I. Call to Order
   A. Pledge of Allegiance
   B. Roll Call
   C. Excused Absences (Motion Needed)

Open Meetings Law: Posted at entrance to room.

Notes Regarding Agenda: The Board will generally follow the sequence of the published agenda but may change the order of items when appropriate and may elect to act on any of the items listed.

II. Communications
   A. Public Comment on Items Not on the Agenda
      Public questions and comments regarding items not on the agenda may take place now in the agenda. Individuals who want to address the Board must complete a Guidelines for Public Comments form with the date, topic addressing, name and address and give it to the board clerk prior to the meeting. When called upon by the presiding officer, the individual shall proceed to the podium and state their name and address. An individual may not exceed three (3) minutes, and total time for all individuals who want to speak shall not exceed 30 minutes unless a majority vote of the Board approves extending allocated time. This time for public comment shall not be used to address specific individual student discipline or employee performance issues. Complaint and grievance processes are in place to deal with issues of this nature.
   B. Superintendent's Report
   C. Board Comments
   D. Committee Reports
      1. Buildings, Grounds, & Finance
      2. Human Resources & Student Services
      3. Curriculum & Americanism

      Public Comment: Public questions and comments regarding items that are on the agenda may be allowed by the Board as each agenda item is discussed during regular board meetings. Individuals who want to address the Board must complete a Guidelines for Public Comments form with the date, topic addressing, name and address and give it to the board clerk prior to the meeting. Anyone wanting to address the Board may do so if recognized and called upon by the presiding officer. When called upon by the presiding officer they shall state their name and address for the record. Comments of an individual may not exceed three (3) minutes, and total time for all individuals who wish to speak regarding a specific agenda item shall not exceed 30 minutes unless a majority vote of the Board approves extending allocated time.

III. Action Items (Motion Needed)
   A. Action by Consent
      1. Approval of Meeting Agenda
      2. Finance
      3. Out-of-State Travel
      4. Personnel
   B. Board Meeting Minutes of August 10, 2020
   C. Policy 8000 – Board Organization and Operation

IV. Discussion/Information Items
   A. District Fundraising Policy
   B. Title IX New Regulations
   C. Student Enrollment Update

V. Future Board Calendar
   September 7, 2020          Holiday- No School for Students or Staff
   September 14, 2020         Board of Education Meeting @ 6:00pm - Central Office

VI. Adjournment

The Papillion La Vista Community Schools Board of Education reserves the right to go into Closed Session for purposes in accordance with Nebraska Open Meetings Act NE REV STAT 84-1407 through 1414.
**BEGINNING BALANCE FROM 07/01/20** $ 30,381,581.92

**REVENUE:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes</td>
<td>1,880,331.49</td>
</tr>
<tr>
<td>Interest</td>
<td>660.55</td>
</tr>
<tr>
<td>School Lunch Receipts</td>
<td>245,907.62</td>
</tr>
<tr>
<td>Federal/State Grants</td>
<td>488,461.00</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>2,330.32</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td><strong>$ 2,617,690.98</strong></td>
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</table>

**DISBURSEMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Payroll</td>
<td>3,889,078.45</td>
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<td>Payroll Taxes</td>
<td>1,529,684.06</td>
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<tr>
<td>Accounts Payable/Liabilities</td>
<td>5,346,956.64</td>
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<td>Payflex Fees</td>
<td>1,055.60</td>
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<tr>
<td>Health Savings Acct.</td>
<td>26,708.72</td>
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<tr>
<td><strong>TOTAL DISBURSEMENTS</strong></td>
<td><strong>$ 10,793,483.47</strong></td>
</tr>
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</table>

**ENDING BALANCE AS OF 07/31/20** $ 22,205,789.43

Treasurer

RETURN TO AGENDA
BOND FUND #3
Beginning Balance 7/01/2020 $3,735,496.79

REVENUE:
Sarpy County Property Tax 71,442.23
Interest 73.10
Deposit 0.00
Internal Transfer 0.00
TOTAL REVENUE $71,515.33

DISBURSEMENTS:
Principal/ Interest Payments 0.00
Internal Transfer 0.00
TOTAL DISBURSEMENTS $0.00

ENDING BALANCE THRU 7/31/2020 $3,807,012.12

BOND FUND #4
Beginning Balance 7/01/2020 $2,466,818.24

REVENUE:
Sarpy County Property Tax 60,931.48
Interest 48.46
Internal Transfer 0.00
Deposit 0.00
TOTAL REVENUE $60,979.94

DISBURSEMENTS:
Principal/ Interest Payments 0.00
Internal Transfer 0.00
Fee 0.00
TOTAL DISBURSEMENTS $0.00

ENDING BALANCE THRU 7/31/2020 $2,527,798.18

BOND FUND #5
Beginning Balance 7/01/2020 $1,281,900.07

REVENUE:
Sarpy County Property Tax 75,367.04
Interest 25.77
Internal Transfer 0.00
Deposit 0.00
TOTAL REVENUE $75,392.81

DISBURSEMENTS:
Principal/ Interest Payments 0.00
Internal Transfer 0.00
TOTAL DISBURSEMENTS $0.00

ENDING BALANCE THRU 7/31/2020 $1,357,292.88
## BOND FUND #6

**Beginning Balance 7/01/2020**

$476,774.44

### REVENUE:

<table>
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<td>Sarpy County Property Tax</td>
<td>43,761.80</td>
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<td>Interest</td>
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<td>Deposit</td>
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**TOTAL REVENUE**

$43,771.60

### DISBURSEMENTS:

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</tr>
<tr>
<td>Internal Transfer</td>
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</table>

**TOTAL DISBURSEMENTS**

$0.00

### ENDING BALANCE THRU 7/31/2020

$520,546.04

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Treasurer
# PAPILLION-LA VISTA DISTRICT #27

## BUILDING FUND FINANCIAL STATEMENT

### ENDING JULY 31, 2020

### BUILDING FUND

**Beginning Balance 7-1-20** 639,671.12

**Receipts:**
- Tax Revenue - Sarpy County/LC 29,756.26
- Interest 12.75
- Internal Transfer 0.00
- Misc. Deposits 0.00

\[ \text{---------------------} \]

\[ \text{29,769.01} \]

**Disbursements:**
- A/P Checks 0.00
- Internal Transfer 0.00

\[ \text{---------------------} \]

\[ \text{0.00} \]

**Ending Balance 7-31-20** 669,440.13

### CONSTRUCTION FUND

**Beginning Balance 7-1-20** 29,971,746.86

**Receipts:**
- Interest 10,463.12
- Bond Proceeds 0.00
- Internal Transfers 0.00

\[ \text{---------------------} \]

\[ \text{10,463.12} \]

**Disbursements:**
- A/P Checks 4,339,724.61
- Bond Refunding 0.00
- Internal Transfers 0.00
- Investing Fees 0.00

\[ \text{---------------------} \]

\[ \text{4,339,724.61} \]

**Ending Balance 7-31-20** 25,642,485.37
The Board of Education of the School District of Papillion La Vista, in the County of Sarpy, in the State of Nebraska, met in open and public session at 6:00 p.m., Monday, August 10, 2020. The meeting was held at the Papillion La Vista Community Schools Administration Office, 420 South Washington Street, Papillion, Nebraska.

Notice of the meeting was provided in advance by publication in the Papillion Times, August 5, 2020. Notice of the meeting was simultaneously given to all members of the Board of Education. Their acknowledgment of receipt of the agenda is maintained at the Papillion La Vista Community Schools Administration Office. The proceedings, hereafter shown, were taken while the convened meeting was open to the attendance of the public.

Call to Order
Board President Bret Brasfield called the meeting to order and publicly stated a copy of the Nebraska Open Meetings Law is posted at the entrance to the Board Room. Mr. Brasfield led the group in the Pledge of Allegiance.

Roll call was taken. Board members present were Mr. Brian Lodes, Mr. Chuck Zurcher, Ms. SuAnn Witt, Dr. Fred Tafoya, Ms. Valerie Fisher, and Mr. Bret Brasfield. There were no comments from the Board or audience.

Communication
Mr. Jon LeBaugh, parent in the District, thanked Board members for their efforts in designing the return to school plan. Mr. LeBaugh commented that he felt the District should go 100% to remote learning.

Dr. James Wilson, UNO Biology Professor, addressed the Board with concerns about the return to school plan.

Mr. Justin Guy, parent in the District, asked the Board to consider reducing the size of classes if we are returning back to school at 100%.

Ms. Kathy Poehling, parent in the District and Educator in a different district, read the District’s Mission statement to board members. Ms. Poehling expressed her concern with returning back at a 100%, saying it is not safe for students.

Ms. Justine Garman, Metro area educator and parent in the District, expressed her disappointment in the District’s plan to return to school at 100%. She stated her concern with the classrooms and social distancing, saying classrooms cannot maintain six feet of distance between students.

Mr. Jordan Boyer, parent and educator, stated he also would like to be back in the classroom. However, he questioned is it safe to go back at 100% full capacity. Mr. Boyer asked the Board to consider returning back to school at 50% capacity.

Ms. Carol Schuster, Retired Educator and parent, also stated that the District should return back to school at 50% instead of 100%.

Superintendent’s Report
Dr. Rikli provided a report of highlights and activities he has attended this past month. Dr. Rikli thanked the community and staff for their engagement and beliefs moving forward with the District. Dr. Rikli expressed how difficult the past 5 months have been as an educator with regards to the decisions and collaboration that have
been made so that students can return back to school safely. New staff started back on Tuesday, August 4 with the Veteran staff starting on Thursday, August 6. School will start on Tuesday, August 11 for K-7 grades for a half day. Wednesday, August 12 all students will start school. As of today, our class sizes are down from 21 per class size at the start of last year to 20 per class size this year. The remote learning will start on August 18 with 10% of our student population participating.

Our annual Back to School event was held virtually this school year due to the pandemic. During the annual Welcome Back event the District honors five Greatness Awards each year. For the 2020/21 school year the winners that were recognized were: Dawn Butterfield as the Elementary Certified, Cory Clemenger as the Secondary Certified, Cody Redford as the Rookie of the Year, Debbie Portofee as the Classified, and Joslyn Bunger as the Foundation’s employee winner. Each of these winners is provided with a check that is funded through the Papillion La Vista Schools Foundation.

Dr. Rikli reminded Board members of the Board Retreat that is scheduled for August 24 @ Hy-Vee. There will be lunch provided prior to the meeting. He also asked if they have agenda items they would like to discuss to send to Mr. Brasfield.

Dr. Rikli thanked our PLEA and the teacher leadership who provided surveys to certified staff to get an understanding on how the staff feels about the plan to return to school. It was noted that PLEA doesn’t represent the District’s entire certified staff. Since the survey was not given to all our staff the District choose to send out a survey with five questions on returning to school. The response to the survey was very good with over 1000 staff participating.

Ms. Annette Eyman, Director of Communications, provided a demonstration to the Board on the new App that was developed in collaboration with Children’s Hospital. There was no charge to the District for the app. The app will be used as a screening tool for families to prevent children from going to school if they are ill.

Board Comments
Ms. Fisher commented on the virtual welcome back. She felt it was presented very well and liked the new theme for the District – “Greatness Happens Together.”

Ms. SuAnn Witt in addition to the remaining five board members attended the live Commencement on Sunday, August 2. Ms. Witt commented that it is always heartwarming attending graduation. Ms. Witt, Mr. Lodes, Mr. Zurcher, Dr. Tafoya all had the opportunity to tour some of our schools to see how they were set up for students returning to school. All the Board members thanked our Administration for their work on the plan to open the schools.

Committee Reports
- Building & Grounds & Finance: Mr. Zurcher reported the committee had not met.
- HR & Student Services Committee: Mr. Lodes reported the committee had met. Discussion was on the District’s Remote Learning Plan.
- Curriculum and Instruction Committee: Ms. Fisher reported the committee had met. Discussion was on the District’s Remote Learning Plan.

Action Items
A motion was made by Ms. Fisher and seconded by Mr. Zurcher to approve the Action by Consent Items: The meeting agenda, bills, out of state travel and personnel items as presented. There were no comments from the Board or audience. Roll call vote was taken. Ayes: Brasfield, Lodes, Zurcher, Witt, Tafoya, and Fisher. Nays: None. The motion carried.
A motion was made by Mr. Zurcher and seconded by Mr. Lodes to approve the Board meeting minutes of July 27, 2020. There were no comments from the Board or audience. Roll call vote was taken. Ayes: Lodes, Zurcher, Witt, Tafoya, Fisher, and Brasfield. Nays: None. The motion carried.

A motion was made by Ms. Fisher and seconded by Mr. Lodes to approve the three-year extension for auditing services from O'Donnell, Ficenec, Wills and Ferdig, LLP as presented. There were no comments from the Board or audience. Roll call vote was taken. Ayes: Zurcher, Witt, Tafoya, Fisher, Brasfield, and Lodes. Nays: None. The motion carried.

A motion was made by Dr. Tafoya and seconded by Mr. Lodes to approve entering into a purchase agreement with Connection Public Sector Solutions, as presented for a total purchase cost to PLCS of $448,060.00 (four hundred forty-eight thousand sixty dollars). Mr. Lodes asked the question if by purchasing this technology does it give our secondary students one to one access? Ms. Seery replied, yes. However, we need to order ASAP due to shipping concerns. There were no comments from the audience. Roll call vote was taken. Ayes: Witt, Tafoya, Fisher, Brasfield, Lodes, and Zurcher. Nays: None. The motion carried.

Discussion/Information Items
Mr. Pat Carson, Principal BCDM, and Mr. Greg Stieren presented a preliminary design for La Vista West Elementary School’s addition and remodeling. La Vista West is the eighth of eleven building projects from the 2018 bond referendum approved by the community. Bids are scheduled to be opened in December of 2020.

Dr. Kati Settles, Assistant Superintendent of Human Resources, provided an update of the student enrollment for the 2020-21 school year. As of August 10, enrollment is at 11,738: K-12 grades and 296 for Preschool. 687 Elementary students will move to remote learning, 214 Middle School, and 281 High School students have opted to remote learning. Overall the District has 12,137 students enrolled. The average class size is 20.08.

The Series 8000 Board Policies are up for annual review. Dr. Kati Settles asked that if there are changes proposed or recommended, to please submit to her. Should there be changes they would be presented as discussion items at the August 24 board meeting, with possible action at the September 14 board meeting.

Board President Brasfield reviewed the future board calendar.
Board President Brasfield adjourned the meeting at 7:19p.m.

SuAnn Witt, Secretary
Papillion La Vista Community School District
Board of Education
Subject: Policy 8000 – Board Organization and Operation

Meeting Date: August 24, 2020

Prior Meeting Discussion Date: August 10, 2020

Department: Human Resources

Action Desired: Approval [X]   Discussion [ ]   Information Only [ ]

Background:
The Series 8000 – Board Organization and Operation Board Policies have been reviewed during the month of August. There are no changes recommended, the Board will acknowledge review of the Series 8000 Board Policies.

Recommendation: Move to acknowledge the review of Series 8000 Board Policies.

Responsible Person: Dr. Kati Settles

Superintendent’s Approval ____________________________

Signature

RETURN TO AGENDA
Subject: Fundraising Policies

Meeting Date: August 24, 2020

Prior Meeting Discussion Date: July 13, 2020

Department: Business Services

Action Desired: Approval_______ Discussion______ Information Only________

Background:
Currently the policy language regarding fundraising for the District can be found in board policy #1405-Solicitation in Schools, policy #1409-Special Projects Fundraising and policy #3203-Periodic Financial Reporting and Money Handling.

The framework presented tonight is a three-tiered model which delineates based on a dollar amount for the project being fund raised for and the type of group doing the fundraising. The proposal will not eliminate any of the policies above but procedure in policy #3203 and #1405 will be revised. Policy #1409 will remain but will apply to any project estimated to cost $50,000 or more.

A flowchart of the three tiers and corresponding approval process is provided as an attachment for discussion. Tier one would apply to only student-based groups within the school or district. Tier two and tier three would apply to all groups fundraising for projects with the identified estimated costs. Ongoing yearly commitments from the Papillion La Vista Community Foundation are excluded from these requirements.

Recommendation: Discussion only

Responsible Person: Doug Lewis

Superintendent’s Approval

Signature
District Fundraising

Tier One
$10,000 or less. School affiliated student-based clubs or organizations only.

- Principal Authorization
  - Yes
    - Fundraising Impacts facility
      - No
        - Proceed with fundraiser
      - Yes
        - Proceed with fundraiser
  - No
    - Proceed with fundraiser

Tier Two
School affiliated student-based clubs or organizations with fundraising for projects costing between $10,001 and $49,999. All projects fundraised by PTO, Booster club and school support organizations.

- Principal Authorization or Director Authorization
  - Yes
    - Assistant Superintendent for Business Services
      - Yes
        - Proceed with fundraiser
      - No
        - Proceed with fundraiser
  - No
    - Proceed with fundraiser

Tier Three
All fundraising for projects $50,000 or more regardless of organization or purpose. Follows Board Policy 1409.

- Principal Authorization or Director Authorization
  - Yes
    - Assistant Superintendent for Business Services
      - Yes
        - Proceed with fundraiser
      - No
        - Proceed with fundraiser
  - No
    - Proceed with fundraiser

RETURN TO AGENDA
Subject: Updates to 4000 and 5000 Policies

Meeting Date: August 24, 2020

Prior Meeting Discussion Date:

Department: Human Resources & Student Services

Action Desired: Approval ________ Discussion ________ X ________ Information Only ________

Background:
The US Department of Education has published new regulations regarding Title IX. Several proposed updates to the series 4000-Personnel and 5000-Students policies have resulted. The Board will receive a summary of the new regulations and the proposed updates to the following policies:

Series 4000-Personnel:
Policy 4003 Anti-discrimination, Anti-harassment, and Anti-retaliation
Policy 4004: Sexual Harassment

Series 5000-Students:
Policy 5202: Anti-discrimination, Anti-harassment, and Anti-retaliation
Policy 5208 Sex Discrimination and Sexual Harassment of Students (proposed to update to: Title IX)

Recommendation: Discussion of proposed changes as presented.

Responsible Person: Dr. Trent Steele

Superintendent’s Approval ________________________________

Signature

RETURN TO AGENDA
Series Name: 4000 - Personnel

Topic: 4000 - All Employees

Policy: 4003 Anti-discrimination, Anti-harassment, and Anti-retaliation

Elimination of Discrimination.

The Papillion La Vista Community Schools does not discriminate on the basis of race, color, national origin, sex, disability, religion, age or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Dr. Trent Steele, Director of Student Services, 420 South Washington Street, Papillion, NE 68046 (402) 537-6214 (trent.steele@plcschoolsапlv.org).

Employees and Others: Dr. Kati Settles, Assistant Superintendent Human Resources, 420 South Washington Street, Papillion, NE 68046 (402) 537-6204 (kati.settlessettles@plcschoolsапlv.org).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact OCR at One Petticoat Lane, 1010 Walnut Street, #320, Kansas City, Missouri 64106, (816) 268-0550 (voice), or (877) 521-2172 (telecommunications device for the deaf), or email ocr.kansascity@ed.gov.

Click here to download a formal complaint form.

Prohibited Harassment, Discrimination, and Retaliation of Employees, Students and Others.

1. Purpose:
   Papillion La Vista Community Schools is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

   The District’s prohibition against discrimination on the basis of sex is addressed separately and specifically in Policy 5208. Notwithstanding the foregoing, and in accordance with Policy 5208, allegations of sex discrimination not involving allegations of sexual harassment will be addressed pursuant to the Grievance Procedure in Section C, below.

1.

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person’s race, color, national origin, religion, disability, age, sex, or other protected category, that is sufficiently serious to deny, interfere with, or limit a person’s ability to participate in or benefit from an educational or work program or activity, including, but not limited to:
a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

Discriminatory harassment because of a person's race, color, national origin, religion, disability, age, sex, or other protected category, may include, but is not limited to:

a. name-calling,
b. teasing or taunting,
c. insults, slurs, or derogatory names or remarks,
d. demeaning jokes,
e. inappropriate gestures,
f. graffiti or inappropriate written or electronic material,
g. visual displays, such as cartoons, posters, or electronic images,
h. threats or intimidating or hostile conduct,
i. physical acts of aggression, assault, or violence, or
j. criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

a. Unwelcome sexual advances or propositions,
b. Requests or pressure for sexual favors,
c. Comments about an individual's body, sexual activity, or sexual attractiveness,
d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled “Grievance Procedures,” below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

All District employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment, and retaliation, must immediately report the
conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

2. **Anti-retaliation:**
The District prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The District will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the District will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

3. **Grievance (or Complaint) Procedures:**
Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the compliance coordinator designated to handle complaints of discrimination (designated coordinator). If the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation (“discrimination”) to the designated coordinator, or in the case of students, to another staff person (such as a counselor or principal).

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

District employees, supervisors and administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination to the designated coordinator, even if that District employee is investigating the alleged discrimination as part of the District's student or employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District's designated coordinator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the District's standards for a prompt and equitable grievance procedure outlined in section B.2, below.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

**Level 1 (Investigation and Findings):**
Once the District receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the District will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District’s investigation. The District will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.
The District will investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District’s investigation.

The District will complete its investigation within ten (10) working days after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity if the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will not exceed ten (10) additional working days without the consent of the complainant. Periodic status updates will be given to the parties, if necessary.

The District’s investigation will include, but is not limited to:
   a. Providing the parties with the opportunity to present witnesses and provide evidence.
   b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
   c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students’ education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
   d. A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:
   a. A summary of the facts,
   b. An analysis of the appropriate legal standards applied to the specific facts,
   c. Findings regarding whether discrimination occurred, and
   d. If a finding is made that discrimination occurred, the recommended remedy or remedies necessary to eliminate discrimination, including harassment and retaliation, prevent its recurrence, and remedy its effects, if applicable.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made (see the Remedies section, below, for additional information about remedies). The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District will send concurrently to the parties written notification of the decision (findings and
any remedy) regarding the complaint **within ten (10) working days** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose to a student who was discriminated against or harassed (victim), information about the sanction imposed upon a student who was found to have engaged in discrimination or harassment (student who discriminated—) when the sanction directly relates to the victim. This includes an order that the student who discriminated stay away from the victim, or that the student who discriminated is prohibited from attending school for a period of time, or transferred to other classes.

**Level 2 (Appeal to the Superintendent):**
If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent **within ten (10) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent’s determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. (If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.)

**Level 3 (Appeal to the Board):**
If the party is not satisfied with the Superintendent’s determination, he or she may file an appeal in writing with the Board of Education **within ten (10) working days** after receiving the Superintendent’s determination. The Board of Education will review the appeal, the Superintendent’s determination, the investigative documentation and decision, and allow the party to address the Board at the next scheduled Board meeting to present his or her appeal. The Board will issue a written determination about the appeal **within thirty (30) working days** after receiving the appeal. The party who filed the appeal will be sent the Board’s determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. The Board’s determination, and any actions taken, will be final on behalf of the District.

4. **Remedies:**
If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the District’s pending investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the specific situation, and may include a change in the student’s seating assignment or class, a change in an employee’s work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District’s investigation, and other remedies, such as those listed below.

The District will minimize any burden on the alleged victim when taking interim measures. For instance, the District generally will not remove the alleged victim from his or her class or work area and allow the alleged harasser- to remain. In addition the District will ensure that the complainant is aware of his or her Title IX rights, including a strong prohibition against retaliation for reporting discrimination or harassment or cooperating with any investigation or proceeding, and any available resources, such as counseling, health, and mental health services, and the right to file a complaint with local law enforcement, if applicable.

If the District determines that unlawful discrimination or harassment occurred, the District will take prompt and effective action to eliminate the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and others, if appropriate. The remedies will be tailored to the specific allegations and facts of each situation, including, but not limited to, the following remedies:

a. Providing an escort to ensure the complainant can move safely between classes and activities.

b. Ensuring the complainant and alleged harasser _do not attend the same classes._
c. Moving the alleged harasser to another school or work area within the District.
d. Providing counseling services or reimbursement, if appropriate.
e. Providing medical services or reimbursement, if appropriate.
f. Providing academic support services, such as tutoring.
g. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record.

The District may provide remedies for the broader student population as well, including but not limited to:

a. Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students or employees affected by sexual harassment or sexual violence, and notifying students and employees of campus and community counseling, health, mental health, and other student services.
b. Designating an individual from the District's counseling center to be “on call” to assist victims of sexual harassment or violence whenever needed.
c. Providing additional training to the District's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
d. Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
e. Creating a committee of students or employees and District officials to identify strategies for ensuring that students and employees:
   I. Know the school's prohibition against discrimination, harassment, and retaliation.
   II. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
   III. Understand how and to whom to report any incidents of discrimination.
   IV. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
   V. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.
f. Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the District’s policies against anti-discrimination, anti-harassment, and anti-retaliation.
g. Conducting in conjunction with students or employees, a “climate check” to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

In addition to these remedies, the District may impose disciplinary sanctions against the student or employee who discriminated, harassed, or retaliated against the complainant, up to and including possible expulsion or termination or cancellation of employment.

5. **Confidentiality**

The identity of the complainant will be kept confidential to the extent permitted by state and federal law. The District will notify the complainant of the anti-retaliation provisions of applicable laws and that the District will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the request
for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the District from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that its ability to respond may be limited. Even if the District cannot take disciplinary action against the alleged harasser, the District will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

At the same time, the District will evaluate a confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the District may weigh the confidentiality request against factors such as: the seriousness of the alleged harassment, the complainant's age; whether there have been other harassment complaints about the same individual and the alleged harasser's rights to receive information about the allegations if the information is maintained by the District as an “education record” under FERPA. In some cases, the District may be required to report alleged misconduct or discrimination, such as sexual harassment involving sexual violence, to local law enforcement or other officials, and the District may not be able to maintain the complainant's confidentiality. The District will inform the complainant that it cannot ensure confidentiality, if applicable.

6. Training
The District will ensure that District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

a. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.

b. The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.

c. Identification of the District's designated compliance coordinators and their job responsibilities.

d. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others, should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.

e. Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.

f. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.

g. A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators,
receive additional specific training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the District's grievance procedures and the applicable confidentiality requirements.

7. **Designated Compliance Coordinators:**
Designated compliance coordinators will be responsible for:

a. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.

b. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.

c. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).

d. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.

e. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.

f. Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.

g. Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.

h. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.

i. Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.

j. Recommending changes to this policy and grievance procedure.

k. Performing other duties as assigned.

The designated compliance coordinators will not have other job responsibilities that may create a conflict of interest with their coordinator responsibilities.

8. **Preventive Measures:**
The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting it on the District’s website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas (6.a-g) identified in the Training section above.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.
Series Name: 4000 - Personnel

Topic: 4000 - All Employees

Policy: 4004 Sexual Harassment

The District will provide a school environment free from sexual harassment.

The District’s duties under Title IX and its prohibition against discrimination on the basis of sex in its education program or activities is addressed separately and specifically in Policy 5208. Allegations constituting sexual harassment as defined in Policy 5208 will be addressed in accordance with Policy 5208 and not by this policy. Notwithstanding the foregoing, and in accordance with Policy 5208, allegations of sex discrimination not involving allegations of sexual harassment as defined in Policy 5208 will be addressed pursuant to this policy.

The Equal Employment Opportunity Commission (EEOC) has adopted written guidelines stating that any sexual harassment tolerated by employers constitutes a violation of Title VII of the Civil Right Act of 1964. The EEOC guidelines state:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly and implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Any employee of the school district who engages in sexual harassment will be subject to appropriate discipline, up to and including termination.

An aggrieved person should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop. If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to a supervisor, principal, Superintendent of schools or board of education member with whom he/she feels comfortable if reporting the issue. The Assistant Superintendent for Human Resources will be assigned to investigate any complaints regarding sexual harassment, except that any complaint regarding the Assistant Superintendent for Human Resources will be investigated by the Superintendent.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect his/her employment, compensation or work assignments.

Procedure 4004

Reporting Sexual Harassment or Discrimination

The Papillion La Vista Community Schools does not tolerate sexual harassment or discrimination on the basis of race, color, religion, national origin, gender, marital status, age, disability or any other legally protected status in admission or access to, or treatment, or employment in its programs and activities. If you observe such actions or feel you have been subjected to harassment or discrimination please follow the procedures outlined below.
A. You are encouraged to confront the offender in an effort to stop the offensive behavior. If such an effort is unsuccessful or too uncomfortable you should promptly report the action to his/her immediate supervisor. If the complaint involves the supervisor, such report should be made to another supervisor or the District EEO (Equal Employment Opportunity official).

B. Administrators who receive a complaint must report the complaint immediately to the Assistant Superintendent for Human Resources.

C. The appropriate administrator will promptly and confidentially begin an investigation which may include some or all of the following:
   1. Confer with the complainant to obtain a clear understanding of the facts surrounding the complaint.
   2. Confer with the accused person to obtain his/her version of the incident(s).
   3. Hold meetings with the alleged victim, the accused and/or witnesses as are necessary to investigate the complaint.

In all cases, the employee shall be informed of the general results of the investigation.

A. On the basis of the investigation, the Assistant Superintendent for Human Resources may do one of the following:
   1. Allow the investigating administrator to resolve the matter at their level.
   2. Recommend disciplinary action up to and including suspension or dismissal.
   3. Continue the investigation.

B. After receiving a recommendation of disciplinary action, the Superintendent will determine what further action should be taken. The Superintendent may then do any of the following:
   1. Continue the investigation.
   2. Resolve the matter without disciplinary action.
   3. Report the matter to the Board of Education.
   4. Recommend to the Board of Education action up to and including suspension or dismissal. The Board’s decision shall be final with no appeal.

Investigation:

A. General Statement - Harassment of any kind by district personnel directed toward other district personnel, students, patrons, or vendors is strictly prohibited and shall be grounds for discipline. Sexual harassment shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:
   1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits or a quid pro quo relationship is created.
   2. Submission to or rejection of the conduct or communication is used as the basis for decisions affecting employment or assignment of staff.
   3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee's ability to perform his/her job or creates an intimidating, offensive or hostile environment.

Retaliation is also strictly prohibited and shall be grounds for discipline. There will be no retaliation by the District or its personnel against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquire of sexual harassment. The initiation of a complaint in good faith about behavior that may violate the District's policy shall not result in any adverse action.

B. Informal Grievance: Harassment by Personnel - Personnel who believe that they have been a victim of sexual harassment or retaliation may informally attempt to resolve the matter by meeting with their building principal, supervisor, or district Title IX contact who is the Assistant Superintendent for Human Resources. The individual to whom the complaint is reported will promptly conduct an investigation. The investigation may be conducted by district officials or by the third party designated by The District. Upon completion of the investigation, the District will
take appropriate action based on the results of the investigation including informing the complainant of the proposed resolution. Unless impracticable under the circumstances, the proposed resolution will be discussed with the complainant within ten (10) days of the date that the complainant reported the sexual harassment.

If the complainant is dissatisfied with the proposed resolution, the complainant may file a formal grievance under District Rule.

C. Formal Grievance: Harassment by Personnel - In lieu of requesting an informal grievance, or if dissatisfied with the informal grievance's proposed resolution, a complainant may file a formal grievance pursuant to district policy #4101. The complaint form may be obtained from the building administrator, the District website, or from the office of the Assistant Superintendent for Human Resources.

D. Students Sexually Harassed by Personnel - Students complaining of sexual harassment by personnel shall follow the procedures set forth in district policy #4106.

E. Definitions:

1. **Complainant** shall mean a person employed by the Papillion La Vista Community Schools or is an individual performing contracted services under the District control and supervision of the District, and who reports to the District under this Rule that he/she has been sexually harassed.

2. **Adverse Action** includes, but is not limited to, any form of physical or verbal intimidation or threat, unjustified job loss close to the time of complainant's reaction to harassment, unjustified increase in work responsibilities without compensation or training close in time to the complainant's reaction to harassment, and any other unjustifiable work-related treatment that is adverse to the complainant and is a result of his or her reaction to sexual harassment.

3. **Hostile Environment** includes, but is not limited to, a pattern of unwelcome sexual advances, requests for sexual favors, and unwelcome verbal or physical conduct of a sexual nature which interferes with the terms, conditions, or privileges of the complainant's educational work or performance. Examples include unwanted touching, body contact, pinching, patting, name-calling, repeated propositions, written messages, notes, cartoons, graffiti, intimidation and any other act or communication which is based on sex and interferes with the complainant's educational work or performance.

4. **Quid pro quo** relationship includes, but is not limited to, a superior of the complainant making submission or rejection to requests for sexual favors explicitly or impliedly, a term or condition or privilege of employment. Examples include making submission or rejection the basis for employment decisions affecting the individual's career, salary, job security, advancement and day-to-day treatment while performing job responsibilities.

5. **Retaliation** shall include, but is not limited to, adverse action against a complainant for his/her reaction to sexual harassment, or against any person who, in good faith, reports, or otherwise participates in an investigation or inquiry taken by the person responsible for the harassment, or by any other party so long as the adverse action is the result of the complainant's reaction to sexual harassment.

6. **Title IX Coordinator** and District EEO administrator shall mean the Director of Secondary Human Resources and Student Services, Dr. Trent Steele, (402) 537-6214, trent.steele@plcschools.org. Assistant Superintendent for Human Resources.

Procedure Revision History: (Revised 05-08-00)(Revised 10-27-03)(Revised 04-26-04)
Series Name: 5000 - Students

Topic: 5200 - Student Rights and Responsibilities

Policy: 5202 Anti-discrimination, Anti-harassment, and Anti-retaliation

Elimination of Discrimination
The Papillion La Vista Community Schools does not discriminate on the basis of race, color, national origin, sex, disability, religion, age or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Paul Bohn, Trent Steele, Director of Secondary Human Resources and Student Services, 420 South Washington Street, Papillion, NE 68046 (402) 537-6214 (pbohn@paplv.org trent.steele@plcschools.org).

Employees and Others: Dr. Renee Hyde, Kati Settles, Assistant Superintendent Human Resources, 420 South Washington Street, Papillion, NE 68046 (402) 537-6204 (rhyde@paplv.org kati.settles@plcschools.org).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact OCR at One Petticoat Lane, 1010 Walnut Street, #320, Kansas City, Missouri 64106, (816) 268-0550 (voice), or (877) 521-2172 (telecommunications device for the deaf), or email ocr.kansascity@ed.gov.

Click here to download a formal complaint form.

Prohibited Harassment, Discrimination, and Retaliation of Employees, Students and Others.

A. Purpose:
Papillion La Vista Community Schools is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

A. The District’s prohibition against discrimination on the basis of sex in its education program or activities is addressed separately and specifically in Policy 5208. Notwithstanding the foregoing, and in accordance with Policy 5208, allegations of sex discrimination not involving allegations of sexual harassment will be addressed pursuant to the Grievance Procedure in Section C, below.

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person’s race, color, national origin, religion, disability, age, sex, or other protected category, that is sufficiently serious to deny, interfere with, or limit a person’s ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

1. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
2. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

Discriminatory harassment because of a person's race, color, national origin, religion, disability, age, sex, or other protected category, may include, but is not limited to:

1. Name-calling,
2. Teasing or taunting,
3. Insults, slurs, or derogatory names or remarks,
4. Demeaning jokes,
5. Inappropriate gestures,
6. Graffiti or inappropriate written or electronic material,
7. Visual displays, such as cartoons, posters, or electronic images,
8. Threats or intimidating or hostile conduct,
9. Physical acts of aggression, assault, or violence, or
10. Criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

1. Unwelcome sexual advances or propositions,
2. Requests or pressure for sexual favors,
3. Comments about an individual's body, sexual activity, or sexual attractiveness,
4. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
5. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
6. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
7. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled “Grievance Procedures,” below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

All District employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment, and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

B. Anti-retaliation:
The District prohibits retaliation, intimidation, threats, coercion, or discrimination against any
person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The District will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the District will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

C. Grievance (or Complaint) Procedures:
Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the compliance coordinator designated to handle complaints of discrimination (designated coordinator). If the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation (“discrimination”) to the designated coordinator, or in the case of students, to another staff person (such as a counselor or principal).

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

District employees, supervisors and administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination to the designated coordinator, even if that District employee is investigating the alleged discrimination as part of the District's student or employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District's designated coordinator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the District's standards for a prompt and equitable grievance procedure outlined in section B.2, below.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

**Level 1 (Investigation and Findings):**
Once the District receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the District will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District’s investigation. The District will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The District will investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible
criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The District will complete its investigation within ten (10) working days after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity if the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will not exceed ten (10) additional working days without the consent of the complainant. Periodic status updates will be given to the parties, if necessary.

The District's investigation will include, but is not limited to:

1. Providing the parties with the opportunity to present witnesses and provide evidence.
2. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
3. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
4. A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:

1. A summary of the facts,
2. An analysis of the appropriate legal standards applied to the specific facts,
3. Findings regarding whether discrimination occurred, and
4. If a finding is made that discrimination occurred, the recommended remedy or remedies necessary to eliminate discrimination, including harassment and retaliation, prevent its recurrence, and remedy its effects, if applicable.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made (see the Remedies section, below, for additional information about remedies). The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within ten (10) working days after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose to a student who was discriminated against or harassed (victim), information about the sanction imposed upon a student who was found to have engaged in discrimination or harassment (student who discriminated) when the sanction directly
relates to the victim. This includes an order that the student who discriminated stay away from the victim, or that the student who discriminated is prohibited from attending school for a period of time, or transferred to other classes.

**Level 2 (Appeal to the Superintendent):**
If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **ten (10) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal within **ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent’s determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. (If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.

**Level 3 (Appeal to the Board):**
If the party is not satisfied with the Superintendent’s determination, he or she may file an appeal in writing with the Board of Education within **ten (10) working days** after receiving the Superintendent’s determination. The Board of Education will review the appeal, the Superintendent’s determination, the investigative documentation and decision, and allow the party to address the Board at the next scheduled Board meeting to present his or her appeal. The Board will issue a written determination about the appeal within **thirty (30) working days** after receiving the appeal. The party who filed the appeal will be sent the Board’s determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. The Board’s determination, and any actions taken, will be final on behalf of the District.

**D. Remedies:**
If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the District’s pending investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District’s investigation, and other remedies, such as those listed below.

The District will minimize any burden on the alleged victim when taking interim measures. For instance, the District generally will not remove the alleged victim from his or her class or work area and allow the alleged harasser to remain. In addition the District will ensure that the complainant is aware of his or her Title IX rights, including a strong prohibition against retaliation for reporting discrimination or harassment or cooperating with any investigation or proceeding, and any available resources, such as counseling, health, and mental health services, and the right to file a complaint with local law enforcement, if applicable.

If the District determines that unlawful discrimination or harassment occurred, the District will take prompt and effective action to eliminate the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and others, if appropriate. The remedies will be tailored to the specific allegations and facts of each situation, including, but not limited to, the following remedies:

1. Providing an escort to ensure the complainant can move safely between classes and activities.
2. Ensuring the complainant and alleged harasser do not attend the same classes.
3. Moving the alleged harasser to another school or work area within the District.
4. Providing counseling services or reimbursement, if appropriate.
5. Providing medical services or reimbursement, if appropriate.
6. Providing academic support services, such as tutoring.
7. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record.

The District may provide remedies for the broader student population as well, including but not limited to:

1. Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students or employees affected by sexual harassment or sexual violence, and notifying students and employees of campus and community counseling, health, mental health, and other student services.

2. Designating an individual from the District's counseling center to be “on call” to assist victims of sexual harassment or violence whenever needed.

3. Providing additional training to the District's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.

4. Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.

5. Creating a committee of students or employees and District officials to identify strategies for ensuring that students and employees:
   a. Know the school's prohibition against discrimination, harassment, and retaliation.
   b. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
   c. Understand how and to whom to report any incidents of discrimination.
   d. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
   e. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.

6. Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the District's policies against anti-discrimination, anti-harassment, and anti-retaliation.

7. Conducting in conjunction with students or employees, a “climate check” to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

In addition to these remedies, the District may impose disciplinary sanctions against the student or employee who discriminated, harassed, or retaliated against the complainant, up to and including possible expulsion or termination or cancellation of employment.

E. Confidentiality:
   The identity of the complainant will be kept confidential to the extent permitted by state and federal law. The District will notify the complainant of the anti-retaliation provisions of applicable laws and that the District will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

   If a complainant requests confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the District from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that its ability to respond may be limited. Even if the District cannot take disciplinary action against the alleged harasser, the District will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.
At the same time, the District will evaluate a confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the District may weigh the confidentiality request against factors such as: the seriousness of the alleged harassment, the complainant's age; whether there have been other harassment complaints about the same individual and the alleged harasser’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under FERPA. In some cases, the District may be required to report alleged misconduct or discrimination, such as sexual harassment involving sexual violence, to local law enforcement or other officials, and the District may not be able to maintain the complainant's confidentiality. The District will inform the complainant that it cannot ensure confidentiality, if applicable.

F. Training:
The District will ensure that District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

1. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.

2. The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.


4. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others, should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rule violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.

5. Potential consequences for violating the District’s anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.

6. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.

7. A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receive additional specific training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the District's grievance procedures and the applicable confidentiality requirements.

G. Designated Compliance Coordinators:
Designated compliance coordinators will be responsible for:
1. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
2. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
3. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
4. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
5. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
6. Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
7. Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
8. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
9. Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
10. Recommending changes to this policy and grievance procedure.
11. Performing other duties as assigned.

The designated compliance coordinators will not have other job responsibilities that may create a conflict of interest with their coordinator responsibilities.

H. Preventive Measures:
The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas (B.6.a-g) identified in the Training section, above.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.

Reviewed Date: 05/01/2015, 5/23/16

Policy Revision History: (Adopted 06-27-11)(Revised 11-10-14)(Revised 05-21-15)
It is the policy of the school district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of the school district’s programs or activities. The district is required by Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106 to not discriminate in such a manner.

To the extent that any board policy or administrative procedure conflicts with this policy or Procedure 5208 with respect allegations of discrimination on the basis of sex in the school district’s education program or activities this Policy and Procedure 5208 shall govern.

1. Title IX Coordinator

   1.1. Designation. The district will designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this policy, who will be referred to as the “Title IX Coordinator.” The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment). This report may be made by any means, including but not limited to, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours).

2. Definitions. As used in this policy, the following terms are defined as follows:

   2.1. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only district employee with actual knowledge is the respondent (as that term is defined below). “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in subsection 1.1 above.

   2.2. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

   2.3. Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. The only district official who is authorized to initiate the Grievance Process for Formal Complaints of Sexual Harassment against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a formal complaint with the district, a complainant must be participating in or attempting to participate in the district’s education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under subsection 1.1 above, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise
indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy or under 34 C.F.R. part 106, and will comply with the requirements of this policy and 34 C.F.R. part 106, including Procedure 5208 and 34 C.F.R. § 106.45(b)(1)(iii).

2.4. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

2.5. **Consent** for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not consent. District officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

2.6. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

- **2.6.1.** An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;

- **2.6.2.** 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 district’s education program or activity;

- **2.6.3.** **Sexual assault**, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- **2.6.4.** **Dating violence**, as defined in 34 U.S.C. § 12291(a)(10), which means violence committed by a person—

  - **2.6.4.1.** who is or has been in a social relationship of a romantic or intimate nature with the victim; and

  - **2.6.4.2.** where the existence of such a relationship shall be determined based on a consideration of the following factors:

    - **2.6.4.2.1.** The length of the relationship.

    - **2.6.4.2.2.** The type of relationship.

    - **2.6.4.2.3.** The frequency of interaction between the persons involved in the relationship.

- **2.6.5.** **Domestic violence**, as defined in 34 U.S.C. § 12291(a)(8), which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
2.6.6. **Stalking**, as defined in 34 U.S.C. § 12291(a)(30), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

2.6.6.1. fear for his or her safety or the safety of others; or

2.6.6.2. suffer substantial emotional distress.

2.7. **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

3. **Discrimination Not Involving Sexual Harassment.**

3.1. **General Prohibition.** Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district.

3.2. **Specific Prohibitions.** Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, in providing any aid, benefit, or service to a student, the district will not on the basis of sex:

3.2.1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

3.2.2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

3.2.3. Deny any person any such aid, benefit, or service;

3.2.4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;

3.2.5. Apply any rule concerning the domicile or residence of a student or applicant;

3.2.6. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

3.2.7. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.
3.3. **Complaint Procedure.** All complaints regarding any alleged discrimination on the basis of sex, including without limitation violations of this policy, 34 C.F.R. part 106, Title IX, Title VII, or other state or federal law—when the alleged discrimination does not arise from or relate to an allegation of sexual harassment as defined in subsection 2.6 above—shall be addressed pursuant to the district’s Grievance Procedure in Subsection C of Board Policy 5202.

4. **Response to Sexual Harassment.** When the school district has actual knowledge of allegations of sexual harassment in its education program or activities, it will respond to such allegations in accordance with this policy and Procedure 5208.

5. **Superintendent Authorized to Contract.** The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the district’s investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy and Procedure 5208.

6. **Certain Different Treatment on the Basis of Sex Permitted.** Nothing herein shall be construed to prohibit the district from treating persons differently on the basis of sex as permitted by Title IX or 34 C.F.R. part 106. For example, and without limiting the foregoing, the district may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

7. **Retaliation Prohibited.** Neither the district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. part 106, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. The district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. §1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to shall be addressed pursuant to Board Policy 2006 (Complaint Procedure).

7.1. **Specific Circumstances.**

7.1.1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this section.

7.1.2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

8. **Notification of Policy.** The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the existence of this policy. The requirement to not discriminate, as stated in Title IX and 34 C.F.R. part 106, in the district’s education program(s) or activities extends to admission and employment, and inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district’s Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

9. **Publication of Policy.** The district will prominently display on its website, if any, and in each handbook that it makes available to applicants for admission and employment, students, parents or legal
guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).

10. **Application Outside the United States.** The requirements of this policy apply only to sex discrimination occurring against a person in the United States.

11. **Scope of Policy.** Nothing herein shall be construed to be more demanding or more constraining upon the district than the requirements of Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106. To the extent that the district is in compliance with Title IX and 34 C.F.R. part 106, then all of the district’s obligations under this policy shall be deemed to be fulfilled and discharged.

Procedure 5208: Title IX Response to Sexual Harassment

1. **Scope of Procedure.** In accordance with Title IX (20 U.S.C. § 1681), 34 C.F.R. part 106, and Board Policy 5208, this procedure shall be followed in carrying out the school district’s response to actual knowledge of allegations of sexual harassment in its education program or activities.

2. **Definitions.** The definitions in Board Policy 5208 shall be used in this Procedure.

2.6.3. **Sexual Assault.** As stated in Board Policy 5208, **sex assault** has the meaning as defined in 20 U.S.C. § 1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which include the following sex offenses:

2.6.3.1. **Sex Offenses, Forcible**—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

2.6.3.1.1. **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.2. **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.3. **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.4. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
2.6.3.2. **Sex Offenses, Non-forcible**—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

2.6.3.2.1. **Incest**—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

2.6.3.2.2. **Statutory Rape**—Non-forcible sexual intercourse with a person who is under the statutory age of consent

3. **Response to Sexual Harassment**

3.1. **Reporting Sexual Harassment.** Any person who witnesses an act of unlawful sexual harassment is encouraged to report it to the District’s Title IX Coordinator. No person will be retaliated against based on any report of suspected sexual harassment or retaliation. Any District employee who receives a report of sexual harassment or has actual knowledge of sexual harassment must convey that information to the Title IX Coordinator as soon as reasonably practicable, but in no case later than the end of the following school day.

3.2. **General Response to Sexual Harassment.** When the district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, the district will respond promptly in a manner that is not deliberately indifferent. The district will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this Procedure “education program or activity” includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. The district’s response will treat complainants and respondents equitably by offering supportive measures as defined in Board Policy 5208 to a complainant, and by following the grievance process described in section 4 below before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

3.3. **Emergency Removal.** Nothing in this Procedure precludes the district from removing a respondent from the district’s education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, and 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. In the event that the district so removes a respondent on an emergency basis, then the district will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

3.4. **Administrative Leave.** Nothing in this Procedure precludes the district from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with section 4 below. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

3.5. **General Response Not Conditioned on Formal Complaint.** With or without a formal complaint, the district will comply with the obligations and procedures described in this section 3.

4. **Grievance Process for Formal Complaints of Sexual Harassment**
4.1. **General Requirements.**

4.1.1. **Equitable Treatment.** The district will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the grievance process described in this section 4 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to the district’s education program or activity. Remedies may include the same individualized services described in Board Policy 5208 as “supportive measures”; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

4.1.2. **Objective Evaluation.** This grievance process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.

4.1.3. **Absence of Conflicts of Interest or Bias.** The district will require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

4.1.4. **Training.** The district will ensure that all individuals or entities described in this Training section 4.1.4 receive training as provided below. Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

4.1.4.1. **All District Employees and Board Members.** All district employees and board members will be trained on how to identify and report sexual harassment.

4.1.4.2. **Title IX Coordinators, Investigators, Decision-Makers, or Informal Resolution Facilitators.** The district will ensure that Title IX Coordinators, investigators, decision-makers, or any person designated by the district to facilitate an informal resolution process receive training on:

4.1.4.2.1. The definition of sexual harassment in Board Policy 5208;

4.1.4.2.2. The scope of the district’s education program or activity;

4.1.4.2.3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and

4.1.4.2.4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

4.1.4.3. **Decision-Makers.** The district will ensure that decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, as set forth in subsection 4.6.
4.1.4.4. **Investigators.** The district will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in subsection 4.5.8.

4.1.5. **Presumption.** It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

4.1.6. **Reasonably Prompt Time Frames.** This grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes. The process shall also allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

4.1.7. **Range of Possible Sanctions and Remedies.** Following a determination of responsibility, the district may impose disciplinary sanctions and remedies in conformance with this and the district’s student discipline policy, and other state and federal laws. Depending upon the circumstances, these policies provide for disciplinary sanctions and remedies up to and including expulsion.

4.1.8. **Range of Supportive Measures.** The range of supportive measures available to complainants and respondents include those listed in Board Policy 5208.

4.1.9. **Respect for Privileged Information.** The district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

4.2. **Notice of Allegations.**

4.2.1. **Initial Notice.** Upon receipt of a formal complaint, the district will provide the following written notice to the parties who are known:

4.2.1.1. A copy of Board Policy 5208 and this Procedure.

4.2.1.2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in Board Policy 5208, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include 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. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under subsection 4.5.5, and may inspect and review evidence under subsection 4.5.5. The written notice will inform the parties of any provision in the district’s code of conduct that prohibits knowingly making false
statements or knowingly submitting false information during the grievance process.

4.2.2. **Supplemental Notice.** If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Initial Notice described above, the district will provide notice of the additional allegations to the parties whose identities are known.

4.3. **Dismissal of Formal Complaint.**

4.3.1. The district will investigate the allegations in a formal complaint.

4.3.2. **Mandatory Dismissals.** The district must dismiss a formal complaint if the conduct alleged in the formal complaint:

4.3.2.1. Would not constitute sexual harassment as defined in Board Policy 5208 even if proved;

4.3.2.2. Did not occur in the district’s education program or activity; or

4.3.2.3. Did not occur against a person in the United States.

4.3.3. **Discretionary Dismissals.** The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

4.3.3.1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

4.3.3.2. The respondent is no longer enrolled in or employed by the district; or

4.3.3.3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

4.3.4. Upon a dismissal required or permitted pursuant to subsections 4.3.2 or 4.3.3 above, the district will promptly send written notice of the dismissal and an explanation of that action simultaneously to the parties.

4.3.5. Dismissal of a formal complaint under this Procedure does not preclude the district from taking action under another provision of the district’s code of conduct or pursuant to another district policy.

4.4. **Consolidation of Formal Complaints.** The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this Procedure to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

4.5. **Investigation of Formal Complaint.** When investigating a formal complaint and throughout the grievance process, the district will:
4.5.1. Designate and authorize one or more persons (which need not be district employees) as investigator(s) to conduct the district’s investigation of a formal complaint;

4.5.2. 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 provided that the district cannot 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 that party’s voluntary, written consent to do so for a grievance process under this section (if a party is not an “eligible student,” as defined in 34 CFR 99.3, then the district will obtain the voluntary, written consent of a “parent,” as defined in 34 CFR 99.3);

4.5.3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

4.5.4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

4.5.5. 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; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

4.5.6. 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;

4.5.7. 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 a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district will 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, and the parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report; and

4.5.8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to the time of determination regarding responsibility, send to each party and the party’s advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

4.6. Exchange of Written Questions. After the district has sent the investigative report to the parties pursuant to subsection 4.5.8, but before reaching a determination regarding responsibility,
the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. 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. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

4.7. **Determination Regarding Responsibility**

4.7.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).

4.7.2. **Written Determination.** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) will apply the preponderance of the evidence standard. The written determination will include:

4.7.2.1. Identification of the allegations potentially constituting sexual harassment as defined in Board Policy 5208;

4.7.2.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

4.7.2.3. Findings of fact supporting the determination;

4.7.2.4. Conclusions regarding the application of the district’s code of conduct to the facts;

4.7.2.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and 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

4.7.2.6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

4.7.3. The district will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

4.7.4. The Title IX Coordinator is responsible for effective implementation of any remedies.

4.8. **Appeals.** The district will offer both parties the opportunity to appeal from a determination regarding responsibility, and from the district’s dismissal of a formal complaint or any allegations therein, on the grounds identified below.
4.8.1. **Time for Appeal.** Appeals may only be initiated by submitting a written Notice of Appeal to the Office of the Superintendent of Schools within ten (10) calendar days of the date of the respective written determination of responsibility or dismissal from which the appeal is taken. The Notice of Appeal must include (a) the name of the party or parties making the appeal, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific grounds (from subsection 4.8.2 below) upon which the appeal is based. A party’s failure to timely submit a Notice of Appeal will be deemed a waiver of the party’s right to appeal under this Procedure, Board Policy 5208, 34 C.F.R. part 106, and Title IX.

4.8.2. **Grounds for Appeal.** Appeals from a determination regarding responsibility, and from the district’s dismissal of a formal complaint or any allegations therein, are limited to the following grounds:

4.8.2.1. Procedural irregularity that affected the outcome of the matter;

4.8.2.2. 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; and

4.8.2.3. The Title IX Coordinator, investigator(s), or decision-maker(s) 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.

4.8.3. As to all appeals, the district will:

4.8.3.1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

4.8.3.2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

4.8.3.3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in subsections 4.1.3–4.1.4.

4.8.3.4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

4.8.3.5. Issue a written decision describing the result of the appeal and the rationale for the result; and

4.8.3.6. Provide the written decision simultaneously to both parties.

4.9. **Informal Resolution.** The district will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the district will not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

4.9.1. Provides to the parties a written notice disclosing:
4.9.1.1. The allegations;

4.9.1.2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;

4.9.1.3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and

4.9.1.4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

4.9.2. Obtains the parties’ voluntary, written consent to the informal resolution process; and

4.9.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

4.10. **Recordkeeping.**

4.10.1. The district will maintain for a period of seven years records of:

4.10.1.1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district’s education program or activity;

4.10.1.2. Any appeal and the result therefrom;

4.10.1.3. Any informal resolution and the result therefrom; and

4.10.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The district will make these training materials publicly available on its website, or if the district does not maintain a website then the district will make these materials available upon request for inspection by members of the public.

4.10.2. For each response required under section 3, the district will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district’s education program or activity. If the district does not provide a complainant with supportive measures, then the district will 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 district in the future from providing additional explanations or detailing additional measures taken.

## Sex Discrimination
A. The district prohibits discrimination on the basis of sex in any educational program or activity except when it is necessary to accomplish a specific purpose that does not impinge upon essential equality or fairness in the treatment of students or employees. Employees are required to comply with this policy as well as with Title IX of the Education Amendments of 1972 and the regulations of the U.S. Department of Education as applicable to this district.

B. Any individual who believes he or she is being discriminated against on the basis of race, color, national origin, sex, marital status, disability, or age may seek relief by filing a complaint pursuant to the board’s complaint policy or contacting the district’s Title IX coordinator.

II. Sexual Harassment

A. Students should be provided with an environment that is free from unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct constituting sexual harassment. The board of education unequivocally prohibits sexual harassment of its students, even when the affected student does not complain to the faculty or the administration.

B. Sexual harassment is a form of misconduct that wrongfully deprives students of their dignity and the opportunity to study and be in an environment free from unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances, requests for sexual favors and other such verbal or physical misconduct. Sexual harassment means:

C. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature constitutes sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual’s educational opportunities or creates an intimidating, hostile or offensive learning environment.

D. A student who feels he or she has been sexually harassed should directly inform the offending student that the conduct or communication is offensive and must stop. If the student does not wish to communicate directly with the offending student, or if direct communication has been ineffective, the student should report the conduct or communication to the Title IX coordinator or to a teacher, principal or counselor with whom he or she feels comfortable.

E. Retaliation against students who make good faith reports of sexual harassment is prohibited.

III. Disciplinary Decisions

A. A decision to take disciplinary action under this policy may be based on the statements of a complaining student, statements, observations of educators, or any other credible evidence.

B. All complaints against staff members will follow the investigation, decision, and appeal process established in the district’s complaint policy.

C. Any student who sexually harasses another student will be subject to discipline up to and including expulsion, depending on the severity of the misconduct, as established in the district’s student discipline policy.
Policy Revision History: (Adopted 6/10/19)
Subject: Student Enrollment Update

Meeting Date: August 24, 2020

Prior Meeting Discussion Date: August 10, 2020

Department: Human Resources

Action Desired: Approval _____ Discussion _____ Information Only _____ X ____

Background:
The Board of Education will be provided an update of student enrollment for the 2020-21 school year

Recommendation:

Responsible Person: Dr. Kati Settles

Superintendent’s Approval __________________________

Signature