

## Title IX – Non-Discrimination on the Basis of Sex in Educational Programs & Activities

### **Overview, Scope and Application of Policy**

It is the policy of the Chenango Valley Central School District to comply with the requirements of Title IX of the Education Amendments of 1972, as amended, and its implementing regulations (Title IX). Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a district that receives federal financial assistance. As required by Title IX, the District does not discriminate on the basis of sex in its education programs and activities or when making employment decisions.

This policy is designed to address complaints of sex discrimination occurring against a person in the United States that fall within the scope of Title IX only, and applies to any individual participating in or attempting to participate in the District's education programs or activities including students and employees.

Title IX has a specific definition of sexual harassment that differs from similar definitions in other anti-discrimination statutes and regulations. Accordingly, this Policy is just one component of the District's overall effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment. Other District policies and documents that address sex-based misconduct may have different definitions, standards of review and grievance procedures. These additional documents must be read in conjunction with this Policy, as they may provide additional and/or different rights and remedies for certain forms of sex-based misconduct not covered by Title IX.

In order to promote familiarity with issues pertaining to discrimination and harassment in the schools, and to help reduce incidents of prohibited conduct, the District provides mandatory Title IX training to all District faculty and staff, as well as additional training to Title IX Coordinators, investigators and decision-makers regarding the impartial administration of this Policy and associated grievance process. All Title IX training materials will be published on the District's website.

Copies of this Policy will be available upon request and will be published on the District's website and in appropriate locations and/or school publications. Inquiries about this Policy or the application of Title IX may be directed to the District's Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

### **What Constitutes Sex Discrimination under Title IX**

Title IX prohibits various types of sex discrimination including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a District's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) 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;

- b) 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;
- c) Any conduct that meets the statutory definition of “sexual assault” (20 U.S.C. § 1092 (f) (6) (A) (v)), “dating violence” (34 U.S.C. § 12291 (a) (10)), “domestic violence” (34 U.S.C. § 12291 (a) (8)), or “stalking” (34 U.S.C. § 12291 (a) (30)).

### **Title IX Coordinator**

The District has designated and authorized the Assistant Superintendent and Director of Pupil Services to serve as its Title IX Coordinators, who will coordinate the District's efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinators may be delegated to other personnel. Where appropriate, the Title IX Coordinators may seek the assistance of the Dignity Act Coordinator(s) (DAC(s)) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

Prior to the beginning of each school year, the District shall issue an appropriate written notification which advises students, parents/legal guardians, employees, labor unions and other relevant individuals of this Policy. Included in such notification will be the name, title, office address, telephone number and email address of the Title IX Coordinators, which contact information will also be prominently displayed on the District's website. Such information will also be made available to all applicants for employment with the District.

### **Reporting Allegations of Sex Discrimination**

Any person who believes that he/she has been subjected to any type of discrimination or harassment, or is not the alleged victim, but has knowledge of an occurrence of discrimination or harassment, should report it to his/her immediate supervisor, the building principal or other individual in charge of his/her building, the District Compliance Officer (DCO) or the Title IX Coordinator(s). Reports may be made in person, by using the contact information for the Title IX Coordinator/DCO, or by any other means that results in the Title IX Coordinator/DCO receiving the person's oral or written report.

Depending on the nature of the allegations, the Title IX Coordinator(s) and/or the DCO will coordinate the District's investigation into the allegations of discrimination/harassment. If the Title IX Coordinator/DCO is the individual suspected of engaging in discrimination or harassment, the complaint will be directed to another Title IX Coordinator/DCO if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

Reporting discrimination and harassment is everyone's responsibility. All District employees who witness or receive an oral or written report of sex discrimination must immediately inform the Title IX Coordinator. Failure to immediately inform the Title IX Coordinator may subject the employee to discipline up to and including termination.

## **Grievance Process for Complaints of Sex Discrimination Other than Title IX Sexual Harassment**

The District will provide for the prompt and equitable resolution of reports of sex discrimination other than Title IX sexual harassment. In responding to these reports, the Title IX Coordinator and/or DCO will utilize the grievance process set forth in Section III, Policy No. 12 of the District Policy Manual, and/or any other applicable District policy, procedure, regulation, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

## **Grievance Process for Formal Complaints of Title IX Sexual Harassment**

The District will respond to allegations of Title IX sexual harassment in a manner that is reasonable in light of the known circumstances whenever it has actual knowledge of sexual harassment in an education program or activity of the District. For purposes of reports and formal complaints of sexual harassment under Title IX, the term “education program or activity” includes locations, events, or circumstances over which the District exercises substantial control over both the respondent(s) and the context in which the sexual harassment occurred.

Except where disclosure may be permitted or required by law or regulation, the District will keep confidential the identity of: (1) any individual who has made a report or complaint of sex discrimination; (2) any individual who has made a report or filed a formal complaint of sexual harassment; (3) the complainant(s); (4) any individual who has been reported to be the perpetrator of sex discrimination; (5) the respondent(s); and (6) any witnesses to the alleged acts.

### After a Report of Title IX Sexual Harassment Has Been Made

Any individual who believes that he/she has been subjected to discrimination or harassment or who is made aware of and/or witnesses any possible occurrence of discrimination or harassment shall report such incident or occurrence as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. Victims and/or witnesses should attempt to provide as much detail as possible when making such reports.

**Note:** Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a complainant or a parent or legal guardian who has a right to act on behalf of the complainant or signed by the Title IX Coordinator which alleges sexual harassment against a respondent and requests that the District investigate the allegations. While the District must respond to all reports it receives of sexual harassment, the Title IX grievance process is only initiated with the filing of a formal complaint.

Whenever a report of Title IX sexual harassment is made, the Title IX Coordinator shall promptly contact the person alleged to be the victim of the harassment and offer supportive measures. The Title IX Coordinator shall consider the alleged victim's wishes with respect to supportive measures, inform the alleged victim of the availability of supportive measures with or without the filing of a formal Title IX complaint and explain to the alleged victim the process for filing a formal complaint. For purposes of this Policy, “supportive measures” means individualized services reasonably available that are non-punitive,

non-disciplinary, and not unreasonably burdensome to the other party, which are designed to ensure equal educational access, protect safety, or deter sexual harassment.

#### Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the District may immediately remove a respondent from the District's education program or activity on an emergency basis, provided that the District: (a) Undertakes an individualized safety and risk analysis; (b) 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; and (c) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The District should coordinate their Title IX compliance efforts with special education staff when initiating an emergency removal of a student with a disability from an education program or activity.

The District may place an employee respondent on administrative leave with or without pay during the pendency of the grievance process in accordance with applicable laws, regulations, District policy, procedure, collective bargaining agreements, or other documents, such as the District's *Code of Conduct*.

#### Filing and District's Receipt of a Formal Title IX Complaint

A complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or other method made available by the District. Only the filing of a formal complaint initiates the grievance process. A formal complaint must be signed and filed by the complainant, the complainant's parent or legal guardian, or the Title IX Coordinator. Where a parent or legal guardian signs the complaint, the parent or legal guardian does not become the complainant; rather the parent or legal guardian acts on behalf of the complainant. The Title IX Coordinator may sign the formal complaint, but his or her signature does not make him or her a complainant or a party to the complaint. The complainant, or the complainant's parent or legal guardian, must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. The formal complaint form may be obtained from the District's Title IX Coordinator or found on the District's website.

Within 3 business days of receiving a formal complaint, the Title IX Coordinator will notify the complainant, in writing, that his/her complaint has been received. Additionally, the Title IX Coordinator must provide to all complainants and respondents a written notice containing the following information:

1. A copy of this grievance procedure, and references to any other applicable District policy, procedure, collective bargaining agreement or other document that prohibits knowingly making false statements or submitting false information during the grievance process;
2. The allegations of sexual harassment made in the complaint including, if known, the identities of the parties involved, the conduct allegedly constituting sexual harassment, and the date(s) and location(s) of the alleged conduct;
3. A statement that the parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the complaint;
4. A statement that the accused is presumed not responsible and that a determination of responsibility will be made at the conclusion of the investigative process;
5. A statement that the parties may select an advisor of their choice, who may or may not be an attorney.

The District **must** dismiss a formal Title IX complaint if:

1. The complaint does not establish that the alleged conduct would constitute “sexual harassment”, as defined by Title IX regulations, even if proved;
2. The complaint does not establish that the conduct occurred during a District “education program or activity”, as defined by said regulations; or
3. The complaint does not establish that the conduct occurred against a person in the United States.

The District **may** dismiss a complaint or any allegations therein if at any time during the investigation:

1. A complainant notifies the Title IX Coordinator in writing that he/she would like to withdraw the complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.

The District shall give the parties written notice of any dismissal and the reasons therefor. Written notice of dismissal shall also include information on the parties’ right to appeal pursuant to the “Title IX Appeals Procedure” set forth in this Policy. The dismissal of a formal complaint under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District’s *Code of Conduct*.

#### Investigation of a Formal Title IX Complaint

The Title IX Coordinator will oversee the District’s investigation of all formal complaints. Where appropriate, the District may appoint additional employees, legal counsel or other appropriate third parties to investigate a Title IX complaint, and will additionally appoint one or more decision-makers to handle the disposition of a complaint on the merits after a formal investigation. The Title IX Coordinator may serve as an investigator, but may not serve as a decision-maker. No other person appointed as an investigator may serve as a decision-maker. All District employees/appointees handling Title IX complaints must be free from conflicts of interest or bias for or against the complainant(s) and the respondent(s).

While timelines for investigating complaints will vary depending upon the scope and complexity of the matter, it is anticipated that investigations will be completed no more than 30 business/calendar days from the District’s receipt of the complaint. The Title IX Coordinator or the individual or entity assigned to investigate the allegations in the complaint will inform the Superintendent if extenuating circumstances require more than 30 business/calendar days for the investigation to be completed. Written notification will also be provided to all parties regarding the need for additional time.

In conducting an investigation, the Title IX Coordinator or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will, as appropriate: collect and objectively review all relevant documents; interview the complainant, the respondent, and any witnesses presented by either the complainant or the accused; review relevant files and video; and collect and review other evidence as appropriate. Interviews of the complainant, the alleged victim, and the accused will be conducted separately. During the investigation, any party whose participation is invited or expected at any interview or other meeting pertinent to the investigation shall be provided with reasonable written notice of the date, time, location, participants and purpose of said interview or meeting.

Upon completion of the investigation, the Title IX Coordinator or the individual or entity assigned to investigate the allegations in the complaint will prepare and promptly provide to the parties, their advisors and the Title IX decision-maker(s) in electronic format or hard copy: (a) all evidence collected that directly relates to the allegations, and (b) a written investigative report that fairly summarizes relevant evidence. Parties will have 10 calendar days to review and respond to the evidence and investigative report, which review period may be extended upon consent of the parties or for good cause shown.

### Determination of Responsibility

After receiving the investigative report, each party will have 10 business/calendar days to submit to the Title IX decision-maker(s) written questions that the party wants asked of any other party or witness, which questions must be relevant, as determined by the decision-maker(s). For all relevant questions asked, the decision-maker(s) must obtain and provide each party with the answers within 7 business/calendar days or as soon as practicable thereafter, and allow for additional, limited follow-up questions from each party, which must be submitted within 5 business/calendar days after the parties have received responses to their initial questions.

Within 30 days after the conclusion of the above-described investigative review period and subsequent question/answer period, or as soon as practicable thereafter, the Title IX decision-maker(s) shall issue a written determination of responsibility for the alleged Title IX violation. The decision-maker(s) shall find the respondent responsible for the violations alleged in the complaint if the entire administrative record proves by a preponderance of the evidence that he/she/they is/are responsible. The decision-maker(s)' written determination shall be transmitted simultaneously to all parties, and shall include instructions on how to file an administrative appeal thereof in accordance with this Policy.

Where a determination regarding responsibility for sexual harassment has been made against the respondent, remedies will be provided to a complainant and disciplinary sanctions may be imposed on a respondent. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

The Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will work with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

### Title IX Appeals Procedure

Within 30 business/calendar days of the date of the dismissal of a formal Title IX complaint, or the issuance of the decision-maker's determination of responsibility for an alleged Title IX violation, any party shall have the right to appeal to the Board of Education said determination on any of the following grounds:

1. One or more procedural irregularities affected the outcome of the matter;
2. New evidence that was not reasonably available when the determination was made has come to light that could affect the outcome of the matter;

3. The Title IX Coordinator, investigator or decision-maker had a general or specific conflict of interest or bias against the complainant or respondent that affected the outcome of the matter.

The appellant's appeal must be accompanied by a written statement challenging the determination that sets forth the ground(s) for the appeal and any arguments in support thereof. If the appeal is based upon the discovery of new evidence or an alleged conflict of interest, such evidence must be included with the appellant's written statement.

In the event that an appeal is filed, the Board of Education shall notify the other party in writing. Within 30 business/calendar days of said notification, the other party may submit a written statement setting forth arguments in opposition to the appeal.

Within 30 business/calendar days or as soon as practicable thereafter, the Board of Education shall issue a written decision describing the result of the appeal and the rationale for the result, which decision shall be provided simultaneously to both parties. The Board of Education's decision shall be based upon the entire administrative record and the parties' appellate submissions.

### **Prohibition of Retaliatory Behavior**

The District prohibits retaliation against any individual for the purpose of interfering with his or her Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under Title IX.

Charging an individual with *Code of Conduct* or other applicable violations that do not involve sex discrimination, including sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Charging an individual with a *Code of Conduct* or other applicable violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

All complaints alleging retaliation will be handled in a manner consistent with the District's policies and procedures regarding the investigation of discrimination and harassment complaints.

### **Recordkeeping**

For a period of seven years, the District will retain the following:

- a) Records of each sexual harassment investigation including any:
  1. Determination regarding responsibility;
  2. Audio or audiovisual recording or transcript required under law or regulation;
  3. Disciplinary sanctions imposed on the respondent; and
  4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.

- b) Any appeal and its result.
- c) Any informal resolution and its result.
- d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- e) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, 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 must 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 a District does not provide a complainant with supportive measures, then the District must 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.

**NON-DISCRIMINATION AND ANTI-HARRASSMENT IN THE SCHOOL DISTRICT**  
**CHENANGO VALLEY CENTRAL SCHOOL DISTRICT**  
**TITLE IX COMPLAINT FORM**

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Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX) prohibit discrimination on the basis of sex in any education program or activity operated by a district that receives federal financial assistance. As required by Title IX, the District does not discriminate on the basis of sex in its education programs and activities or when making employment decisions.

The District will promptly respond to reports of sexual harassment, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections to complainants and respondents, and impose sanctions and implement remedies when warranted.

**Instructions**

This form is used to file a formal complaint of sexual harassment under Title IX. Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) 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;
- b) 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
- c) Sexual assault, dating violence, domestic violence, or stalking.

Filing a formal complaint of sexual harassment initiates the District's Title IX grievance process which involves, among other things, investigating the allegations of sexual harassment. At the beginning of the grievance process, a written notice of allegations will be sent to all known parties which describes, among other things, details of the allegations being made including 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.

This form must be completed and signed by either the alleged victim ("the complainant"); a parent or legal guardian who has a right to act on behalf of the complainant; or the Title IX Coordinator. It should be submitted to the Title IX Coordinator in person or by mail, email, or other method made available by the District. Filling this form out as thoroughly as possible will assist the District in providing for the prompt, thorough, and equitable resolution of all allegations. Inquiries about this form or the Title IX grievance process may be directed to the District's Title IX Coordinator(s).

The District has designated and authorized the following District employee(s) to serve as its Title IX Coordinator(s): Refer to Title IX Coordinator on website.

You may use additional sheets of paper if needed and attach any relevant materials or evidence.

## CHENANGO VALLEY CENTRAL SCHOOL DISTRICT



### NON-DISCRIMINATION AND ANTI-HARRASSMENT IN THE SCHOOL DISTRICT TITLE IX COMPLAINT FORM

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#### Information about the Complainant

*(The person alleged to have experienced the sexual harassment.)*

First and last name: \_\_\_\_\_

Complainant's relationship to the District:

Student       Employee       Other \_\_\_\_\_

Primary building or location: \_\_\_\_\_

Further details including, if applicable, grade or title: \_\_\_\_\_

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Complainant's contact information:

Address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Email: \_\_\_\_\_

#### Information about the Respondent

*(The person alleged to have perpetrated the sexual harassment.)*

First and last name: \_\_\_\_\_

Respondent's relationship to the District:

Student       Employee       Other \_\_\_\_\_

**NON-DISCRIMINATION AND ANTI-HARRASSMENT IN THE SCHOOL DISTRICT  
TITLE IX COMPLAINT FORM (CONT'D.)**

Primary building or location: \_\_\_\_\_

Further details including, if applicable, grade or title: \_\_\_\_\_

Respondent's contact information:

Address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Information about the Alleged Incident(s)**

Describe the alleged incident(s) of sexual harassment and how it has affected you. **Include any known date(s), time(s), and place(s) of the alleged incident(s).**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the sexual harassment continuing?  Yes  No

**Information about Witnesses**

List the names and known contact information for any witnesses, individuals who may have information related to this formal complaint, or individuals you have discussed the alleged incident(s) with:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NON-DISCRIMINATION AND ANTI-HARRASSMENT IN THE SCHOOL DISTRICT  
TITLE IX COMPLAINT FORM (CONT'D.)**

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**Information about Previous Reports**

Have you previously reported or provided information (verbal or written) about this or related incidents?  
If yes, when and to whom did you report information to? What was the remedy, outcome, or resolution?

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**Information about Legal Counsel**

If you have obtained legal counsel or a non-attorney advisor and would like us to work with them, please provide their name and contact information:

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**Information about the Person Completing this Form**

Are you the complainant?  Yes  No

If no, fill out the following:

First and last name: \_\_\_\_\_

Relationship to the complainant:

I am the parent/legal guardian of the complainant

I am the Title IX Coordinator for the District

Other \_\_\_\_\_

**NON-DISCRIMINATION AND ANTI-HARRASSMENT IN THE SCHOOL DISTRICT  
TITLE IX COMPLAINT FORM (CONT'D.)**

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Your contact information:

Address: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_ Work phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Filing a Formal Complaint**

Have you previously met with the District's Title IX Coordinator to discuss the allegations listed in this formal complaint and supportive measures available?  Yes  No

If yes, indicate the first and last name the Title IX Coordinator: \_\_\_\_\_

Are you requesting that the District investigate the allegations of sexual harassment being made in this formal complaint?  Yes  No

**Additional Information**

Did you use additional sheets of paper and/or attach any relevant materials or evidence in completing this form?  Yes  No

If yes, please:

Indicate how many additional sheets of paper have been attached: \_\_\_\_\_

Identify all relevant materials and evidence that have been attached: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

***I certify that the facts in this formal complaint are true to the best of my knowledge, information, and belief.***

First and last name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NON-DISCRIMINATION AND ANTI-HARRASSMENT IN THE SCHOOL DISTRICT  
TITLE IX COMPLAINT FORM (CONT'D.)**

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**For District Use Only**

Formal complaint initially received on: \_\_\_\_\_

Formal complaint initially received by: \_\_\_\_\_  
*(name and title)*

Indicate to whom and the date that this formal complaint was forwarded, if at all:

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