

### TITLE IX GRIEVANCE PROCESS

This policy includes the process to be used for all reports or complaints of **Title IX Sexual Harassment**. This grievance process complies with all requirements of Title IX and its implementing regulations and provides required notice of the procedure used to respond to complaints of **Title IX Sexual Harassment** for necessary stakeholders.

If the regulations implementing Title IX at 85 Fed. Reg. 30026, 30026-30579 are enjoined or invalidated by a Federal Court with jurisdiction over the ROE or reversed or replaced by any agency with sufficient authority, the *General Grievance Process* in Policy 296.01 will immediately begin to apply to all reports and complaints of **Prohibited Conduct**, including **Title IX Sexual Harassment**, and this Policy 296.02 will immediately be inoperative unless and until any such injunction, invalidation, reversal, or replacement is overturned.

### TITLE IX DEFINITIONS

The ROE administration shall promulgate administrative procedures providing for definitions of key terms for this policy and related administrative procedure. Defined terms are in bold font in this policy.

### INVESTIGATION PROCESS

If the ROE has **Actual Knowledge** of **Title IX Sexual Harassment**, the Nondiscrimination/Title IX Coordinator or a designee shall respond in a manner that is not clearly unreasonable in light of the known circumstances by using this *Title IX Grievance Process* and related administrative procedures. Such policies and procedures shall include all requirements under the 2020 Title IX Regulations.

No person designated or serving as a Nondiscrimination/Title IX Coordinator or designee, **Title IX Investigator**, **Title IX Decisionmaker**, **Title IX Appellate Decisionmaker** or **Title IX Informal Resolution Facilitator** will have a conflict of interest or bias for or against **Title IX Complainants** or **Title IX Respondents** generally or against an individual **Title IX Complainant** or **Title IX Respondent**.

This *Title IX Grievance Process* should be concluded within 120 school business days (as defined in policy 296.00) after the filing or signing of a **Formal Complaint**. As explained in Policy 296.00, this Grievance Process may be temporarily delayed or extended for a limited time for good cause. The *Title IX Complainant* and the *Title IX Respondent* must be provided written notice of the delay/extension and the reasons for it. Examples of good cause shall be included in related administrative procedures.

#### *Required Title IX Training*

Any person serving as a Title IX Coordinator or designee, **Title IX Investigator**, **Title IX Decisionmaker**, **Title IX Appellate Decisionmaker**, or **Title IX Informal Resolution Facilitator**, as those terms are defined by this policy, will be trained regarding the definition of Title IX Sexual Harassment, the scope of the ROE's **Education Program or Activity**, how to conduct this *Title IX Grievance Process*, including appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Any person serving as a **Title IX Decisionmaker** or **Title IX Appellate Decisionmaker** under this *Title IX Grievance Process* will receive training on the issues of relevance of questions and evidence, including when questions and evidence about the **Title IX Complainant's** sexual predisposition or prior sexual behavior are not relevant.

Any person serving as a **Title IX Investigator** under this *Title IX Grievance Process* will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, their designees, **Title IX Investigators**, **Title IX Decisionmakers**, **Title IX Appellate Decisionmakers**, and **Title IX Informal Resolution Facilitators** must not rely on sex stereotypes and must promote impartial investigations and adjudications of **Formal Complaints** of Title IX Sexual Harassment. The ROE will make all materials used to train **Title IX Team** members publicly available on its website, or if it does not currently maintain a website, upon request for inspection by members of the public.

#### *Required Title IX Recordkeeping*

The Title IX Coordinator or designee will maintain, for a period of at least 7 years, records of:

- Any actions, including any supportive measures, taken in response to a report or **Formal Complaint** of Title IX Sexual Harassment. In each instance, the Title IX Coordinator or designee must document the basis for the conclusion that the ROE's response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the ROE's **Education Program or Activity**. If no Supportive Measures are provided to the **Title IX Complainant**, then the Title IX Coordinator or designee must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the ROE in the future from providing additional explanations or detailing additional measures taken,
- Each sexual harassment investigation, including any determination regarding responsibility and any disciplinary sanctions imposed on the **Title IX Respondent**, and any remedies provided to the **Title IX Complainant** designed to restore or preserve equal access to the ROE's **Education Program or Activity**,
- Any appeal and the result therefrom,
- Any informal resolution and the result therefrom, and
- All materials used to train Title IX Coordinators, their designees, **Title IX Investigators**, **Title IX Decisionmakers**, **Title IX Appellate Decisionmakers**, and **Title IX Informal Resolution Facilitators**.

#### CONFIDENTIALITY

The ROE must keep confidential the identity of any individual who has made a report or complaint of sexual discrimination, including any individual who has made a report of Title IX Sexual Harassment, filed a **Formal Complaint** of sexual harassment, any **Title IX Complainant**, any individual who has been reported to be the perpetrator of sex discrimination, any **Title IX Respondent**, and any witness, except as may be permitted or required by law or to conduct any

investigation, hearing, or judicial proceeding arising under Title IX and its implementing regulations.

*Title IX Sexual Harassment Prevention and Response Program*

The Superintendent or designee shall develop and maintain a **Title IX Sexual Harassment** prevention and response program that:

1. In accordance with the ROE'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 preK-12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12.<sup>1</sup> This includes incorporating student social and emotional development into the ROE's educational program as required by State law and in alignment with Board policy 6:65, *Student Social and Emotional Development*.
2. Incorporates education and training for school staff, as recommended by the Superintendent, Nondiscrimination/Title IX 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 contact information for the Nondiscrimination/Title IX Coordinator and this policy by, at a minimum, prominently displaying them on the ROE's website and in each handbook made available to such persons.

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).

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<sup>1</sup> Required by 105 ILCS 110/3.