



Sex Discrimination

TITLE IX GRIEVANCE PROCEDURE

for Complaints, Investigations, Appeals

Effective August 1, 2024

Sex Discrimination is based on the following:

- Sex stereotypes
- Sex characteristics
- Pregnancy or related conditions
- Sexual Orientation
- Gender Identity

All employees must report suspected sex discrimination or sex-based harassment promptly to the Title IX Coordinator



Sex-Based Harassment includes the following:

- Quid pro quo harassment
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

New Definition of Sex-Based Harassment
34 C.F.R. §106.2

Complainant: one who is alleged to be subjected to conduct that constitutes sex discrimination

Respondent: a person who is alleged to have violated the district’s prohibition on sex discrimination



Reporting: All employees must **promptly**¹ report all instances of suspected sex discrimination to the Title IX Coordinator or a Title IX Coordinator designee. (An employee’s failure to report alleged sex discrimination will result in disciplinary action up to and possibly including termination).

RESPONSIBILITY:
All Employees
FFH(LOCAL)
DIA(LOCAL)

Any person may report alleged sex discrimination to a teacher, school counselor, administrator, or other appropriate school employee. Those employees must promptly report alleged sex discrimination to the Title IX Coordinator. See Form 1.









Child Abuse Reporting: If an incident could be **child abuse**, employees must report to CPS or law enforcement within **48 hours** of learning of incident.

All Employees
FFG(LOCAL)

¹ Red text indicates areas where the U.S. Department of Education left the timeline or process to the discretion of recipients. This chart contains recommendations from which districts may deviate.



	<p>Ask for written report: An administrator may ask the individual to provide a written statement, but the reporter is not required to put the report in writing. The District may request, but not require, a written report. If a report is made orally, an administrator must put the report in written form and provide it to the Title IX Coordinator. See Form 3.</p>	<p>FFH(LOCAL)</p>
	<p>Notify Title IX Office: All staff must inform the Title IX Coordinator/designee of report of sex discrimination via telephone call or email within 48 hours.</p>	<p>Campus Administrators</p>
	<p>Emergency Removal: The Title IX Coordinator/designee and the campus administration/HR will determine whether a respondent should be removed on an emergency basis. See Form 6. The District must first undertake an individualized safety and risk analysis to determine whether an immediate threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. See Forms 7, 8.</p> <p>*Title IX does not modify the rights of students with disabilities regarding change of placement under the Individuals with Disabilities Education Act and Section 504 still apply.</p>	<ul style="list-style-type: none"> • Title IX Coordinator • Campus Administrator • Threat Assessment Personnel
	<p>Administrative Leave: The Title IX Coordinator/designee and HR, in conjunction with campus administration, will determine whether an employee should be put on administrative leave. See Form 9.</p>	<ul style="list-style-type: none"> • Title IX Coordinator • Human Resources • Campus Administrator
	<p>Contact Alleged Victim/Complainant: The Title IX Coordinator must promptly contact the Complainant to discuss:</p> <ol style="list-style-type: none"> 1. The availability of supportive measures; and 2. Consider the Complainant’s wishes regarding supportive measures. <p>See Form 12.</p>	<p>Title IX Coordinator</p>
	<p>Supportive Measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the Complainant and Respondent, when a report of alleged sex-based discrimination is made. They may include counseling, change of schedules/classes, campus escort or monitoring support, mutual restrictions on contact between the parties, increased security and monitoring, or other similar measures.</p> <p>The Title IX Coordinator/designee must offer the Complainant supportive measures and document the measures offered and provided. See Form 4.</p> <p>Any party or witness receiving or who chooses not to receive supportive measures may appeal their measures. See Form 5. This includes appealing being denied certain supportive measures, appealing to modify supportive</p>	<ul style="list-style-type: none"> • Title IX Coordinator • Campus Administration

measures currently in place, or appeal for additional supportive measures. These appeals should be handled within [10 district business days](#).

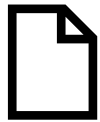


Dismissal: The District may dismiss a Complaint at any time during the investigation if:

1. The district is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent does not attend/is not employed by the district;
3. The Complainant voluntarily withdraws the complaint, and the Title IX Coordinator determines not to continue the complaint on their behalf;
4. The district determines the conduct alleged in the complaint, even if proven, would not constitute sex-based discrimination under Title IX

**Title IX
Coordinator**

Dismissals may be appealed within 10 district business days. Dismissal of a Complaint does not preclude the District from taking disciplinary measures against Respondents for non-sex discrimination violations of the Code of Conduct. See Forms 10, 11.



Investigation of a Complaint:

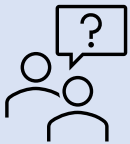
Appoint a District Official to investigate and decide the outcome of the matter. This person could be the Title IX Coordinator.

Provide **Notice to Parties:** Notice must be provided to all known parties that includes and explains:

- A copy of policies FFH(LOCAL) and (REGULATION)
- The Informal Resolution Process (if any)
- Identities of the parties
- A description of the alleged conduct
- Dates and locations of the alleged conduct
- The District's prohibition of retaliation
- Equal opportunity to access relevant evidence

See Form 12.

**Title IX
Coordinator**



Students with Disabilities: If any of the parties involved in the complaint are special education or section 504 students, the Title IX Coordinator must meet with a member of that student's 504 or IEP team to brief them on the investigation and discuss anything that might affect the student's placement or services. This includes all supportive measures to ensure that they are compliant with the student's current IEP/504 plan.

**Title IX
Coordinator**



Facilitation of Voluntary Informal Resolution Process: At any time prior to a determination of responsibility, the District may facilitate an informal resolution process, such as mediation. This is a voluntary process. Any party may decline to participate. (The investigation may be abated for a short, defined period for the parties to engage in informal resolution. However, the informal resolution process cannot be used to delay an investigation.) See Forms 15, 16.

**Informal
Resolution
Facilitator**

Informal Resolution cannot be used to resolve allegations that an employee engaged in sex-based discrimination against a student.

Prior to a resolution, a party has the right to withdraw and resume the grievance process with respect to their Complaint.



Evidence: Only evidence that is **relevant** may be considered by the Investigator. Irrelevant evidence should be disregarded.

- Evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred

Impermissible evidence may not be used in reaching a determination and may not be shared with the other parties. Impermissible evidence includes:

- Evidence that is protected by a privilege as recognized by Federal or State law (e.g. medical history/forms, attorney-client privileged information, psychologist or psychiatrist notes, etc.);
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct unless the evidence is offered to prove that someone other than the Respondent committed the alleged conduct or to prove consent to alleged sex-based harassment.

**Investigator
and/or Title IX
Coordinator**

Conduct the Investigation:



1. Review the **Complaint**.
2. Determine whether there is an **on-going criminal investigation** and confer with law enforcement about whether the school's investigation will interfere with the criminal investigation. If so, the school's investigation may be abated for a short, defined period in cooperation with law enforcement. Contact law enforcement on a frequent basis regarding the status of the investigation. Document law enforcement contact and directives. When appropriate, the district's investigation must resume.
3. Determine whether nature of allegations suggest the need for **forensic interviews** by individuals specially trained in interviewing young children. If so, contact law enforcement or local child-advocacy center.
4. Interview **Complainant** regarding facts and potential witnesses.
5. Interview **Witnesses** identified by Complainant.
6. Interview **Respondent**.
7. Interview **Witnesses** identified by Respondent.
8. Re-interview Complainant for clarification, if necessary.
9. Gather **physical evidence**, visit incident site(s), review discipline and other relevant records of parties and witnesses.
10. Review statements or reports from **witnesses**, if any.
11. Organize relevant, permissible evidence in case parties wish to see the evidence.

**Investigator
and/or Title IX
Coordinator**





Investigative Report: the District Official who conducted the investigation must issue an investigative report that includes their investigation and their decision regarding responsibility (i.e., whether sex-based discrimination occurred).

The decision must be sent to both of the parties.

**Investigator
and/or Title IX
Coordinator**



Appeal: Either party may appeal on a form provided by the District within **10 calendar days of issuance of the decision**. The only allowable bases for appeal are:

1. Procedural irregularity that **would change** the outcome of the matter;
2. New evidence that was not reasonably available at the time of the decision that **would change** the outcome; and
3. The Title IX Coordinator or Investigator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that **would change** the outcome of the matter.

If an appeal is filed, the Appellate Decisionmaker should provide notice to the other party in writing. Both parties shall have the opportunity to submit a written statement in support of or challenging the outcome. Parties will be provided **10 calendar days** to submit an appeal statement.

After considering the written appeal, if any, the Appellate Decisionmaker will issue a written decision that includes a rationale for the result and provide the decision to both parties.

**Appellate
Decisionmaker**



Record Keeping: All records related to a report of sex discrimination under this grievance process must be maintained by the District for at least 7 years.

**Title IX
Coordinator**



Office for Civil Rights: In addition to pursuing a grievance through the District directly, an individual also has the right to file a complaint with United States Department of Education Office for Civil Rights.



Retaliation Prohibited: All individuals shall be protected from retaliation if the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation or the grievance process. Retaliation may include peer retaliation, intimidation, threats, coercion, or discrimination.

All Employees

