

STOUGHTON PUBLIC SCHOOLS

TITLE IX GRIEVANCE PROCEDURE

OVERVIEW: The following procedures are intended to serve as the “grievance process” required by Title IX regulations (34 C.F.R. § 106.45) for responding to formal complaints of sexual harassment, as defined by Title IX.

PROCEDURE:

1. To initiate the formal Title IX grievance process, the complainant must submit a written sexual harassment complaint which includes the name and contact information of the complainant. The complaint should also include the location, date, and description of the alleged sexual harassment.
2. If the complaint involves the students, staff, and/or faculty of an individual school, the complaint should be submitted to the building principal as soon as possible, but no later than one hundred eighty (180) calendar days after the complainant becomes aware of the alleged sexual harassment. Upon receipt of the complaint, the principal will notify the Deputy Superintendent (Title IX Coordinator.) If the complaint is not associated with an individual school, the complaint should be submitted directly to the Title IX Coordinator as soon as possible, but no later than one hundred eighty (180) calendar days after the complainant becomes aware of the alleged sexual harassment.
3. Upon receipt of a formal sexual harassment complaint, the District’s Title IX Coordinator will promptly contact the complainant to clarify the facts of the incident and offer supportive measures.
4. If the Title IX Coordinator determines that an allegation of sex-based harassment in a District program or activity, if proved, would meet the definition of sexual harassment under Title IX, the Coordinator will follow the procedures provided below.

Note: In accordance with law, the Title IX Coordinator may consolidate formal complaints or separate proceedings where allegations of sexual harassment arise out of the same facts or circumstances.

Note: If the conduct alleged would not constitute sexual harassment under Title IX if proved, did not occur as part of an education program or activity, or did not occur in the United States, the District must dismiss the formal complaint for the purposes of sexual harassment under Title IX, but the dismissal does not preclude the District from taking action under its code of conduct or policies.

Note: The District may, at their discretion, dismiss a formal complaint or allegations therein if:

1. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein,
 2. if the respondent is no longer enrolled or employed by the institution,
 3. or if specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint.
5. The Title IX Coordinator will provide the complainant(s) and respondent(s) with a written notice of the Formal Complaint and the allegations of Sexual Harassment. The notice will include:
- Information regarding procedures available under this procedure, including the availability of Alternative Resolution.
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (no less than five days).
 - A statement that, as required by Title IX, the Respondent is presumed not responsible for the alleged conduct unless and until determined to be responsible at the conclusion of the process;
 - Notice that the parties may have an advisor of their choice, who may be an attorney; and that the parties may inspect and review evidence;
 - Notice of provisions in an applicable code of conduct or policy that prohibits knowingly making false statements or submitting false information during the process;
 - Notice that the District, not either party, has the burden of gathering evidence and the burden of proof; and
 - the name of the investigator, with sufficient time (no less than five calendar days) prior to any interview to raise concerns of conflict of interest or bias.

Note: If additional allegations become known at a later time, and will be investigated, the Title IX Coordinator will supplement the original notice to the parties.

6. The Title IX Coordinator will assign a trained administrator to conduct an investigation of the complaint to determine its validity. During the investigation, the Investigator will:
- a) Interview the parties after they have received appropriate notice with sufficient time to prepare;
 - b) Allow the parties to have their Advisor at all meetings;

- c) Allow parties to identify witnesses, including expert witnesses and submit inculpatory and exculpatory evidence;
 - d) Interview witnesses and conduct such other fact-gathering activities (site visits, review of documents, etc.); and
 - e) Consider evidence that is relevant and directly related to the allegations in the formal complaint.
7. The Investigator will submit an Investigative Report within forty-five (45) calendar days after receipt of the complaint, to the corresponding principal, if the complaint involves the students, staff, and/or faculty of an individual school, or to the Administrator of Special Education, if the complaint was not associated with an individual school. The Investigative Report will include with it all evidence the Investigator considers to be relevant to the Formal Complaint, and which will be provided to the Decision Makers for purposes of the hearing. The Investigator will also issue the Investigative Report to the parties and their advisors, if any, and the Title IX Coordinator.

Note: Prior to completing the Investigative Report, the Investigator will send to each party and their advisor, if any, in electronic format, any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the Investigator does not consider relevant and including inculpatory and exculpatory evidence obtained for any source. The parties will have ten (10) calendar days from the date the evidence is made available to submit a written response to the Investigator, which the Investigator will consider prior to completing the Investigative Report.

8. The principal or Administrator of Special Education will serve as the Decision Maker and will issue a Written Determination to the parties simultaneously, explaining procedures, conclusions, and rationale for the determination. Prior to issuing the Written Determination, the Decision Maker will notify the parties that they may provide a written response to the Investigative Report for inclusion in the information to be considered when making a determination.
9. After receiving the Written Determination from a principal or the Supervisor of Special Education, the complainant or respondent may appeal the decision to the Superintendent within five (5) days of receiving the Decision Maker's Written Determination.

In order for an appeal to be granted, the appeal must demonstrate at least one of the following:

1. procedural irregularity that affected the outcome of the matter;

2. new evidence that was not reasonably available at the time of the decision that could affect the outcome of the matter; or
 3. the Title IX Coordinator, Investigator or a Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individually Complainant or Respondent that affected the outcome of the matter.
10. Within fifteen (15) calendar days after receipt of the appeal, the Superintendent will meet with the complainant or respondent to discuss the grounds for their appeal.
 11. Within thirty (30) calendar days after receipt of the appeal, the Superintendent will respond in writing to the complainant or respondent with a final resolution of the appeal.
 12. The District will keep records of all sexual harassment reports and investigations, for a minimum of seven (7) years, and must keep records of all Title IX training materials for a minimum of seven (7) years.

Note: The timeframes set forth in this Policy may be temporarily delayed or extended by the District for good cause with written notice and explanation to the Complainant and Respondent of the delay

Note: No medical records of any party will be accessed or reviewed without the voluntary, written consent of that party. No information that is protected under a legally recognized privilege will be required, allowed or relied upon unless the privilege is waived by the person holding the privilege.