

# POLICY

SOMERSET COUNTY  
BOARD OF EDUCATION

<b>Date Submitted:</b> 10/29/2009	<b>Number: 700-39</b>
<b>Date Reviewed:</b> November 17, 2009	
<b>Subject:</b>  Title IX Non-Discrimination Policy	<b>Date Approved:</b> December 15, 2009
	<b>Date Effective:</b> December 15, 2009

**1. PURPOSE**

To provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

**2. DESCRIPTION**

Somerset County Public Schools provides equal educational opportunity for all students and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.

It is the responsibility of SCPS employee to comply with this policy.

Any student, parent or guardian having questions regarding this policy should discuss it with the appropriate school official provided by policy. In the absence of a specific designee, an inquiry or complaint should be referred to the Director of Human Resources.

**3. REPORTING GRIEVANCE PROCEDURES**

The Board of Education hereby designates the Human Resources Director or designee as school district Title IX Coordinator and authorizes the coordinator to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the Title IX Coordinator, the complaint shall be filed directly with the Superintendent.

Somerset County Public Schools shall conspicuously post the name of the Title IX Coordinator, including mailing address and telephone number. Any student who believes they have been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance.

SCPS encourages the reporting party or complainant to put the complaint in writing, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to the school district Title IX Coordinator, designee or to the Superintendent. In each school building the principal is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receive a report of unlawful sex discrimination toward a student shall inform the building principal as soon as possible.

Upon receipt of a report or grievance, the principal must notify the Human Resources Director, Title IX Coordinator, and the student's parent or guardian as soon as possible, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the school district Title IX coordinator and the student's parent or guardian. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Title IX Coordinator. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against any employee. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the Title IX Coordinator by the reporting party or complainant.

Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant's or reporter's future employment, grades or work assignment.

The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to confirm with any discovery or disclosure obligations.

**4. INVESTIGATION**

By authority of the Board of Education, the Human Resources Director/Title IX Coordinator, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student, shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the Investigator.

**Somerset County Board of Education**  
**Policy # 700-39**  
**Page 3**

In determining whether alleged conduct constitutes a violation of this policy, the Board will consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the Board may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.

Investigation should be completed as soon as possible. The Title IX coordinator may make a written report. If the complaint involves the Superintendent, the report may be filed directly with the school board. The report shall include a summary of facts and a determination of whether the allegations have been substantiated.

**5. SCHOOL BOARD ACTION**

Upon conclusion of the investigation and receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to warning, suspension, transfer or discharge. School district action taken for violation of this policy will be consistent with requirement of applicable collective bargaining agreements, state and federal law, and school board policies.

The result of the investigation of each complaint filed under these procedures should be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy. The School Board will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who report alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.