

TITLE IX SEXUAL HARASSMENT

No student or staff in the North Little Rock School District shall, on the grounds of race, color, religion, national origin, sex, sexual orientation, gender identity, age, or disability be excluded from participation in, or denied the benefits of, or subjected to discrimination under any educational program or activity sponsored by the District.

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator in person or by using the contact information provided. A report may be made at any time, including during non-business hours, and may be on the individual's own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

A rounded rectangular box containing the text "Title IX Complaint Form" in blue, bold, serif font. "Title IX" is underlined, "Complaint" is underlined, and "Form" is underlined.

Title IX Complaint Form

NORTH LITTLE ROCK SCHOOL DISTRICT BOARD POLICIES REGARDING TITLE IX AND SEXUAL HARASSMENT:

Board Policy 3.26 - Licensed Personnel Sexual Harassment
Board Policy 4.11- Equal Education Opportunity
Board Policy 4.27 Student Sexual Harassment
Board Policy 8.20 Classified Personnel Sexual Harassment

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION (DESE) MATERIALS:

[Title IX Getting Started Checklist Document](#)

TRAINING FOR TITLE IX:

[Title IX – An Introduction to the New Regulations – Presented by U.S. Department of Education Office of Civil Rights](#)

[Title IX - Arkansas Association of Educational Administrators \(AAEA\) Training Materials](#)

OTHER SCHOOL DISTRICT TRAINING MATERIALS:

[Training on Code of Ethics for Arkansas Educators](#)

[Code of Ethics Training Video for Arkansas Educators](#)

RESOURCES FOR TITLE IX:

[Title IX website](#)

[Questions and Answers Regarding the Department's Final Title IX Rule](#)

Training - students, parents/legal guardians/ other responsible adults, and employees on sexual harassment

1. Age appropriate and when necessary provided in a language other than English or in an accessible format.
 - a. Nature of sexual Harassment
 - b. The district's written procedures governing the process for submitting a formal complaint of sexual harassment
 - c. The process for submitting a formal complaint of sexual harassment
 - d. That the district does not tolerate sexual harassment
 - e. That students can report inappropriate behavior of a sexual nature without fear of adverse consequences
 - f. The supports that are available to individuals suffering sexual harassment
 - g. The potential discipline for perpetrating sexual harassment

As soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

1. Discuss the availability of 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 complaint
4. Explain to the complainant the process for filing a formal complaint

SUPPORTIVE MEASURES

The District shall offer supportive measures to both the complainant and respondent that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed.

The District shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent.

The Complainant who initially declined the District's offer of supportive measures may request supportive measures at a later time and the District shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

FORMAL COMPLAINT

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

1. Notice of the District's grievance process and a copy of the procedure governing the grievance process
2. Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepares a response before and initial interview.

Sufficient details include:

- a. The identities of the parties involved in the incident, if know

- b. The conduct allegedly constituting sexual harassment
 - c. The date and location of the alleged incident if known
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
 4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney
 5. The parties may inspect and review evidence relevant to the complaint of sexual harassment
 6. That the district's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process

If in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the District shall simultaneously provide notice of additional allegations to the parties whose identities are known. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a District shall:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
2. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party's voluntary, written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
 - a. Whether obtained from a party or other source;
 - b. The District does not intend to rely upon in reaching a determination regarding responsibility; and
 - c. That is either Inculpatory or exculpatory; and
 - d. Create an investigative report that fairly summarizes relevant evidence.

At least ten (10) days prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10) days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

1. Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
2. Provide each party with the answers;
3. Allow for additional, limited follow-up questions from each party; and
4. Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

WRITTEN DETERMINATION

Following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
 - a. Any notifications to the parties;
 - b. Interviews with parties and witnesses;
 - c. Site visits;
 - d. Methods used to gather other evidence; and
 - e. Hearings held;

3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions imposed on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
 - d. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

1. If an appeal is not filed, the day after the period for an appeal to be filed expires; or
2. If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

DISMISSAL

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's code of conduct. The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled at the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The District may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

APPEALS

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

1. The existence of a procedural irregularity that affected the outcome of the matter;
2. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the District shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously provide all parties a written copy of the District's procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

CONFIDENTIALITY

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

1. Individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
2. Submit a report to the child maltreatment hotline;
3. Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
4. The extent necessary to provide either party due process during the grievance process.

Except as listed above, the District shall keep confidential the identity of:

1. Any individual who has made a report or complaint of sex discrimination;
2. Any individual who has made a report or filed a formal complaint of sexual harassment;
3. Any complainant;
4. Any individual who has been reported to be the perpetrator of sex discrimination;
5. Any respondent; and
6. Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

EMERGENCY REMOVAL

The District may remove a respondent from the District's education program or activity on an emergency basis only after the completion of an individualized safety and risk analysis that determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A removed student will be provided with notice and an opportunity to challenge the removal decision immediately following the removal.

RETALIATION PROHIBITED

Students, or the parents/legal guardians/ other responsible adult of a student, who submit a report or file a formal complaint of sexual harassment; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The District shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

DISCIPLINARY SANCTIONS

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any student who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Students who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including expulsion. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

RECORDS

The District shall maintain the following records for a minimum of seven (7) years:

1. Each sexual harassment investigation including:
2. Any determination regarding responsibility;
3. Any disciplinary sanctions imposed on the respondent;
4. Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
5. Any appeal and the result therefrom;
6. All materials used to train Title IX Coordinators, investigators, and decision-makers;
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
 - a. The basis for the District's conclusion that its response was not deliberately indifferent;
 - b. Document:
 - i. If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
 - ii. If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Consequences for misbehavior found to be true under Title IX can range from a verbal reprimand to expulsion from the school district for students and up to termination for district employees.

NLRSD Title IX Procedures

- A. Sexual harassment is:
 - 1. “Quid Pro Quo” harassment.
 - 2. 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 school’s education program or activity.
 - 3. “Sexual assault”, “dating violence,” “or “stalking” as those terms are defined under other Federal laws called the Clery Act and the Violence Against Women Act.
- B. When is a school on notice of sexual harassment?
 - 1. Once a school has actual knowledge of sexual harassment or allegations of sexual harassment, the school has to respond and take action.
 - 2. A school has actual knowledge when the school has notice that a person may have been victimized by sexual harassment.
 - 3. Any person, whether the alleged victim or a parent, friend, or bystander, has the right to report sexual harassment to put the school on notice.
- C. Filing a Formal Complaints:
 - 1. A formal complaint is an official document alleging sexual harassment.
 - 2. It’s filed by the student (or their parent or legal guardian in some cases), or in some cases the Title IX Coordinator.
 - 3. In cases where an alleged victim doesn’t file a formal complaint, a Title IX Coordinator might initiate grievance procedures where discipline is appropriate.
- D. Supportive measures NLRSD may offer:
 - 1. Counseling;
 - 2. Extensions of deadlines;
 - 3. Modifications of work or class schedules;
 - 4. Campus escort services;
 - 5. Changes in location;
 - 6. Increased security or monitoring;
 - 7. Mutual restrictions on contact between individuals.
 - 8. Any other measure that may protect the safety of all parties.

When a complaint is made, the Title IX Coordinator will contact the complainant and the respondent in writing detailing the following:

- 1. The actual allegations and facts that would constitute sexual harassment.
- 2. The presumption of innocence.
- 3. A statement that the parties are entitled to advisor of their choice.
- 4. A statement that the parties can request to inspect and review certain evidence.
- 5. Information regarding the code of conduct and false statements.

After the written statement, the investigation takes place. Communication to both parties is sent out detailing the outcome of the investigation.

NLRSD selected model is to:

- To allow informal resolutions
- To use no hearings
- To use clear and convincing standards of evidence

TITLE IX COORDINATOR CONTACT INFORMATION

Inquiries regarding issues related to Title IX shall be directed to the North Little Rock School District Title IX Coordinators:

Jacob Smith
Executive Director of Human Resources/ Title IX Coordinator
North Little Rock School District
2400 Willow North Little Rock, AR 72114
(501) 771-8009
smithja@nlrsd.org