

TITLE IX GRIEVANCE POLICY

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits sex-based discrimination in all educational programs and activities, including athletic programs. No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity operated by the district. Title IX protects all participants in the district’s educational programs and activities, including students, parents, employees and job applicants. The district does not discriminate on the basis of sex in its education programs and activities. As used in this policy and accompanying Title IX Procedure and School Safety & Discipline Policy and Procedures, sex discrimination includes complaints of sexual harassment or sexual violence.

Complaints, reporting, and investigations will abide by the School Safety & Discipline Policy, School Safety & Discipline Procedure 1 – Complaint, Review, Investigation, & Report of Allegation Complaint, and School Safety & Discipline Forms 1-1f – Investigation & Determination of Unwelcome, Offensive, and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation.

All questions regarding Title IX requirements may be referred to the district’s Title IX Coordinator, Superintendent James Gilbert. The Title IX Coordinator may be contacted at: 470 North 3rd East, Mountain Home, Idaho, 83647, 208.587.2580, gilbert_jg@mtnhomesd.org. The Title IX Coordinator can provide information on Title IX, including information about the Coordinator’s position, complaint procedures, and applicable district policies to any student or employee who feels that his or her rights under Title IX have been violated by the district or its officials. In addition, any student or employee may make an inquiry or complaint directly to the U.S. Department of Education, Office for Civil Rights.

This policy, and the procedures for filing a Title IX grievance, will be available in every school site administrative office, posted on the district’s website, and included in student handbooks or other policy and procedure notices provided to students on an annual basis.

RETALIATION

Intimidation, harassment or retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation, provided, however, that a determination of responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

District students, employees or visitors shall not retaliate against an individual who in good faith reports, associates with the individual reporting, participates in the investigation, or investigates a grievance filed in accordance with this procedure. Any person engaged in retaliatory actions may be subject to disciplinary actions.

RECORDKEEPING REQUIREMENTS

In accordance with applicable Title IX regulations, the district will retain all of the following records for a period of seven (7) years:

- Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- For each report of sexual harassment, whether or not a formal complaint was filed, the district will create and maintain records of any actions take, including supportive measures; why the response was not deliberately indifferent; measures taken to restore or preserve equal access to the district's educational program or activity; and, if no supportive measures were taken, why that was not deliberately indifferent; and
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. All such training materials will be made publicly available on its website or, if the district does not maintain a website, such materials will be made available upon request for inspection by members of the public.

In the event an investigation reveals a violation of the district's Title IX Policy and/or School Safety and Discipline Policy, or these procedures by an employee or student, any disciplinary action taken as a result of the investigation will be placed in the appropriate employee or student file. Upon separation of employment, any investigative file maintained pursuant to this policy involving an employee shall be moved into the personnel file and shall be redacted as required by Idaho Code §33-1210.

FALSE COMPLAINTS

Individuals who knowingly file false or misleading complaints alleging harassment, discrimination or retaliation are subject to appropriate disciplinary action, including, but not limited to, dismissal of the complaint and discipline under applicable board policy.

TRAINING

In accordance with Title IX regulations, the district will ensure that the Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process receive training on the definition of sexual harassment as set forth in the Title IX regulations, and as set forth in the School Safety & Discipline Policy and Procedures, the scope of the district's

education programs or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. In addition, decision-makers will receive training on any technology to be used at live hearings and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant. All investigators will be trained on issues of relevance to create an investigative report, using the School Safety & Discipline Policy, Procedures, and forms that fairly summarizes relevant evidence.



LEGAL REFERENCE:

- Title IX of the Education Amendments of 1972 (20 USC Section 1681)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
 - 20 U.S.C. §1092(f)(6)(A)(v) (definition of sexual assault)
- Violence Against Women Act
 - 34 U.S.C. §12291(a)(8) (definition of domestic violence)
 - 34 U.S.C. §12291(a)(10) (definition of dating violence)
 - 34 U.S.C. §12291(a)(30) (definition of stalking)
- 34 CFR Part 106 (Title IX Regulations)
- Idaho Code §33-1210 (Information on Past Job Performance)
- Idaho Code §67-5901 *et seq.* (Idaho Human Rights Act)
- School Safety & discipline Policy, Procedures, and Forms – Policy 212.10

CROSS-REFERENCE:

- MSBT-Holinka:
 - Civil Rights Grievance Policy – Policy 290
 - Title IX Grievance Procedures – Policy 296P1
 - Non-Discrimination in Employment – Policy 410
 - Sexual Harassment (employees) – Policy 414
 - Student Harassment – Policy 506
 - Prohibition Against Harassment, Intimidation and Bullying – Policy 506.50

ADOPTED: December 15, 2020