Student Sexual Harassment Complaint Process

- District employee receives report of or witnesses sexual harassment involving student(s)
- Site reports to Title IX Coordinator, who agrees to supportive measures
- Site implements Supportive Measures to protect students
- Preliminary Site Inquiry-who, what, where, when
- Site informs parties of right to file formal sexual harassment complaint

Office for Civil Rights (OCR) definition of SEXUAL HARASSMENT: Conduct on the basis of sex that satisfies one or more of the following:
- An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- 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 educational program or activity; or,
- "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.

Emergency Removal of respondent from program/activity:
- Conduct individualized safety and risk analysis
- Finding of immediate threat to physical health or safety of any student or other individual
- Provide respondent notice and immediate opportunity to challenge

OCR definition NOT met, Title IX Coordinator Agrees to Supportive Measures
- Site handles under appropriate district policy – bullying, discrimination, harassment, etc. using Uniform Discipline
- Document all in PowerSchool. Use PS Log Entries for Supportive Measures

OCR definition met, Title IX Coordinator files formal complaint
- Notice of Allegations Sent by Title IX Office
  - Includes detailed allegations,
  - the district's grievance process,
  - states that responsibility is determined after investigation,
  - parties have right to advisor of choice,
  - and a statement re prohibition of false statements.
- Investigation District initiated
  - Investigator provides advance notice of interviews.
  - Investigator provides opportunity to inspect evidence and respond in writing (10 days).
  - Completes written investigative report.
- Determination Area Superintendent
  - Includes allegations, procedural steps taken, findings of fact, conclusions related to facts, determination for each allegation, and procedures and permissible bases for appeal
- Appeal Outside party handles
  - Parties have equal opportunity to appeal.
  - Grounds:
    1) Procedural integrity
    2) New evidence
    3) Conflict of interest or bias in process.
  - Notifies other party of appeal filing in writing.
  - Provides equal opportunity to submit written statements.

FORMAL Sexual Harassment complaint filed by complainant

YES

NO

NO formal Sexual Harassment complaint filed by complainant

Site handles under appropriate district policy – bullying, discrimination, harassment, etc. using Uniform Discipline
- Document all in PowerSchool. Use PS Log Entries for Supportive Measures

Site implements Supportive Measures to protect students

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