
768  
769 2. any appeal and the result therefrom;  
770  
771 3. any informal resolution and the result therefrom; and  
772

**TITLE IX SEXUAL HARASSMENT  
GRIEVANCE PROCESS**

Policy Code: **1726/4036/7237**

---

773 4. in conjunction with the Title IX coordinator, all materials used to train Title IX  
774 coordinators, investigators, decision-makers, and any person who facilitates an  
775 informal resolution process. These materials will be made publicly available on  
776 the school system’s website.  
777

778 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the  
779 Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Gebser v. Lago*  
780 *Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of*  
781 *Education*, 526 U.S. 629 (1999)  
782

783 Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235),  
784 Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy  
785 1725/4035/7236), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the  
786 Board (policy 2500), School-Level Investigations (policy 4340), Student Discipline Hearing  
787 Procedures (policy 4370), Visitors to the Schools (policy 5020), Discrimination and Harassment  
788 in the Workplace (policy 7232), Professional Employees: Demotion and Dismissal (policy  
789 7930), Classified Personnel: Suspension and Dismissal (policy 7940)  
790

791 *Other Resources: Questions and Answers on the Title IX Regulations on Sexual Harassment,*  
792 *U.S. Department of Education, Office for Civil Rights (July 2021), available at*  
793 <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>  
794

795 Adopted: August 17, 2020  
796

797 Revised: February 15, 2021; [DATE]