

**SEXUAL DISCRIMINATION AND SEX-BASED HARASSMENT  
GRIEVANCES UNDER TITLE IX**

~~The district does not discriminate on the basis of sex and prohibits sex discrimination in all of its education programs and activities, as required by Title IX and its regulations. Such discrimination includes sex-based harassment. This policy and related procedures apply to all students, employees, and applicants for employment.~~

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Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.~~

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*Title IX Coordinator*~~

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The district will designate at least one employee as Title IX Coordinator to receive complaints of sex-based discrimination and harassment and coordinate the district's efforts to comply with Title IX and its regulations. If the district has more than one Title IX Coordinator, the district will designate one to have ultimate oversight over the district's Title IX responsibilities and ensure compliance with the law and its regulations.—~~

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Students, employees and applicants may contact the Title IX Coordinator to make complaints about sex discrimination and sex-based harassment.~~

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*Grievance Procedures*~~

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The district will adopt, publish, and implement grievance procedures, consistent with the requirements of Title IX regulations, that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or are attempting to participate in the district's programs or activities, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its regulations.~~

~~*Notice*~~

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The district will provide notice of nondiscrimination, this policy, and its grievance procedures, to district students, the parents/guardians/other legal representatives of students, employees, applicants for employment, and collective bargaining units. The notice will include:~~

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- ~~1.— A statement of nondiscrimination;~~
  - ~~2.— A prohibition of discrimination;~~
  - ~~3.— That questions about Title IX can be referred to the Title IX Coordinator, the U.S. Office of Civil Rights, or both;~~
  - ~~4.— The name and contact information of the Title IX coordinator(s);~~
  - ~~5.— How to locate this policy;~~



- ~~6. The district's Title IX grievance procedure;~~
- ~~7. How to report information about conduct that may be sex discrimination under Title IX; and~~
- ~~8. How to make a complaint of sex discrimination under Title IX and its regulations.~~

~~The district's notice of nondiscrimination will be posted on its website and in each handbook, catalog, announcement, bulletin, and application form which are available to people who are entitled to notice, or otherwise used in connection with the recruitment of employees. However, due to the size or format of those publications, the district may instead include a statement that the district prohibits sex discrimination in its education programs and activities, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the full notice on the district's website.~~

#### ~~*Employee Requirements*~~

~~All employees (except those designated as "confidential" under Title IX and those who have been personally subjected to conduct which may constitute sex discrimination under Title IX) are required to notify the Title IX Coordinator if they have information about conduct that reasonably may constitute sex discrimination under Title IX and its regulations.~~

#### ~~*Supportive Measures*~~

~~The district will offer supportive measures to complainants or respondents in cases alleging sex discrimination and sex-based harassment, as required by Title IX's regulations. Supportive measures may include, but are not limited to:~~

- ~~1. Counseling;~~
- ~~2. Extensions of deadlines and other course-related adjustments;~~
- ~~3. Escorts while on school grounds or activities;~~
- ~~4. Increased security and monitoring of certain areas of the district;~~
- ~~5. Restrictions on contact applied to one or more parties;~~
- ~~6. Leaves of absence;~~
- ~~7. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and~~
- ~~8. Training and education programs related to sex-based harassment.~~

#### ~~*Emergency Removals and Administrative Leave*~~

~~The district may remove a respondent from the district's education program or activity on an emergency basis. To do so, the district must perform an individualized safety and risk analysis, determine that an imminent and serious threat to the health or safety of a complainant or any student, employee, or other person justifies removal, and provide the respondent with notice and opportunity to challenge the decision immediately following the removal. Any such removal will be in~~



~~accordance with the district's responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and state Education Law section 3214.~~

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~~The district may also place an employee respondent on administrative leave while the Title IX grievance process is pending. Any such leave will be in accordance with the district's responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, state Education Law section 3020-a, and state Civil Service Law Section 75.~~

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~~*Pregnancy and Related Conditions*~~

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~~Under Title IX regulations, "pregnancy or related conditions" means:~~

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- ~~1. Pregnancy, childbirth, termination of pregnancy, or lactation;~~
- ~~2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or~~
- ~~3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.~~

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~~The district will not discriminate against students, employees, or applicants for employment based on their current, potential, or past pregnancy or related conditions.~~

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~~Under the Title IX regulations, the district has specific responsibilities regarding students who are pregnant or have related conditions:~~

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- ~~1. Providing the student with the contact information of the Title IX Coordinator (required of all employees who are informed by the student or their legal representative of their pregnancy or related condition);~~
- ~~2. Informing the student (and, if applicable, their legal representative who informed the Title IX Coordinator of the pregnancy or related conditions) of their rights under the Title IX regulations and the district's nondiscrimination notice;~~
- ~~3. Making reasonable modifications, based on the student's needs and in consultation with the student, as long as they do not fundamentally alter the district's education program or activity (including but not limited to: health or lactation breaks, absences, online/homebound instruction, time extensions, sitting/standing, access to water, counseling, physical space or supply changes, elevator access, or changes to policies, practices or procedures);~~
- ~~4. Allowing the student to voluntarily access separate programs and activities which are comparable to those offered to students who are not pregnant or have related conditions;~~
- ~~5. Allowing the student to voluntarily take a leave of absence and to be reinstated to their academic and extracurricular (if possible) status when they return.~~



- ~~6. Providing access to a lactation space (other than a bathroom, which is clean, shielded from view, and free from intrusion from others) to express breast milk or breastfeed (if students are permitted to bring their children to the district's program or activity);~~
- ~~7. Only requiring supporting documentation that is necessary and reasonable for the district to determine the reasonable modifications to make;~~
- ~~8. Providing medical services comparable to what the district would provide for other temporary medical conditions; and~~
- ~~9. Only requiring certification from a healthcare provider that the student is physically able to participate in the district's education program or activity if: (a) a certain level of physical ability or health is necessary for participation; (b) all students participating in the class, program or activity are required to provide such certification; and (c) the information is not used as a basis for prohibited discrimination.~~

~~The Title IX regulations require the district to provide reasonable break time and access to a lactation space for employees to express breast milk or breastfeed (if employees are permitted to bring their children to the district's program or activity) as needed. Employees have specific rights to express breast milk under federal and state laws. See policy district policy 9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace, for more information.~~

#### *Training*

~~The district will ensure that all employees receive training related to their duties under Title IX promptly upon hiring or change of position, and annually thereafter. Such training will include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination and sex-based harassment, and employee notification requirements under Title IX.~~

~~Personnel in positions with additional responsibilities under Title IX will receive training specific to those responsibilities. Those positions include investigators, decisionmakers, persons who implement the district's grievance procedures or can modify or terminate supportive measures, informal resolution facilitators (if the district offers informal resolution), and Title IX Coordinator(s) and designees.~~

#### *Students with Disabilities*

~~For students with disabilities who are either a complainant or respondent for a Title IX complaint, the Title IX Coordinator will consult with members of a student's IEP or placement team to determine how to comply with the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.~~

#### *Recordkeeping*

~~The district will maintain for at least seven years:~~



- ~~1. All records documenting the information resolution or grievance procedures for all complaints of sex discrimination, and the resulting outcome;~~
- ~~2. All records documenting the actions the district took in response to notifications received by the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; and~~
- ~~3. All materials used to provide training under Title IX, which must be made available to members of the public upon request.~~

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*Related Laws and Policies*

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~~Sex discrimination and sex-based harassment are also prohibited under other district policies cross-referenced below. Complaints of sex-based discrimination and harassment should be first reported to the Title IX Coordinator. If reported to another employee, that employee is required to notify the Title IX Coordinator. If the alleged conduct, even if it were true, would not meet the definition or standard of sex-based discrimination or harassment under Title IX, the district will proceed under other applicable policies. Any information gained during a Title IX investigation can be used in the investigation of violations of other policies and subsequent imposition of discipline. The Title IX Coordinator will facilitate the transfer of information to employees designated to address violations of other policies.~~

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~~Additionally, if the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate law enforcement authorities.~~

Under federal regulations implementing Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
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; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Federal Title IX regulations only address complaints of discrimination or harassment occurring against a person in the United States.

If contacted by a person alleging sexual harassment under Title IX, the Title IX Coordinator will explain the process for filing a formal complaint, which initiates an investigation into the Title IX sexual harassment allegations.

If any district employee is notified of alleged sexual harassment, they must inform the Title IX Coordinator.

Complaints of discrimination on the basis of sex under federal Title IX regulations are addressed in the manner provided by policy 0100, Non-Discrimination and Equal Opportunity. If alleged discrimination or sexual harassment is not covered by Title IX regulations, it may be covered by state laws, addressed in district policies 0100, Non-Discrimination and Equal Opportunity; 0110.2, Sexual Harassment in the Workplace; 0115, Student Harassment and Bullying Prevention and Intervention; and 5300, Code of Conduct.

### **Supportive Measures**

Once the district has notice of sexual harassment or allegations of sexual harassment, the Title IX Coordinator will promptly contact the complainant of sexual harassment under Title IX and discuss the availability of supportive measures regardless of whether the complainant chooses to file a formal complaint under Title IX or not. Potential supportive measures offered to both complainants and respondents 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 locations,
- Leaves of absence,
- Increased security and monitoring of certain areas.

The Title IX coordinator will discuss and determine the complainant's wishes with respect to supportive measures.

### **Formal Complaints**

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment under Title IX against an individual and requesting that the district investigate the allegation of sexual harassment under Title IX. The formal complaint must be a written document but need not be in any specific form. At the time a formal complaint is filed, the complainant must be participating or attempting to participate in the district's education program or activity.

The formal complaint investigation and process will only be triggered when the complainant files a formal complaint of sexual harassment under Title IX.

The district will investigate the complaint and make determinations regarding a complaint's allegations using a preponderance of evidence standard.

The Title IX Coordinator, investigator, decision-maker or facilitator of an informal resolution process, if applicable, must not have a conflict of interest or bias for or against complainants or respondents. All individuals with conflicts of interest or bias must recuse themselves.

The roles of Title IX Coordinator and investigator will be the Director of HR, and the decision-maker will be the Assistant Superintendent for PPS.

### **District Responsibilities**

Throughout the Title IX process the district will, among other things:

- Treat complainants and respondents equitably.
- Perform an objective evaluation of all available evidence.
- Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Ensure that no information protected by a legal privilege such as the attorney-client privilege may be used for any purpose or be sought through disclosure unless the person holding the privilege has waived such privilege.

### **Timeframes**

- *Written notice of a formal complaint to known parties will be given approximately three (3) calendar days following receipt of a complaint.*
- *Investigations of complaints will begin approximately five (5) calendar days following receipt of a complaint.*
- *Determinations will be made approximately fourteen (14) calendar days following starting an investigation.*
- *Informal resolution will begin approximately seven (7) calendar days following acceptance of both parties in writing, and will conclude in approximately thirty (30) calendar days.*

The district has established reasonably prompt approximate time frames for the conclusion of the grievance process and informal resolution process, unless delayed or extended. The time frames for appeals are set forth in the section below on Appeals.

The district has also established a process that allows for a temporary delay or limited extension of timeframes for good cause with notice to the parties that includes the reason for the delay.

- 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.



- The Title IX Coordinator will evaluate the request for an extension of timeframes and make a prompt determination to either extend the timeframes, or take or recommend other action to be able to meet the timeframes.
- If an extension is granted, the Title IX Coordinator will notify the parties in writing of the reason(s) for the delay, and the estimated date the stages in the timeframe will be complete.

### Notice

Upon receipt of a formal complaint of sexual harassment under Title IX, the district will provide written notice to the complainant and respondent(s) in sufficient time to allow the parties who are known to prepare a response before an initial interview.

The notice to the complainant and respondent will include, among other items:

- Information regarding the grievance process and the informal resolution process.
- The conduct allegedly constituting sexual harassment under Title IX, and if known, the identities of the parties involved in the incident, as well as the date and location of the alleged incident.
- A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Notification that the parties may inspect and review evidence.
- Policies regarding knowingly making false statements or submitting false information during the grievance process.
- Notification that after commencing an investigation of a formal complaint, the district may decide to also investigate allegations that were not included in the initial notice to the parties. In that case, the district will provide notice of the additional allegations to the parties.

In lieu of resolving a formal complaint through the district's Title IX grievance procedures, at any time prior to reaching a determination of responsibility, the parties may instead elect to participate in a district-facilitated informal resolution process such as mediation, which does not involve a full investigation and determination. The district will obtain the parties' voluntary written consent to the informal resolution process. Informal resolution is not available to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

The district will provide the parties with a written notice of:

- The allegations.
- The requirements of the informal resolution process.



- 376 • That at any time prior to agreeing to a resolution, any party has the right to  
377 withdraw from the informal resolution process and resume the formal  
378 complaint grievance process.
- 379 • Any consequences that result from participation in informal resolution,  
380 including records that will be maintained or could be shared.

### 381 **Investigations**

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384 Upon receipt of a formal complaint of sexual harassment under Title IX, the Title IX  
385 Coordinator will assign an investigator. The assigned harassment investigator will:

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387 • Gather additional information through interviews of the complainant,  
388 respondent, and witnesses and synthesize the information in a report.
- 389 • The investigator has the discretion to determine the relevance of any witness  
390 or other evidence and may exclude information in preparing the investigation  
391 report if the information is irrelevant, immaterial, or more prejudicial than  
392 informative.
- 393 • Produce a written report that contains the relevant information and facts  
394 learned during the investigation, and may include direct observations and  
395 reasonable inferences drawn from the facts and any consistencies or  
396 inconsistencies between the various sources of information. The investigator  
397 may exclude statements of personal opinion by witnesses and statements as  
398 to general reputation for any character trait, including honesty. The  
399 investigator will not make a finding or recommended finding of  
400 responsibility. The investigator's report will include credibility assessments  
401 based on their experience with the complainant, respondent, and witnesses,  
402 as well as the evidence provided.
- 403 • The investigator's written report will be provided to both parties and their  
404 representatives, if any.

405  
406 During the formal complaints process, the parties will have an equal opportunity to:

- 407  
408 • Present witnesses and to gather and present relevant evidence.
- 409 • Have others present during any grievance proceeding, including the  
410 representative of their choice who may be, but is not required to be, an  
411 attorney.
- 412 • Inspect and review all evidence obtained as part of the investigation that is  
413 directly related to the allegations in the complaint and respond to the  
414 evidence prior to the conclusion of the investigation. Parties must be given  
415 at least ten (10) calendar days to submit a written response that the  
416 investigator will consider prior to completing the investigative report.

### 417 **Dismissal**

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420 The district must dismiss a formal complaint when the conduct alleged in the formal  
421 complaint of sexual harassment under Title IX:  
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- 423 • Would not constitute sexual harassment under Title IX even if proved; or
- 424 • Did not occur in the district's education program or activity; or
- 425 • Did not occur against a person in the United States.

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427 Such a dismissal does not preclude action under another provision of the district's  
428 code of conduct, or another policy adopted pursuant to state law.

429

430 The district may dismiss a formal complaint when:

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- 432 • A complainant notifies the Title IX Coordinator in writing that they would  
433 like to withdraw the formal complaint or any of its allegations; or
- 434 • The respondent is no longer enrolled or employed by the district; or
- 435 • Specific circumstances prevent the district from gathering enough evidence  
436 to reach a determination on the formal complaint or its allegations.

437

438 If a complaint is dismissed, the decision-maker will send written notice of the  
439 dismissal and reason(s) therefore simultaneously to the parties

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#### 441 Questions

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443 Prior to issuing a written determination, the decision-maker(s) will afford each party  
444 the opportunity to submit written, relevant questions that a party wants to ask of any  
445 party or witness, provide each party with the answers, and allow for additional,  
446 limited follow-up questions from each party. Questions and evidence about the  
447 complainant's sexual predisposition or prior sexual behavior are not relevant, unless  
448 such questions and evidence about the complainant's prior sexual behavior are  
449 offered to prove that someone other than the respondent committed the conduct  
450 alleged by the complainant, or if the questions and evidence concern specific  
451 incidents of the complainant's prior sexual behavior with respect to the respondent  
452 and are offered to prove consent. The decision-maker(s) must explain to the party  
453 proposing the questions any decision to exclude a question as not relevant.

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#### 455 Determinations

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457 Following the question-and-answer process and upon receipt of the investigative  
458 report, the decision-maker will issue a written determination. The decision-maker's  
459 written determination will address:

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- 461 • The allegations,
- 462 • The procedural steps taken in the case at hand,
- 463 • The findings of fact,
- 464 • The applicability of code of conduct and local rules to the facts, and
- 465 • The result with corresponding rationale for each addressed allegation,  
466 including a determination of responsibility, disciplinary sanctions, and  
467 whether remedies to restore or preserve access will be provided.

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#### 469 Disciplinary Sanctions and Remedies



If the district determines responsibility for sexual harassment, if the decision is not appealed, or if the appeal is dismissed, the district will impose disciplinary sanctions, which may include, but not limited to:

- Student respondents: consequences may include warning, reprimand, detention, in-school suspension, and suspension from school, to be imposed consistent with the district's Code of Conduct and applicable law
- Employee respondents: consequences may include warning, reprimand, mandatory counseling, re-assignment, demotion, suspension, and termination, to be imposed consistently with all applicable contractual and statutory rights.
- Volunteer respondents: consequences may include warning, reprimand, loss of volunteer assignments, and removal from future volunteer opportunities.
- Vendor respondents: consequences may include warning, removal from school property, denial of future access to school property, and denial of future business with the district.
- Other individuals: consequences may include warning, removal from school property, and denial of future access to school property.

The Title IX Coordinator will facilitate the transfer of information and determinations from the Title IX complaint process to the appropriate administrator, to aid in the imposition of disciplinary consequences.

The district may also provide or facilitate remedies, which may include, but not limited to:

- Training of individuals or entire departments, classes, or groups;
- Peer support groups;
- Letters of apology;
- Separation of the parties;
- Additional supervision or mentoring for the respondent; and
- Restitution and restoration.

## Appeals

Following a decision-makers written determination, either party may appeal the written determination or dismissal of the complaint.

An appeal must be submitted to the Title IX Coordinator within seven (7) calendar days of receipt of the determination or dismissal (as applicable) and must identify all information a party wishes to have considered on appeal. Any appeal statement will be shared with the other party, who will have two (2) calendar days to submit a response to the Title IX Coordinator. The appeal and any response will be considered by a decision-maker other than the decision-maker who issued the determination or dismissal that is being appealed.

Grounds for an appeal are limited to the following:

- Procedural irregularity that affected the outcome of the matter; and/or
- New evidence that was not reasonably available at the time determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or any decision-maker 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; and/or
- The sanction is inappropriate.

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator within thirty (30) calendar days.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110.2, Sexual Harassment in the Workplace

0115, Student Harassment and Bullying Prevention and Intervention

5300, Code of Conduct

~~9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace~~

Ref:

20 USC §§1681 et seq.

34 CFR Part 106

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**~~SEX DISCRIMINATION AND SEX-BASED HARRASSMENT~~ SEXUAL  
HARRASSMENT GRIEVANCES UNDER TITLE IX EXHIBIT - DEFINITIONS**

Definitions of the following terms are based on the federal regulations implementing Title IX (34 CFR §106.2):

*Complainant means:-*

- ~~1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or~~
- ~~2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.~~

~~*Complaint* means an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations.~~

~~*Disciplinary sanctions* means consequences imposed on a respondent following a determination under Title IX that the respondent violated the district's prohibition on sex discrimination.~~

~~*Party* means a complainant or respondent.~~

~~*Relevant* means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred; and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.~~

~~*Remedies* means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the district's education program or activity after the district determines that sex discrimination occurred.~~

~~*Respondent* means a person who is alleged to have violated the district's prohibition on sex discrimination.~~

~~*Retaliation* means intimidation, threats, coercion, or discrimination against any person by the district, a student, or an employee or other person authorized by the district to provide aid, benefit, or service under the district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an~~



51 investigation, proceeding, or hearing under the Title IX regulations.

52 -

53 ~~Sex-based harassment is a form of sex discrimination and means sexual harassment~~  
54 ~~and other harassment on the basis of sex, including on the basis of sex stereotypes,~~  
55 ~~sex characteristics, pregnancy or related conditions, sexual orientation, and gender~~  
56 ~~identity, that is:-~~

57 1. ~~Quid pro quo harassment. An employee, agent, or other person authorized by~~  
58 ~~the district to provide an aid, benefit, or service under the district's education~~  
59 ~~program or activity explicitly or impliedly conditioning the provision of such~~  
60 ~~an aid, benefit, or service on a person's participation in unwelcome sexual~~  
61 ~~conduct;~~

62 2. ~~Hostile environment harassment. Unwelcome sex-based conduct that, based~~  
63 ~~on the totality of the circumstances, is subjectively and objectively offensive~~  
64 ~~and is so severe or pervasive that it limits or denies a person's ability to~~  
65 ~~participate in or benefit from the district's education program or activity (i.e.,~~  
66 ~~creates a hostile environment). Whether a hostile environment has been~~  
67 ~~created is a fact-specific inquiry that includes consideration of the~~  
68 ~~following:-~~

69 a. ~~The degree to which the conduct affected the complainant's ability to~~  
70 ~~access the district's education program or activity;~~

71 b. ~~The type, frequency, and duration of the conduct;~~

72 c. ~~The parties' ages, roles within the district's education program or~~  
73 ~~activity, previous interactions, and other factors about each party that~~  
74 ~~may be relevant to evaluating the effects of the conduct;~~

75 d. ~~The location of the conduct and the context in which the conduct~~  
76 ~~occurred; and~~

77 e. ~~Other sex-based harassment in the district's education program or~~  
78 ~~activity; or~~

79 3. ~~Specific offenses:-~~

80 a. ~~Sexual assault meaning an offense classified as a forcible or~~  
81 ~~nonforcible sex offense under the uniform crime reporting system of~~  
82 ~~the Federal Bureau of Investigation;~~

83 b. ~~Dating violence meaning violence committed by a person:-~~

84 i. ~~Who is or has been in a social relationship of a romantic or~~  
85 ~~intimate nature with the victim; and~~

86 ii. ~~Where the existence of such a relationship shall be~~  
87 ~~determined based on a consideration of the following factors:-~~

88 1. ~~The length of the relationship;~~

89 2. ~~The type of relationship; and~~

90 3. ~~The frequency of interaction between the persons~~  
91 ~~involved in the relationship;~~

92 e. ~~Domestic violence meaning felony or misdemeanor crimes~~  
93 ~~committed by a person who:-~~

94 i. ~~Is a current or former spouse or intimate partner of the victim~~  
95 ~~under the family or domestic violence laws of the jurisdiction~~  
96 ~~of the district, or a person similarly situated to a spouse of the~~  
97 ~~victim;~~



- 98                   ii. ~~Is cohabitating, or has cohabitated, with the victim as a~~  
99                   ~~spouse or intimate partner;~~  
100                  iii. ~~Shares a child in common with the victim; or~~  
101                  iv. ~~Commits acts against a youth or adult victim who is protected~~  
102                   ~~from those acts under the family or domestic violence laws of~~  
103                   ~~the jurisdiction; or~~  
104                  d. ~~Stalking meaning engaging in a course of conduct directed at a~~  
105                   ~~specific person that would cause a reasonable person to:~~  
106                    i. ~~Fear for the person's safety or the safety of others; or~~  
107                    ii. ~~Suffer substantial emotional distress.~~

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109       ~~Supportive measures means individualized measures offered as appropriate, as~~  
110       ~~reasonably available, without unreasonably burdening a complainant or respondent,~~  
111       ~~not for punitive or disciplinary reasons, and without fee or charge to the complainant~~  
112       ~~or respondent to:~~

- 113                  1. ~~Restore or preserve that party's access to the district's education program or~~  
114                   ~~activity, including measures that are designed to protect the safety of the~~  
115                   ~~parties or the district's educational environment; or~~  
116                  2. ~~Provide support during the district's grievance procedures or during an~~  
117                   ~~informal resolution process.~~

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

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121       *Formal complaint* means a document filed by a complainant or signed by the Title  
122       IX Coordinator alleging sexual harassment against a respondent and requesting that  
123       the district investigate the allegation of sexual harassment. At the time of filing a  
124       formal complaint, a complainant must be participating in or attempting to participate  
125       in the education program or activity of the district with which the formal complaint  
126       is filed.

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

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131       *Retaliation* means intimidation, threats, coercion, or discrimination against any  
132       individual for the purpose of interfering with any right or privilege secured by title  
133       IX or this part, or because the individual has made a report or complaint, testified,  
134       assisted, or participated or refused to participate in any manner in an investigation,  
135       proceeding, or hearing under Title IX regulations.

136  
137       *Sexual harassment* means conduct on the basis of sex that satisfies one or more of  
138       the following:

- 139                  1. An employee of the district conditioning the provision of an aid, benefit, or  
140                   service of the district on an individual's participation in unwelcome sexual  
141                   conduct;  
142                  2. Unwelcome conduct determined by a reasonable person to be so severe,  
143                   pervasive, and objectively offensive that it effectively denies a person equal  
144                   access to the district's education program or activity; or

3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

*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.

First Reading: September 10, 2024

Adoption Date: September 24, 2024

First Reading: September 9, 2025