

Grievance Procedure

Colcord Public School Title IX Grievance Procedure

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, Colcord Public Schools has developed internal policies that prohibit discrimination and sexual misconduct on the basis of sex.

Procedures for Reporting and Responding to Reports of Discrimination

The following procedures have been adopted by the School to receive, investigate, and resolve complaints of discrimination on the basis of sex. These procedures are designed to provide a supportive process for individuals who report discrimination and to ensure a fair process for individuals who are accused of discriminatory conduct. Internal investigation of allegations of school discriminatory treatment or systemic discriminatory practices is intended to ensure that Colcord School meets its commitment to an open and inclusive educational and employment environment. These procedures also describe the School's efforts to conduct timely, thorough, and fair investigation as required by law.

Making Reports of Title IX Discrimination

The School Superintendent's Office has primary responsibility for coordinating efforts for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of sex. Administrators, deans of students, teachers, staff, and supervisors have a duty to identify and report discriminatory behaviors. Employees and persons with responsibility for supervising or ensuring safety of others (including student employees in the course of their employment duties) have a duty to report discriminatory behaviors observed or reported to them. Administrators, deans of students, teachers, staff, and supervisors should be directly involved in resolving allegations of discrimination or sexual misconduct. The School Superintendent will investigate allegations of discrimination in consultation with the respondent's supervisor, provided the supervisor is not an alleged perpetrator. Administrators, deans of students, teachers, staff, and supervisors have a duty to monitor the respondent's behavior and to take appropriate disciplinary action if he or she continues to violate school policy or procedure including further acts of discrimination and/or acts of retaliation.

Complaints of discrimination from a student or other member of the school community against a member of the staff of the Superintendents office shall report the complaint to Board President.

Investigation of Reports of Title IX Discrimination; Oversight by Title IX Coordinator

Colcord Public School's Title IX Coordinator has authority to:

- a. Accept all complaints and referrals from all school community members.
- b. Keep accurate records of all complaints and referrals.
- c. Conduct investigations to the level required.
- d. Make findings of fact;
- e. Identify specific corrective measures to stop, remediate, and prevent sex discrimination including sexual harassment and other sexual misconduct;
- f. Make recommendations for corrective measures including training, counseling and/or discipline, when appropriate;
- g. Refer any recommendation for discipline to School Legal Counsel.
- h. Oversee implementation of corrective measures, which may include follow-up to ensure that appropriate action was taken to complete the recommended actions;

1) Definitions

Sex Discrimination: Behavior or action that denies or limits a person's ability to benefit from, fully participate in educational programs or activities or employment opportunities because of a person's sex. Examples of the types of discrimination that are covered under Title IX include, but are not limited to, sexual misconduct, sexual harassment, sexual violence, failure to provide equal opportunity in educational programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

Sexual Misconduct: A range of behaviors including sexual harassment and sexual violence. Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that (a) is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or to create a hostile or abusive educational environment, or (b)

explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Gender Discrimination or Gender Harassment: Includes discrimination or verbal/ physical harassment which is based on the person's gender but which is not sexual in nature.

Inquiry: A request from a member of the school community for information about the policy or the procedures for resolving a situation that involves discrimination or sexual misconduct. An inquiry may also refer to an informal notification that discrimination or sexual misconduct may have occurred and/or request for information about where or how to bring a complaint.

Complaint: A description of facts that allege violation of the School's policy against discrimination or sexual misconduct. The Superintendent's Office may request that a complaint be made in writing.

Complainant: Student(s) or employee(s) of Colcord Public School who alleges that she or he has been subjected to discriminatory practices or sexual misconduct. A third-party complainant is a person who brings a complaint on behalf of another member(s) of the school community who has allegedly been the subject of discrimination or sexual misconduct. Complainants may be individuals or groups of individuals who have been impacted by discrimination or sexual misconduct.

Respondent(s): Person or persons who are members of the school community who allegedly discriminated against or harassed another person or persons. Respondents may be individuals, groups, programs, academic or administrative units, or the school.

Witnesses: Persons who have information about the alleged sexual misconduct that will tend to prove, disprove, or otherwise illuminate an investigation of a complaint.

Investigation: A fact finding inquiry by the Superintendent's Office that attempts to determine whether behavior in violation of policy prohibiting discrimination or sexual misconduct occurred, and to make recommendations for resolution of the discriminatory or harassing conditions.

2) Options for Resolution

Individuals making reports of discrimination or sexual misconduct shall be informed about options for resolving potential violations of the policies which prohibit discrimination or sexual misconduct. These

options include informal dispute resolution, referral to other school offices or programs, formal investigation by the Superintendent's Office, and availability of resources outside the school process. The School shall respond, to the greatest extent possible, to reports of discrimination or sexual misconduct brought anonymously or brought by third parties not directly impacted by the discrimination or sexual misconduct. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Complainants and other individuals bringing reports of discrimination or sexual misconduct shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the discrimination or sexual misconduct, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

Retaliation: An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) because he or she (a) made a report of discrimination or sexual misconduct in good faith, (b) assisted someone with a report of discrimination or sexual misconduct, or (c) participated in any manner in an investigation or resolution of a report of discrimination or sexual misconduct, may make a report of retaliation under these procedures. The report of retaliation shall be referred by the Superintendent's Office.

Temporary Measures: Colcord Public School may at any point in the complaint process elect to place the respondent on investigative leave, reassignment, or authorize other types of temporary measures while an investigation is pending, including but not limited to "no contact" provisions.

a) Procedures for Informal Resolution

Colcord Public School encourages informal resolution options when the parties desire to resolve the situation cooperatively, or when inappropriate behavior does not rise to the level of violation of school policy as determined by the School Superintendent, but nonetheless is adversely affecting the workplace or educational environment. Informal resolution may include an inquiry into the facts, but typically does not rise to the level of an investigation.

Informal resolution includes but is not limited to options such as referral to another school office or program, mediation, separation of the parties, referral of the parties to counseling programs, or conducting targeted educational and training programs. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively. Steps taken by the School Superintendent to help the parties achieve informal resolution will be documented.

Some reports of discrimination or sexual misconduct may not be appropriate for informal resolution, but may require a formal investigation at the discretion of the Title IX Coordinator.

b) Procedures for Formal Investigation

In response to reports of discrimination or sexual misconduct in cases where the complainant does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the School Superintendent may conduct a formal investigation. In such cases, the individual making the report shall be encouraged to file a written complaint. In cases where there is no written complaint, such as situations that involve a third party complaint, the School Superintendent, may initiate an investigation after making a preliminary inquiry into the facts, and will inform the person(s) who were allegedly harmed by discrimination or sexual misconduct of the decision to initiate an investigation.

Investigations of reports of discrimination or sexual misconduct shall incorporate the following standards:

1. The Office of Superintendent is the designated school unit to conduct formal investigation of allegations of discrimination or sexual misconduct, and to coordinate school response(s) to complaints of the same.
2. The individual(s) accused of conduct violating the school policy prohibiting sexual misconduct shall be provided a copy of the written complaint or otherwise informed of the substance of the allegations. If the individual(s) accused cannot be located, attempts at notification shall be documented,
3. The individual(s) conducting the investigation shall be familiar with the policy prohibiting discrimination or sexual misconduct and have training and/or experience in conducting investigations.

The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be advised to refrain from discussing the pending investigation.

4. At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate school officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative workplace or student class arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the policy prohibiting sexual misconduct.

5. The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the written complaint was received. In the event that an investigation cannot be completed within 60 days, the parties shall be notified in writing.

6. Generally, an investigation will result in a written report that, at a minimum, includes a statement of the allegations and issues, a summary of the information considered, findings of fact, and a determination by the investigator as to whether school policy has been violated. For allegations of discrimination or harassing behavior, there are three possible findings:

(a) Substantiated: It is more likely than not that the allegation is true.

(b) Unsubstantiated: It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.

(c) Unfounded: It is more likely than not that the allegation, while made in good faith, is untrue. A finding that the allegations are unfounded does not indicate that the complaint was improper or knowingly false.

7. No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of this Policy and may be a basis for discipline, including expulsion or termination. Evidence of false complaints or false information shall be referred by the School Superintendent to School Legal Counsel.

8. The report also may contain recommendation for actions to resolve the complaint, including but not limited to educational programs, counseling/coaching, mediation, remedies for the complainant, and a referral to disciplinary procedures, as appropriate.

9. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

10. The complainant and the respondent shall be informed in writing of the completion of the investigation and the outcome of the investigation. The complainant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint and shall be notified generally of referrals for disciplinary action and recommended disciplinary action.

11. Complainant and respondent(s) may request a copy of the investigative report.

12. Copies of the investigative report will be provided to those school administrators, academic leaders, and supervisors who are directly responsible for implementing measures to correct and prevent discriminatory or harassing conditions.

3) Privacy

The School shall protect the privacy of individuals involved in a report of discrimination or sexual misconduct to the extent allowed by state and federal law and school policy. A report of discrimination or sexual misconduct may result in the gathering of extremely sensitive information about individuals in the school community. The School may be required to disclose personal information in accordance with Oklahoma Public Records law.

a) Confidentiality of Reports of Discrimination or Sexual Misconduct

The Superintendent's Office attempts to balance the needs of the parties for privacy with the school's responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of discrimination or sexual misconduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the School's legal obligation to ensure a working and learning environment that is free from discrimination or sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation.

4) Annual Reporting

The office of the Title IX Compliance Coordinator is responsible for maintaining records relating to discrimination or sexual misconduct reports, investigations, and resolutions. Records shall be maintained generally six years after the date the complaint is resolved. Records may be maintained for a longer period of time at the discretion of the Title IX Compliance Coordinator in cases where the parties have a continuing affiliation with the School. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from school legal counsel. Requests for information should be directed to the School Legal Counsel.