

Title IX Grievance Process

The District is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The District shall promptly respond to concerns and complaints of unlawful discrimination and/or harassment. The district has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

Definitions

1. Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
2. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
3. Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment by a respondent and requesting that the District investigate the allegation. At the time of filing of a formal complaint, a complainant must be participating in or attempting to participate in the educational programs or activities of the District.
4. Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:
 - a. Conduct that includes a District employee 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 recipient's education program or activity; or
 - c. "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).
5. Title IX Coordinator: One or more appropriately trained individuals authorized by the District to coordinate the District's efforts to comply with Title IX.
6. Investigator: One or more appropriately trained individuals designated by the District to conduct interviews, gather evidence and produce an investigation report.
7. Decision-maker: An appropriately trained individual designated by the District to evaluate the evidence contained in the investigation report, make findings of fact and analyze the relevant policy provisions to determine whether the allegations constitute a violation of policy.

8. Appellate Decision-maker: An appropriately trained individual designated by the District to evaluate appeals challenging the determination of the Decision Maker.
9. Supportive Measures: Non-disciplinary, non-punitive individualized services that may be offered to the complainant or respondent if appropriate. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual no-contact directives and other similar measures.

Filing a Complaint

1. Any student, employee, or community member who believes that he or she has been a victim of or witness to discrimination or harassment may make a complaint by submitting a written complaint to the District's Title IX Coordinator. A complainant may not file the complaint anonymously as due process requires all parties be identified.
 - a. Reports. Any school district employee who witnesses an incident or receives details of an incident that constitutes sexual harassment as defined herein must take appropriate steps to notify the Title IX Coordinator of the incident. Appropriate steps include reporting the incident directly to the Title IX Coordinator or notifying a supervisor or school administrator of the incident.
2. Upon receipt of a complaint, the Title IX Coordinator shall review the complaint and meet with the complainant/alleged victim to determine whether the complaint alleges conduct that is considered sexual harassment as defined herein. If it does not, the Title IX Coordinator shall dismiss the complaint. A complaint may also be dismissed at any time upon the written request of a complainant or as determined by the Title IX Coordinator in accordance with applicable law. Written notice of a dismissal shall be promptly provided to the complainant.
3. If the Title IX Coordinator determines that the complaint alleges conduct that would be considered sexual harassment, he/she shall proceed with the resolution process.
4. Following the filing of a complaint, there are two available options for resolution:
 - a. an informal resolution, which involves a variety of informal options for addressing the complaint; or
 - b. the grievance process, which involves an investigation of the complaint, a written decision and potential sanctions.
5. Informal Resolution. If both the complainant and the respondent agree and the Title IX Coordinator deems it appropriate, an informal resolution process may be used to resolve the complaint. The parties must voluntarily agree in writing to utilize the informal process. The informal process may involve mediation, restorative justice, educational programs or

other appropriate action.

- a. Informal resolution is not available in cases where a District employee is alleged to have sexually harassed a student.
- b. The informal resolution process should be completed within sixty days whenever possible.

6. Grievance Process.

- a. If a complaint proceeds to the grievance process, the Title IX Coordinator shall designate an appropriately trained Investigator to investigate the complaint. Either the complainant or the respondent may challenge the designation of the Investigator based on conflict of interest.
- b. The Title IX Coordinator shall provide the parties with written notice of the complaint. The written notice shall include the names of the parties involved, the specific conduct that allegedly constitutes sexual harassment and the date and location of the alleged conduct. If additional allegations are discovered during the investigation process, the Investigator shall issue an amended notice including the additional allegations.
- c. The grievance process is a neutral fact-gathering process, and the respondent is presumed not to have engaged in sexual harassment as defined herein. This presumption may be overcome where there is sufficient evidence supporting the allegations of sexual harassment.
- d. The Investigator shall interview both parties and all relevant witnesses. Prior to an interview, the Investigator shall provide the party with a written notice of the date, time, location, purpose and participants to ensure that the party is adequately prepared to participate in the interview.
 - i. Each party is entitled to an advisor of their choice during the grievance process. During interviews, the advisor may not speak for the party and must limit his/her role to consulting with and advising the party.
- e. The Investigator shall prepare a written investigation report. However, prior to the completion of a final investigation report, the Investigator shall provide both parties and their advisors, if any, an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint. After reviewing the evidence, the parties shall have at 14 calendar days to prepare a written response and provide it to the Investigator. The Investigator must consider such written responses prior to completing the investigation report.
- f. The report and all supporting documentation shall be provided to the individual designated as the Decision-maker.

7. Decision

- a. The Decision-maker shall review the documentary record compiled by the Investigator and made a determination as to whether the respondent is responsible for the alleged sexual harassment. The Decision-maker shall use a preponderance of the evidence standard. This means that the Decision-maker shall determine whether the respondent is more likely than not responsible for sexual harassment as defined herein.
- b. The Decision-maker shall issue a written determination that includes the following:
 - i. A description the procedural steps taken from the receipt of the complaint to the determination;
 - ii. findings of fact supporting the determination;
 - iii. conclusions regarding application of the code of conduct to the facts;
 - iv. a statement of, and a rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the recipient's education program or activity will be provided to the complainant; and
 - v. procedures and permissible basis for appeals.
- c. Potential disciplinary sanctions may include, but are not limited to, reprimand, suspension, expulsion, and/or termination.
- d. The Decision-maker shall provide the written determination to the Title IX Coordinator, who will then provide it to the parties.

8. Appeal

- a. If either party is not satisfied with the written determination, the party may appeal to the Appellate Decision-maker within seven calendar days following the release of the written determination by submitting a written request for appeal to the Title IX Coordinator. The notice of appeal must set forth the specific grounds for appeal and the facts supporting those grounds.
- b. Grounds for Appeal. The grounds for appeal are limited to the following:
 - i. Procedural irregularity that affected the outcome of the grievance process;
 - ii. New evidence that was not reasonably available at the time the determination was made that could affect the outcome of the grievance process; and/or
 - iii. The Title IX Coordinator, the Investigator or the Decision-maker had a conflict of interest that affected the outcome of the grievance process.

No other grounds for appeal shall be considered.

- c. If no notice of appeal is filed with the Title IX Coordinator within seven calendar days of the issuance of the determination, the determination of the Decision-maker shall become final.
 - d. If a notice of appeal is timely filed, the Title IX Coordinator shall provide a copy of the notice to both parties and the designated Appellate Decision-maker. The Title IX Coordinator shall notify the parties that they have the opportunity to submit a written statement in support of, or challenging, the determination.
 - e. The Appellate Decision-maker shall issue a written decision on the appeal that will be provided to both parties simultaneously.
9. Retaliation. No person shall retaliate against a person who alleges sexual harassment or who assists or participates in the grievance process or any other proceeding relating to sexual harassment regardless of whether the allegations are substantiated or not.
10. Any person who knowingly makes a false report or complaint of sexual harassment shall be subject to disciplinary action.
11. Mandatory Reporting. Nothing in this process is intended to replace an individual's mandatory reporting duties under state law.

To file a complaint, please submit your report to:

Mr. Gabe Trujillo
6933 Raleigh Street
Westminster, CO 80030
gtrujillo@westminsterpublicschools.org