

# Poplar School District

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*Trustee*

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*Trustee*

## **Title IX Grievance Procedure**

The Poplar School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX of the Education Amendments of 1972 Act (Title IX). Title IX prohibits discrimination on the basis of sex in education programs or activities operated by public school districts. Sexual harassment is a form of sex discrimination. The Poplar School District does not discriminate on the basis of sex in its education programs and activities.

All references to sex discrimination throughout these procedures include gender-based harassment and sexual harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual harassment can occur whenever an individual makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

In the case of a student, denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or in the case of an employee denies or limits the employment, recruitment, consideration, or selection or treatment, or that makes such conduct a condition of the employee's employment status; OR

Has the purpose or effect of:

- substantially interfering with a student's educational environment or employee's work environment.
- creating an intimidating, hostile, or offensive educational or work environment;
- depriving a student of educational aid, benefits, services, or treatment; or depriving an employee of the benefits of or deprives that employee of employment opportunities; or
- making submission to or rejection of such conduct the basis for academic decisions affecting a student or employment decisions affecting an employee.

Sexual harassment includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or is unable to give consent due to an intellectual or other disability. Sexually violent acts include rape, sexual assault, sexual battery, and sexual coercion.

## **Sexual Harassment**

Sexual harassment of any individual is prohibited. Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. Quid pro quo: An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), , or "stalking" as defined in 34 U.S.C. 12291(a)(30).

A determination of responsibility resulting from a formal complaint against an employee for engaging in sexual harassment will result in appropriate disciplinary action, up to and including termination from employment. Complaints may be submitted via the District's Title IX Grievance Procedure. Please refer to Policies 5012 and 5015 for additional information regarding the District's prohibition against discrimination and harassment.

## **Title IX Coordinator**

Inquiries concerning the application of Title IX may be referred to the District's Title IX Coordinator: Frank Gourneau, Poplar High School Principal/406-768-6831 or [frank.gourneau@poplarschools.com](mailto:frank.gourneau@poplarschools.com)

Inquiries may also be referred to the Office of Civil Rights, United States Department of Education.

## **Filing a Complaint**

An individual believing that he or she has been the victim of sex discrimination should file a complaint with the Title IX Coordinator within 30 days of the incident(s) giving rise to the allegations. If the individual wishes to invoke the formal complaint procedures (see formal complaint procedures section), the complaint should be made in writing. An individual wishing to invoke the informal resolution process may make a complaint in writing or verbally. An individual wishing to make a complaint will be provided with a copy of these procedures.

## **Informal Resolution**

An individual alleging sex discrimination by an employee, student, or third party may access an informal mechanism to attempt to resolve the situation. The individual making the complaint is

not required to invoke any informal mechanisms to resolve the situation. The decision to invoke the informal resolution process is voluntary.

If the individual wishes to attempt to work out the problem directly with the alleged perpetrator, a school representative will be available to assist. The individual may also request mediation with a designated mediator present to assist the individual and alleged perpetrator reach a resolution.

The individual has the right to end the informal resolution process at any time. If the individual wishes to end the informal process prior to reaching a resolution or is not satisfied with the resolution reached, the individual has the right to commence a formal complaint at any time.

The informal process, including mediation, will not be available to individuals alleging sexual assault.

### **Formal Complaints**

An individual may make a formal complaint of sex discrimination in accordance with the procedures described above. The complaint should be in writing and should specify the allegations which the individual believes constitute sex discrimination. The individual has the right to contact law enforcement to determine if criminal activity occurred.

#### *Investigation*

The District shall conduct an adequate, reliable, and impartial investigation into the allegations. Even if no formal complaint has been filed, the District may still conduct an investigation to determine whether sex discrimination has occurred when it has knowledge of allegations of sex discrimination. Any investigation by the District shall be in addition to any criminal investigation that may occur. Determinations resulting from the investigation shall be made on a preponderance of the evidence standard (i.e., it is more likely than not that sex discrimination occurred).

Parties (the alleged victim and alleged perpetrator(s)) will have an equal opportunity to present relevant witnesses and other evidence. The investigation shall allow for both the alleged victim and alleged perpetrator to provide information separately. If written statements are provided, each party shall have the opportunity to review such statements, subject to the disclosure of such information under the Family Educational Rights Privacy Act ("FERPA") and Montana law.

Either party may have a representative or lawyer present during the investigations; however, the representative or lawyer is not allowed to speak or ask questions during any investigatory interviews. The representative or lawyer may request clarification of any questions, but may not answer, advise his or her client how to answer, or ask any substantive questions.

#### *Notice of Outcome*

Both the alleged victim and alleged perpetrator shall be notified in writing regarding the outcome of the investigation. Subject to FERPA and Montana law, an alleged victim may be notified

about sanctions imposed on another individual found to have engaged in harassment when that sanction directly relates to the individual. This may include an order that the harasser stay away from the victim.

### *Time Frames*

The District shall complete its investigation within 60 days of receipt of the complaint or knowledge of allegations of sex discrimination. With the consent of the parties and the Superintendent, the investigation may be extended for an additional 15 days in extenuating circumstances. The investigator shall contact both parties once it appears that the investigation will require a longer period of time. The Notice of the Outcome of the investigation will be sent within that 60-day period, unless extended as described herein.

### *Appeals*

Any party who is not satisfied with the findings from the investigation may appeal to the Superintendent. The appeal should be made within ten (10) days of receipt of the Notice of Outcome. Within three (3) days of receipt of any appeal by either party, the Superintendent shall notify the nonappealing party regarding the appeal. Within five (5) days of receipt of notice of any appeal, the nonappealing party may present an argument opposing the appeal in writing. Within twenty (20) days of receipt of the initial appeal, regardless of whether the nonappealing party has submitted any opposition to the appeal, the Superintendent shall issue a written decision to both parties affirming or rejecting the investigation findings.

If either party is not satisfied with the Superintendent's written decision, that party may submit a written appeal to the Board of Trustees within ten (10) days of receipt of the Superintendent's decision. The Board shall hold a hearing to determine whether the Superintendent's decision shall be affirmed or rejected. Depending on the unique circumstances of the complaint, the Board may arrange for alternative means of participation for one of the parties. The Board shall issue a written decision within thirty (30) days of the hearing affirming or rejecting the Superintendent's decision.

### *Remedies*

The District shall take all reasonable and necessary steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the individual and others. Any individual participating in a sex discrimination investigation shall notify the Title IX Coordinator if he or she believes that he or she is being retaliated against for participating in the investigation. The District prohibits retaliation against individuals making complaints under these procedures and participating in any investigation that may ensue.