



Administrative Directive 4.30.063AD

Title IX Sexual Harassment Student to Student Sex-Based Discrimination and Harassment

Title IX of the Education Amendments Act of 1972 states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

While all forms of sex-based discrimination are prohibited in the District, the purpose of this Administrative Directive is to address, and only to address, sexual harassment as defined in Title IX and Sec. 2 below, that occurs within the educational program and activities of the District, and to provide a grievance process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment between students and does not apply to harassment of employees or between employees and students.

All other complaints or reports of sexual harassment will be governed by applicable state laws and in accordance with Board Policies 1.80.020P Non-Discrimination/Anti-Harassment Policy, and 4.30.06-P Student Anti-Harassment and Teen Dating Violence Policy.

1. Application of Title IX Procedure is unreasonable in light of the known circumstances and follows the procedure if a complaint or report has been received against a student for alleged sexual incidents that:
 - a) Occur on or immediately adjacent to District property;
 - b) Occur at or during any district-sponsored activity or program (e.g., athletic site student organization events, etc.), on District-provided transportation or at an official District bus stop;

4. Notice & Actual Knowledge

The District must respond whenever any District employee has been put on notice of any sexual harassment or allegations of sexual harassment as defined in this Administrative Directive. This mandatory obligation is in addition to the child abuse mandatory obligation in Oregon.

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5. Reporting

- b. Did not occur in an education program or activity as defined in Sec.1.
- c. Did not occur in the United States

The District may dismiss a claim when:

- a. The complainant withdraws the formal complaint in writing
- b. The respondent is no longer enrolled as a student in the District
- c. Circumstances prevent the District from gathering evidence that would be sufficient to reach a determination of whether the alleged behavior occurred.

While a claim must be dismissed under Title IX, this does not preclude the District from acting through another District policy or Administrative Directive, or any process in the Student Rights and Responsibilities Handbook.

8. Conflicts of Interest

The Title IX Director and all designees involved in an investigation or hearing must be free from prejudgment, prior knowledge, conflict of interest, or bias for or against any party. District employees who have extensive interaction with any party involved in a complaint are advised to designate another administrator or the Title IX investigator to act on their behalf.

9. Supportive (Safety) Measures

The District will make available supportive measures with or without filing a formal complaint. These supports will be available to both parties, free of charge. These are non-disciplinary and non-punitive individualized services designed to offer support without being unreasonably burdensome. They are meant to restore access to education, protect student and employee safety, and/or deter future acts of sexual harassment.

Supportive measures are temporary and flexible, based on the needs of the individual, and may include counseling, extensions of deadlines or ~~course~~ related adjustments such as schedule changes or modifications of academic requirements; restrictions on contact between parties (must be applied equally to both parties); leaves of absence; increased security and monitoring of certain areas of the building.

10. Removal from School, Program, or Activity

Respondents may only be removed from the school, program, or activity if an individualized safety and risk analysis (threat assessment) determines that there is an immediate threat to the physical health or safety of any person that arises from the allegations of sexual harassment that justifies the removal and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

All investigations shall have:

- a. Trained Title IX investigators will investigate the allegations free from prejudice, prior knowledge, conflict of interest, or bias for or against any party.
- b. Written notice to both parties
- c. Protection for all parties' privacy and the requirement of written consent before accessing any protected medical or psychological records
- d. The presumption that the respondent is not responsible for the prohibited conduct; the District bears the burden of proof
- e. An advisor of each student's choice is permitted to attend meetings as a support person
- f. A decision maker who is not the same person as the investigator
- g. An equal opportunity for the parties to present witnesses and other evidence including the opportunity to offer written questions to all parties
- h. Questions about complainant's prior sexual history are strictly prohibited
- i. The investigator will afford each party 10 days to submit written, relevant questions to the decision maker that the party wants asked of any party or witness
- j. The investigator must explain to the party proposing the questions any decision to exclude a question as not relevant.
- k. Written explanation that must be shared with both parties that (at a minimum) include a responsibility determination and an explanation for how and why this decision maker arrived at this conclusion.

16. Disciplinary Hearings & Determination of Responsibility

The determination of responsibility shall be made by a decision maker who is not the investigator and shall meet the following criteria:

- a. The preponderance of evidence standard shall be used for Title IX and all related student disciplinary proceedings.

- g. The decision maker must issue a written determination/decision within 10 days after the close of time for responses to questions.
- h. The decision maker may impose disciplinary sanctions and remedies.

17. Outcome Notifications

Once a Determination of Responsibility is rendered and sanctions are imposed, final notification to both parties occurs simultaneously.

- a. Final notification to Complainant includes: date investigation concluded; finding (responsible or not); sanction as it relates to complainant's safety; ongoing supportivemeasures; information about how to appeal the decision; non-retaliation reminder; name/contact info of Title IX Director (for follow up); information about civil remedies and applicable statutes of limitations; and privacy/FERPA rights and explanation of exceptions for Title IX cases.
- b. Final notification to Respondent includes: date investigation concluded; finding (responsible or not); sanction or discipline assigned, if any

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D. other bases for appeal may be made available if offered to both parties.

Appeals should be sent in writing to the Title IX Director. They will then be sent to the appropriate Area Senior Director for review. The outcome notification sent to both parties shall indicate where to file an appeal and any applicable deadlines for doing so.

The reviewer's decision will be final and binding on the parties. The United States Department of Education's Office for Civil Rights ("OCR") is the federal agency responsible for overseeing Title IX and other anti-discrimination laws. Parties may contact OCR at: Office for Civil Rights, Seattle Office, U.S. Department of Education, 915 Second Avenue, Room 3310, Seattle, WA 98174, (206) 607-1600, OCR.Seattle@ed.gov.

20. Documentation & Record Retention

All actions taken in response to a report or formal complaint of sexual harassment must be retained for seven years, including but not limited to, documentation for each sexual harassment investigation, including any responsibility determination, disciplinary sanctions imposed, remedies and supportive measures provided, and appeal and informal resolution documentation, if applicable.

21. Training Requirements

Mandatory training on the topics of bias, conflict of interest, and impartial service as a Title IX Director, investigator, decision maker, and/or