

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES - Revised 2.71a

#### Introduction

These procedures are intended to create and preserve an educational and working environment free from discrimination and harassment on the basis of race, color, religion, ethnic or national origin, age, disability, veteran or military status, marital status, pregnancy, sex, gender, gender identity or expression, or sexual orientation. These procedures are intended to further the District's commitment to provide a healthy and productive environment for all students, employees and "non-employees" (i.e., contractors, subcontractors, vendors, consultants and volunteers) that promotes respect, dignity and equality.

The School Board recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The School Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the School Board shall adopt the uniform system of complaint procedures described below.

#### Role of the Title IX Coordinator

The Title IX Coordinator is the person designated by the Superintendent to coordinate compliance with Title IX and the District's equity policies. The contact information for the District's Title IX Coordinator is included directly below.

Office of the Title IX Coordinator  
1960 Landings Boulevard  
Sarasota, FL 34231  
(941) 927-9000

The Title IX Coordinator's contact information shall be included in the Title IX section of the District's website, as well as in the student and employee handbooks. The Title IX Coordinator or his/her designee will be available during regular school/work hours to discuss concerns related to discrimination and harassment.

The Title IX Coordinator will receive reports or complaints from employees regarding discrimination and harassment based on race, color, religion, ethnic or national origin, age, disability, veteran or military status, marital status, pregnancy, sex, gender, gender identity or expression, or sexual orientation; and oversee the investigative process for these reports. The Title IX Coordinator will ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including discrimination and harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify discrimination and harassment, and take other appropriate action to rectify the damaging effects of any prohibited discrimination or harassment, including supportive measures for the claimant during the course of the

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investigation.

The Title IX Coordinator will be responsible for collecting and maintaining copies of all complaint forms that are submitted by students and employees pursuant to this policy, as well as documentation from all subsequent investigations and resolutions, including for both informal and formal complaints.

The Title IX Coordinator will also be responsible for assessing the training needs of the District's students and employees in connection with dissemination, comprehension, and compliance with this policy, as well as arrange for necessary training required for compliance with this policy. The Title IX Coordinator will annually report to the School Board on the use and efficacy of the Policy Prohibiting Discrimination and Harassment and these procedures. Recommendations for changes to the policy and procedures, if applicable, shall be included in the report. The Title IX Coordinator is encouraged to involve staff, students, and volunteers and parents in the review process.

### **Role of the Title IX Officer**

Each school in the District will have a designated "Title IX Officer." The Principal, Assistant Principal or a designee from each school will serve in this role. Within each school, the Title IX Officer will receive reports and complaints from students regarding discrimination and harassment based on race, color, religion, ethnic or national origin, age, disability, veteran or military status, marital status, pregnancy, sex, gender, gender identity or expression, or sexual orientation; and oversee the investigative process for these reports. The Title IX Officer will ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including discrimination and harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify discrimination and harassment, and take other appropriate action to rectify the damaging effects of any prohibited discrimination or harassment, including supportive measures for the claimant during the course of the investigation.

The Title IX Officer for each school will be responsible for providing to the District's Title IX Coordinator copies of all complaint forms that are submitted by students pursuant to this policy, as well as documentation from all subsequent investigations and resolutions, including for both informal and formal complaints.

### **Investigation - Informal Complaint Procedure (Students, Employees and Non-Employees)**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal process, if possible. The informal complaint procedure is provided as a less formal option for any student, employee or non-employee who believes s/he has been harassed or discriminated against in violation of School Board policy. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, employees or non-employees who believe they have been harassed or discriminated

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against may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (claimant and respondent) agree to participate in the informal process.

Students, employees or non-employees who believe they have been harassed or discriminated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of discrimination or harassment involving a District employee or any other adult member of the District community against a student will be formally investigated.

A student who believes s/he has been harassed or discriminated against may make an informal complaint, either orally or in writing, to a teacher, other employee, or building administrator in the school the student attends and/or directly to the Title IX Officer. An employee or non-employee who believes he or she has been harassed or discriminated against may make an informal complaint, either orally or in writing, to a supervisor, the Title IX Officer and/or directly to the District's Title IX Coordinator.

All informal complaints from students must be reported to the Title IX Officer, who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution. Based on the nature and severity of the complaint, the Title IX Officer should determine whether the involvement of the School Resource Officer (SRO) is required. If it is believed that the complaint involves criminal conduct as defined under Florida law, the mandatory reporting requirements included below shall be followed.

All informal complaints from employees and non-employees must be reported to the District's Title IX Coordinator, who will either facilitate an informal resolution or appoint another individual to facilitate an informal resolution. Based on the nature and severity of the complaint, the Title IX Coordinator should determine whether the involvement of an SRO is required. If it is believed that the complaint involves criminal conduct as defined under Florida law, the mandatory reporting requirements included below shall be followed.

The District's informal complaint procedure is designed to provide students, employees and non-employees who believe they are being harassed or discriminated against with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the claimant, informal resolution may involve, but not be limited to, one or more of the following:

- Advising the claimant about how to communicate the unwelcome nature of the behavior to the respondent.
- Distributing a copy of the Policy Prohibiting Discrimination and Harassment as a reminder to the individuals in the school building or office where the respondent works or attends.

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- Meeting with the respondent to discuss the allegations and potential informal resolutions.
- If both parties agree, the Title IX Officer (for students) or the Title IX Coordinator (for employees/non-employees) may arrange and facilitate a meeting between the claimant and the respondent to work out a mutual resolution. This action is not recommended for allegations of severe harassment or sexual harassment.

While there are no set time limits within which an informal complaint must be resolved, the Title IX Officer or Title IX Coordinator will exercise his or her authority to attempt to resolve all informal complaints within 15 business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process. At the conclusion of the informal process, the Title IX Officer shall write a brief memorandum, detailing the parties, the allegations and the decided resolution. A copy of this memorandum must be kept on file by the individual school and a copy must be sent to the Title IX Coordinator for retention.

### **Investigation – Formal Complaint Procedure (Students)**

If a complaint is not resolved through the informal complaint process, or if a student elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

A student who believes s/he has been subjected to discrimination or harassment may file a formal complaint, either orally or in writing with the Title IX Officer. If a claimant informs any other employee of the District, either orally or in writing, about any complaint of discrimination or harassment, that employee must immediately report such information to the Title IX Officer.

The Title IX Officer will determine whether or not the complaint alleges discrimination or harassment in violation of School Board policy. If it is determined that the complaint does not allege facts that, even if true, constitute prohibited discrimination or harassment, the claimant will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint sufficiently alleges prohibited discrimination or harassment, the complaint will be investigated in accordance with the process described herein. Based on the severity of the complaint, the Title IX Officer should determine whether the involvement of the SRO is required. If it is believed that criminal conduct may have occurred as defined under Florida law, the mandatory reporting requirements included below shall be followed.

All formal complaints must include the following information to the extent it is available: (1) the identity of the respondent; (2) a detailed description of the facts upon which the complaint is based; (3) a list of potential witnesses; and (4) identification of any evidence in support of the allegation.

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If the claimant is unwilling to complete a complaint form or provide a written statement including the information set forth above, the Title IX Officer, or his/her designee, shall ask for such details in an oral interview in order to assist in completing the complaint form or documenting the complaint. The Title IX Officer, or his/her designee, will then prepare a written summary of the oral interview which will be presented to the claimant for verification by signature. If after attempts to address any inaccuracies or concerns the claimant declines to verify the complaint or interview summary, the Title IX Officer will document this response, along with the date and his/her own signature, and will inform the claimant that it may impact the District's ability to proceed with a formal investigation. The claimant's wishes with regard to proceeding with or participating in an investigation should be respected; however, based on the severity of the allegation, the Title IX Officer will consult with the Title IX Coordinator regarding whether the District must proceed with the investigation without the claimant's participation.

Upon receiving a formal complaint, the Title IX Officer or his/her designee will consider whether any action should be taken in the investigatory phase to protect the claimant from further discrimination, harassment or retaliation including but not limited to, a change of class schedule (see Policy Prohibiting Discrimination and Harassment for additional information on supportive measures). In making such a determination, the Title IX Officer or his/her designee should consult with the claimant to assess his/her agreement to any action deemed appropriate. If the claimant is unwilling to consent to any change which is deemed appropriate by the Title IX Officer or his/her designee, the Title IX Officer or his/her designee may still take whatever actions he/she deem appropriate in consultation with the Superintendent and/or School Board Attorney.

Upon receiving a formal complaint of prohibited discrimination or harassment, the Title IX Officer or his/her designee will inform the respondent in writing (with a copy to claimant) that a complaint has been received. This written notice will include sufficient details of the allegations known at the time and a copy of these administrative procedures and the School Board's Policy Prohibiting Discrimination and Harassment. The written notice must also include a statement that the respondent is presumed not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the investigation. Both parties will be informed that they may have an advisor of their choice, who may be, but is not required to be an attorney, accompany them at interviews and inspect and review evidence.

The Title IX Officer or a designee will thereafter initiate a thorough and impartial investigation to determine whether the claimant has been subject to discrimination or harassment in violation of School Board policy. Depending on the circumstances of the complaint, the School Board also reserves the right to retain an outside, independent attorney or investigation firm to conduct the investigation.

Although certain cases may require additional time, the Title IX Officer or a designee will attempt to complete an investigation into the allegations of discrimination or harassment as soon as reasonably possible, or within 45 calendar days of receiving the formal complaint, depending on the complexity of the allegations. However, this timeline may be extended

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if/when the Title IX Officer receives a request from the Department of Children and Family Services or law enforcement to pause the investigation, or if the Title IX Officer is waiting for reports from either of these entities. If the investigation is not completed within 45 calendar days, the Title IX Officer must provide a written explanation to both parties as to the reasons for the delay.

The investigation will include:

- One or more interviews of the claimant.
- One or more interviews of the respondent.
- Interviews of any other witnesses who may reasonably be expected to have information relevant to the allegations.
- Consideration of any documentation or other evidence presented by the claimant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

The Title IX Officer shall provide written notice to any individual whose participation is requested in an interview, including notice of the date, time and location, participants, and purpose of the interview, with sufficient time for the individual to prepare to participate. Throughout the course of this process, the Title IX Officer, or his/her designee, should keep both parties informed of the status of the investigation and the decision making process. The Title IX Officer shall provide copies of all evidence reviewed and summaries of the witness interviews in a preliminary report to both parties for their review. This preliminary report will not include a determination of findings. The parties shall each have ten days to review the evidence contained in the preliminary report, address any perceived discrepancies, and provide written questions for the investigator to ask of the other party. If written questions are submitted, the investigator will determine the relevance and appropriateness of the additional questions to be asked of the other party.

At the conclusion of the investigation, a final written report shall be prepared as soon as reasonably possible which summarizes the evidence gathered during the investigation and provides the investigator's analysis and conclusions based on the evidence. The Title IX Officer will then provide a copy of the written report to the school's designated decision-maker, who will make a determination based on the evidence as to whether the claimant has been subject to discrimination or harassment in violation of School Board policy. The determination must be based upon a consideration of the totality of circumstances, including the ages and maturity levels of those involved, applying a preponderance of the evidence standard. This evidentiary standard requires that, before a policy violation may be found, there must be sufficient credible evidence to conclude that the claim of discrimination or harassment is more likely true than not true. If the evidence on a particular allegation is equally balanced, then that allegation has not been proven by a preponderance of the evidence. The decision-maker's determination that the evidence does or does not establish by a preponderance of the evidence a violation of School Board policy will be added to the final written report, along

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with the recommended sanction or disciplinary action, if applicable.

A copy of the final report, including the decision-maker's determination, will be provided to both the claimant and the respondent. The parties shall each have ten days to review the final report, during which time they may choose to accept the findings or write an appeal. A copy of the final report will be provided to the Title IX Coordinator for retention.

### **Investigation – Formal Complaint Procedure (Employees and Non-Employees)**

If a complaint is not resolved through the informal complaint process, or if an employee or non-employee elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

An employee or non-employee who believes s/he has been subjected to discrimination or harassment may file a formal complaint, either orally or in writing with the District's Title IX Coordinator. If a claimant informs any other employee of the District, either orally or in writing, about any complaint of discrimination or harassment, that employee is encouraged to report such information to the Title IX Coordinator.

The Title IX Coordinator will determine whether or not the complaint alleges discrimination or harassment in violation of School Board policy. If it is determined that the complaint does not allege facts that, even if true, constitute discrimination or harassment, the claimant will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint sufficiently alleges discrimination or harassment, the complaint will be investigated in accordance with the process described herein. Based on the severity of the complaint, the Title IX Coordinator should determine whether the involvement of an SRO is required. If it is believed that criminal conduct may have occurred as defined under Florida law, the mandatory reporting requirements included below shall be followed.

All formal complaints must include the following information to the extent it is available: (1) the identity of the respondent; (2) a detailed description of the facts upon which the complaint is based; (3) a list of potential witnesses; and (4) identification of any evidence in support of the allegation.

If the claimant is unwilling to complete a complaint form or provide a written statement including the information set forth above, the Title IX Coordinator, or his/her designee, shall ask for such details in an oral interview in order to assist in completing the complaint form or documenting the complaint. The Title IX Coordinator, or his/her designee, will then prepare a written summary of the oral interview which will be presented to the claimant for verification by signature. If after attempts to address any inaccuracies or concerns the claimant declines to verify the interview, the Title IX Coordinator will document this response with the date and his/her own signature, and will inform the claimant that it may impact the District's ability to proceed with a formal investigation. The claimant's wishes with regard to proceeding with or participating in an investigation should be respected; however, based on the severity of the allegation, the Title IX Coordinator will assess whether the District must proceed with the

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investigation without the claimant's participation.

Upon receiving a formal complaint, the Title IX Coordinator or his/her designee will consider whether any action should be taken in the investigatory phase to protect the claimant from further discrimination, harassment or retaliation including but not limited to, a change of job assignment or removal of the respondent (see Policy Prohibiting Discrimination and Harassment for additional information on supportive measures). In making such a determination, the Title IX Coordinator or his/her designee should consult with the claimant to assess his/her agreement to any action deemed appropriate. If the claimant is unwilling to consent to any change which is deemed appropriate by the Title IX Coordinator or his/her designee, the Title IX Coordinator or his/her designee may still take whatever actions he/she deem appropriate in consultation with the Superintendent and/or School Board Attorney.

If the respondent to the complaint is the Superintendent or any other member of District leadership whose involvement as a party represents a conflict of interest for the Title IX Coordinator, the School Board should appoint an outside investigator to conduct the investigation and report to the School Board.

Upon receiving a formal complaint of prohibited discrimination or harassment, the Title IX Coordinator or his/her designee will inform the respondent in writing (with a copy to claimant) that a complaint has been received. This written notice will include sufficient details of the allegations known at the time and a copy of these administrative procedures and the School Board's Policy Prohibiting Discrimination and Harassment. The written notice must also include a statement that the respondent is presumed not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the investigation. Both parties will be informed that they may have an advisor of their choice, who may be, but is not required to be an attorney, accompany them at interviews and inspect and review evidence.

The Title IX Coordinator or a designee will thereafter initiate a thorough and impartial investigation to determine whether the claimant has been subject to discrimination or harassment in violation of School Board policy. Depending on the circumstances of the complaint, the School Board also reserves the right to retain an outside, independent attorney or investigation firm to conduct the investigation.

Although certain cases may require additional time, the Title IX Coordinator or a designee will attempt to complete an investigation into the allegations of discrimination or harassment within 45 calendar days of receiving the formal complaint. If the investigation is not completed within 45 calendar days, the Title IX Officer must provide a written explanation to both parties as to the reasons for the delay. The investigation will include:

- One or more interviews of the claimant.
- One or more interviews of the respondent, ensuring that the Weingarten Rights of any unionized employee and other rights under applicable collective bargaining agreements are observed in the process.

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- Interviews of other witnesses who may reasonably be expected to have information relevant to the allegations.
- Consideration of any documentation or other evidence presented by the claimant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

The Title IX Coordinator or his/her designee shall provide written notice to any individual whose participation is requested in an interview, including notice of the date, time and location, participants, and purpose of the interview, with sufficient time for the individual to prepare to participate. Throughout the course of this process, the Title IX Coordinator, or his/her designee, should keep both parties informed of the status of the investigation and the decision making process. The Title IX Coordinator or his/her designee shall provide copies of all evidence reviewed and summaries of the witness interviews in a preliminary report to both parties for their review. This preliminary report will not include a determination of findings. The parties shall each have ten days to review the evidence contained in the preliminary report, address any perceived discrepancies, and provide written questions for the investigator to ask of the other party. If written questions are submitted, the investigator will determine the relevance and appropriateness of the additional questions to be asked of the other party.

At the conclusion of the investigation, a final written report shall be prepared as soon as reasonably possible which summarizes the evidence gathered during the investigation, and provides the investigator's analysis and conclusions based on the evidence. The Title IX Coordinator will then provide a copy of the written report to the Executive Director of Human Resources, who will make a determination based on the evidence as to whether the claimant has been subject to discrimination or harassment in violation of School Board policy. The determination must be based upon the totality of circumstances, applying a preponderance of the evidence standard. This evidentiary standard requires that, before a policy violation may be found, there must be sufficient credible evidence to conclude that the claim of discrimination or harassment is more likely true than not true. If the evidence on a particular allegation is equally balanced, then that allegation has not been proven by a preponderance of the evidence. The Executive Director of Human Resources' determination that the evidence does or does not establish by a preponderance of the evidence a violation of School Board policy will be added to the final written report, along with the recommended sanction or disciplinary action, if applicable.

A copy of the final report, including the Executive Director of Human Resources' determination, will be provided to both the claimant and the respondent. The parties shall each have ten days to review the final report, during which time they may choose to accept the findings or write an appeal. A copy of the final report will be retained by the Title IX Coordinator.

### **Notification to Parents or Legal Guardians**

Parents/legal guardians of student claimants and respondents shall be notified within one school day of claims alleging a violation of the Policy Prohibiting Discrimination and

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Harassment, except in limited circumstances when the Title IX Officer (or designee) determines that such notification is not in the best interest or impairs the safety of the claimant involved, in which case only the parents/legal guardians of the respondent will be notified. In applicable cases, notification to the parents/legal guardians may be made by telephone, writing, or personal conference. All parents/legal guardians of student claimants and respondents who have received notification may participate at each stage of both informal and formal investigation and resolution procedures. The frequency of notification and follow-up reports to parents/legal guardians will be dependent on the seriousness of the complaint. All notifications shall be consistent with student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

### External Remedies

Claimants have the right to register discrimination and harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202 or <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employee claimants also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the Florida Commission on Human Relations (FCHR). The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, [info@eeoc.gov](mailto:info@eeoc.gov), or at 100 SE 2<sup>nd</sup> Street, Suite 1500, Miami, Florida 33131 or 501 East Polk Street, Suite 1000, Tampa, Florida 33602. The FCHR can be contacted at (800) 342-8170, <http://fchr.myflorida.com>, or at 4075 Esplanade Way, Room 110, Tallahassee, Florida 32399.

### Allegations Constituting Criminal Conduct / Mandatory Reporting Requirements

State law requires any District employee who knows or suspects that a child under the age of 18 is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. The District employee should also report this suspicion to the Title IX Officer or Superintendent, who will ensure that the District has complied with all reporting procedures. If, during the course of an investigation of prohibited discrimination or harassment, the Title IX Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the claimant, a report of such knowledge must be made in accordance with state law.

If the Title IX Coordinator or Title IX Officer has reason to believe that the claimant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Title IX Officer's or Title IX Coordinator's obligation and responsibility to continue to investigate a complaint of discrimination or harassment in violation of School Board policy. While the Title IX Officer or Title IX Coordinator may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the investigation of

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discrimination or harassment be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent. If DCFS or law enforcement requests that the Title IX Officer pause his/her investigation, the Title IX Officer must provide written notification to the parties.

### **Sanctions and Monitoring**

The School Board shall vigorously enforce its prohibitions against discrimination and harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable state law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Principal/designee (for students) or Executive Director of Human Resources/designee (for employees) (the “decision-maker”) shall consider the totality of circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where discrimination or harassment is not substantiated, the decision-makers may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the District becomes aware that a prior remedial action has been taken against a member of the District community, all subsequent sanctions imposed by the Principal/designee or Executive Director of Human Resources/designee shall be reasonably calculated to eliminate such conduct in the future.

### **Appeals (Students)**

If the complaint is not resolved at the school-site level to the satisfaction of the parties, either party (or their custodial parents/guardians if the parties are minors), may seek review by the Superintendent or his/her designee through the following process:

- The appealing party shall submit a copy of the investigative report/final decision, along with a written request for review detailing the reasons for the appeal, to the Superintendent within ten days of receiving the final written report from the Title IX Officer.
- If the Superintendent or designee is directly involved with a complaint or closely related to a party to the complaint, then the School Board or its designee shall conduct the review and/or further investigation.

Notice of the appeal shall be given in writing to the claimant and respondent (and the custodial parents/guardians of a minor party) within two days of receipt of the appeal.

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The Superintendent/designee or the School Board/designee shall review the stated reasons for the appeal and all documentation pertaining to the alleged discrimination or harassment, including the Title IX Officer's investigative report and the final decision.

The Superintendent/designee or the School Board/designee, at his/her discretion, may request additional information.

The Superintendent/designee or the School Board/designee shall issue a written decision to the parties within ten business days of the appeal request.

### **Appeals (Employees and Non-Employees)**

If the complaint is not resolved to the satisfaction of the parties, either party may seek review by the Superintendent/designee through the following process:

- The appealing party shall submit a copy of the investigative report/final decision, along with a written request for review detailing the reasons for the appeal, to the Superintendent's office of within ten days of receiving the final written report from the Title IX Coordinator.
- If the Superintendent or designee is directly involved with a complaint or closely related to a party to the complaint, then the School Board or designee shall be asked to conduct the review and/or further investigation.

Notice of the appeal shall be given in writing to the claimant and respondent within two days of receipt of the appeal.

The Superintendent/designee or School Board/designee shall review the stated reasons for the appeal and all documentation pertaining to the alleged discrimination or harassment, including the Title IX Coordinator's investigative report and the final decision.

The Superintendent/designee or School Board/designee, at his/her discretion, may request additional information.

The Superintendent/designee or School Board/designee shall issue a written decision to the parties within 10 business days of the appeal request.

### **Retention of Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media created and received as part of an investigation, including, but not limited to:

- all written reports/allegations/complaints/statements;
- any written documentation of actions taken by District personnel;

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- contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- dated written determinations to the parties;
- dated written descriptions of verbal notifications to the parties;
- written documentation of any supportive measures offered and/or provided to claimants, including no contact directives or stay away agreements issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its effects.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under federal and/or state law (e.g., student records).

The information, documents, ESI, and electronic media created or received as part of an investigation shall be retained for not less than seven years, but longer if required by the District's records retention schedule.

These records should be retained by the Title IX Coordinator.

**HISTORY:**

**ADOPTED: 08/04/20**