

**SECTION L**  
**TITLE IX & SEXUAL HARASSMENT**

**Policy**

**I. The Policy**

- A. It is the policy of the Sioux Valley School District to maintain a learning and working environment that is free from sexual harassment. No employee or student of the district shall be subjected to sexual harassment.
- B. It shall be a violation of this policy for any member of the Sioux Valley School District staff to harass another staff member or student through conduct or communications of a sexual nature as defined in Section II. It shall also be a violation of this policy for students to harass other students or staff through conduct or communications of a sexual nature as defined in Section II.
- C. Each administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws and board policy and procedures governing sexual harassment within his or her school or office.
- D. Violations of this policy or procedure will be cause for disciplinary action.

**II. Definition**

- A. Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - 1. submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or advancement or of a student's participation in school programs or activities;
  - 2. submission to or rejection of such conduct by an employee or student is used as the basis for decisions affecting the employee or student;
  - 3. such conduct has the purpose or effect of unreasonably interfering with an employee's or student's performance or creating an intimidating, hostile, or offensive work or learning environment.
- B. Sexual harassment, as set forth in Section II-A, may include, but is not limited to the following:
  - 1. verbal harassment or abuse
  - 2. pressure for sexual activity
  - 3. repeated remarks to a person, with sexual or demeaning implications
  - 4. unwelcome touching
  - 5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, job, etc.

**III. Procedures**

- A. Any person who alleges sexual harassment by a staff member or student in the school district may use the procedure detailed in the Sioux Valley School District Grievance Procedure or may complain directly to his or her immediate supervisor, building principal, or district Title IX Coordinator. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments.
- B. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the school district's legal obligations, and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

#### IV. Sanctions

- A. A substantiated charge against a staff member in the school district shall subject such staff member to disciplinary action, up to and including discharge.
- B. A substantiated charge against a student in the school district shall subject that student to disciplinary action which may include suspension or expulsion, consistent with the student discipline code.

#### V. Notifications

Notice of this policy will be circulated to all schools and departments of the Sioux Valley School District and incorporated in staff and student handbooks.

### **Title IX Grievance Procedure**

#### I. Definitions

- A. **Grievance:** Grievance means a complaint alleging any action, policy, procedures, or practice which would be prohibited by Title IX.
- B. **Title IX:** Title IX means Title IX of the Education Amendments of 1972, the 1980 implementing regulation, and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted.
- C. **Grievant:** Grievant means a student or employee of Sioux Valley School District who submits a grievance relevant to Title IX or an individual or group submitting a grievance on behalf of student(s) or employee(s).
- D. **Sioux Valley School District:** Any reference to Sioux Valley School District means any school, department, or sub-unit or program operated by Sioux Valley School District.
- E. **Title IX Coordinator:** Title IX Coordinator means the employee(s) designated to coordinate the Sioux Valley School District's efforts to comply with and carry out its responsibilities under Title IX and the Title IX implementing regulations.
- F. **Respondent:** Respondent means a person alleged to be responsible, or who may be responsible for the Title IX violation alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.
- G. **Grievance Answer:** Grievance answer means the written statement of the respondent regarding the grievance allegation and possible corrective action.
- H. **Grievance Decision:** Grievance decision means the written statement of the Title IX Coordinator of his/her findings regarding the validity of the grievance allegation and the corrective action to be taken.
- I. **Day:** Day means any normal business day when school district administrative offices are open; the calculation of days in grievance processing shall exclude Saturdays, Sundays, holidays, and days when school is closed due to weather conditions.
- J. **Corrective Action:** Corrective action means action which is taken by the Sioux Valley School District to eliminate or modify any policy, procedure, or practice found to be violation of Title IX and/or to provide redress to any grievant injured by the identified violation.

#### II. Filing of Grievances

- A. **Eligibility for Filing:** Any student or employee, or any individual or group acting in behalf of a student or employee may file any grievance with the Title IX Coordinator.

- B. Pre-grievance Meetings: Prior to the filing of a written grievance, the grievant(s) may request a pre-grievance meeting with the respondent alleged to be directly responsible for the Title IX violation and/or persons with immediate supervisory authority related to the grievance. These persons shall make reasonable efforts to meet any student or employee to discuss Title IX matters that the students or employees may wish to bring to their attention. Such a pre-grievance meeting shall be at the option of the grievant(s); it shall not be a pre-condition for the submission of a written grievance.
- C. Grievance Filing: Grievances filed with the Title IX Coordinator shall be in writing, and provide the following information: name and address of grievant(s); nature and date of alleged violation; names of persons responsible for the alleged violation (where known); requested relief or corrective action (specification of desired relief shall be the option of the grievant); and any background information the grievant believes to be relevant (e.g., names of other persons affected by the violation, etc.)
- D. Grievance Forms: A grievance form shall be prepared by the Title IX Coordinator to facilitate the filing of the grievance. These forms may be obtained from the Title IX Coordinator or other district administrators. The grievant shall have the right to request assistance from any individual, group, or organization to assist in the preparation of the form or in the filing of the grievance.
- E. Time Limit for Grievance Filing: A grievance must be filed within 60 days of the occurrence of the alleged Title IX violation.

### III. Level I Grievance Processing

- A. Notification of Respondents: Within five (5) days of the filing of the grievance, the Title IX Coordinator shall notify the respondent(s) of the grievance and of his/her responsibility for a submission of a written grievance answer within five (5) days after receipt of the grievance notification.
- B. Respondent's Grievance Answer: The grievance answer, which must be submitted within five (5) days upon receipt of the notification, shall 1) confirm or deny each fact alleged in the grievance; 2) indicate the extent to which the grievance has merit; and 3) indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for redress.
- C. Title IX Coordinator Grievance Decision: Upon receipt of the grievance answer, the Title IX Coordinator will review the grievance and the grievance answer and conduct any investigation necessary to determine the grievance decision, within five (5) days of receipt of the grievance answer. The decision shall:
  - 1. confirm or deny each fact alleged in the grievance and in the respondent's answer;
  - 2. indicate the extent to which the grievance has merit;
  - 3. indicate acceptance or rejection of any redress specified by the grievant or respondent; or
  - 4. indicate that there will be a hearing on the grievance before rendering a decision.
- D. Response to Grievance Decision
  - 1. Grievant(s): Within five (5) days of receipt of the grievance decision, the grievant(s) must accept or reject, in writing, the decision.
  - 2. Respondent(s): No later than five (5) days after the receipt of the grievance decision, the respondent(s) must accept or reject, in writing, the decision.
  - 3. Non-response to the Grievance Decision: If either the grievant or respondent does not respond within five (5) days, in writing, any action specified in the grievance decision shall be taken and the grievance shall be considered closed, unless it is a hearing that is required by the Title IX Coordinator.

E. Nature of Level I Hearing--A hearing shall be conducted in two circumstances:

1. The Title IX Coordinator determines that the information provided in the written grievance and grievance answer is insufficient to permit the rendering of a grievance decision; or
2. Either the grievant or respondent is dissatisfied with the written grievance decision of the Title IX Coordinator.

Its purpose shall be to encourage free and informal discussion of grievance issues between the grievant, respondent, and Title IX Coordinator. The Title IX Coordinator shall attempt to ensure confidentiality.

F. Scheduling of Hearing--A hearing shall be scheduled by the Title IX Coordinator within five (5) days of the receipt of a request for such hearing from the grievant or respondent. If the request is from the Title IX Coordinator, it will be scheduled within five (5) days after the time period the grievant and respondent have to respond.

G. Persons Present at the Hearing--Persons present at the hearing shall include the grievant and respondent, their witnesses and representatives, and the Title IX Coordinator. The Title IX Coordinator will moderate and determine the procedures of the hearing.

H. Hearing Decision--This decision will be rendered by the Title IX Coordinator within five (5) days after the hearing. The written grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant and the respondent.

I. Response to the Level I Hearing Decision

1. The grievant and respondent will have ten (10) days to respond to the hearing decision, in writing, of acceptance or rejection. If either rejects the hearing decision, he/she must indicate, in writing, his/her intent to appeal to Level II.
2. In case there are no responses from either the grievant or respondent, any corrective action specified in the hearing decision shall be taken and the grievance will be recorded as closed.

#### IV. Level II Grievance Processing

A. Scheduling of Level II Hearing

1. No later than five (5) days after the receipt of the written appeal, the Title IX Coordinator will schedule the time, place, and minimum duration of the Level II hearing and notify the grievant and respondent.
2. The Superintendent, or designated representative, will act as the Level II hearing officer.
3. The Title IX Coordinator will ensure that all parties have access to the same information relevant to the grievance.

B. Persons Present at the Hearing--Persons present at the hearing shall include the grievant and respondent, and their representatives, any grievance witnesses, the Hearing Officer, and the Title IX Coordinator who shall act as recorder.

C. Procedures for the Conduct of Level II Hearing

1. Grievance Witnesses: Both the grievant and the respondent shall have the right to present such witnesses as they deem necessary to develop the facts pertinent to the grievance.
2. Questioning of Witnesses: Formal rules of evidence shall not be applied at the Level II hearing. The grievant and the respondent shall have the right to ask questions of any person participating at the hearing.

D. Level II Hearing Decision

No later than five (5) days after the Level II hearing, the Level II Hearing Officer shall issue a written decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant, the respondent, and the Title IX Coordinator.

E. Response to the Level III Hearing Decision:

1. The grievant and respondent will have ten (10) days to respond to the hearing decision, in writing, of acceptance or rejection. If either rejects the hearing decision, he/she must indicate, in writing his/her intent to appeal to Level III.
2. In case there are no responses from either the grievant or respondent, any corrective action specified in the hearing decision shall be taken and the grievance will be recorded as closed.

V. Level III Grievance Processing

A. Scheduling of Level III Hearing

1. No later than five (5) days after the receipt of the written appeal, the Title IX Coordinator will schedule the time, place, and minimum duration of the Level III hearing and notify the grievant and respondent.
2. The Hearing Officers shall be the governing board of the Sioux Valley School District.
3. The Title IX Coordinator will ensure that all parties have access to the same information relevant to the grievance.

B. Persons Present at the Hearing--Persons present at the hearing shall include the grievant and respondent, and their representatives, and any grievance witnesses, the Hearing Officers, and the Title IX Coordinator who shall act as recorder. Hearings shall not be open to other persons unless requested or approved by the grievant.

C. Procedures for Level III Hearing will be similar to those for Level II.

D. Level III Hearing Decision

No later than five (5) days after the Level III hearing, the Level III Hearing Officers shall issue a written decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. All level III hearing decisions shall be based on majority vote by the governing board. Any board member in disagreement with the majority shall have the option to prepare a dissenting opinion for inclusion within the final decision. Copies of the decision shall be sent to the grievant, the respondent, and the Title IX Coordinator.

E. Response to the Level III Hearing Decision:

1. The grievant and respondent will have ten (10) days to respond to the hearing decision, in writing, of acceptance or rejection.
2. In case there are no responses from either the grievant or respondent, any corrective action specified in the hearing decision shall be taken and the grievance will be recorded as closed.

F. Completion of Level III Grievance Processing

With the close of Level III grievance processing, the grievant has exhausted the grievance processing available in the Sioux Valley School District.

## VI. General Provisions

### A. Grievant's Right to Information

A grievant may request access to information and records in the possession of the Sioux Valley School District which may bear upon the validity of the grievance. If such requested information requires information which is not reasonably related to the complaint or is an unduly burdensome expenditure of resources by the agency/institution, such request may be refused provided that the information is not submitted as evidence by the respondent(s), and that this refusal is considered during the grievance hearing. In order to protect the privacy of persons not directly involved in the grievance proceeding, the Sioux Valley School District shall reserve the right to expunge names and any identifying information not directly relevant to the substance of the grievance from any information or records supplied to the grievant.

### B. Grievant's Right to Representation and Assistance

#### 1. Right to Representation

The grievant(s) has (have) the right to be represented by knowledgeable persons, organizations, or groups of his/her selection at any point during the initiation, filing, or processing of the grievance. The Title IX Coordinator shall provide help in identifying such knowledgeable persons or groups.

#### 2. Right to Assistance

The Sioux Valley School District shall provide assistance to grievants, including access to copies of the Title IX regulation, related guidelines, memoranda, and other relevant materials supplied the district by the Federal government as well as access to public grievance records. In addition, the Title IX Coordinator shall provide consultation and assistance in the interpretation of such information and the use of this grievance procedure.

### C. Confidentiality of Grievance Processing

#### 1. Confidentiality of Proceedings

Any grievance hearing or other grievance procedure shall be open only to participants.

#### 2. Confidentiality of File Records

A grievant(s) and respondent(s) shall have the right to close his/her grievance record to the public. Should the grievant decide that the grievance record shall be open to the public, she/he shall have the additional right to have any matter which directly or indirectly identifies the grievant removed from all grievance records or documents open to the public. No record of the grievance shall be entered in the personal file of any student or employee.

### D. Prohibition of Harassment

No person shall be subject to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or having assisted others in the utilization of the grievance process.

### E. Role of the Title IX Coordinator

It is the primary responsibility of the Title IX Coordinator to ensure the effective installation, maintenance, processing, recordkeeping, and notification required by the grievance procedure.

### F. Financial Responsibility for Grievance Processing

All costs involved in the administration of this grievance procedure shall be assumed by the Sioux Valley School District.

### G. Training of Grievance Hearing Officers

All persons designated as grievance hearing officers shall receive a minimum of two hours training regarding Title IX regulatory requirements and nondiscrimination precedents, and the basic principles and operation of this grievance procedure. This training shall be arranged by the Title IX Coordinator. The Title IX Coordinator shall also provide continuing consultation to hearing officers regarding Title IX requirements and the implementation of this procedure.

### **Respondent's Grievance Answer**

The grievance answer must be submitted within five (5) days upon receipt of the notification.

The grievance answer shall:

1. confirm or deny each fact alleged in the grievance
2. indicate the extent to which the grievance has merit
3. indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for redress.