JOSEPH CITY UNIFIED SCHOOL DISTRICT NO. 2

ACAA-R TITLE IX SEX DISCRIMINATION, Regulation

First read, October 13, 2026. For adoption November 10, 2026.

Scope

This regulation sets out the grievance process the District follows under Policy ACAA and the Title IX regulations, 34 C.F.R. Part 106, as amended effective August 14, 2020. It applies to sexual harassment as defined in Policy ACAA. A complaint of sex discrimination that does not allege sexual harassment as defined in Policy ACAA is handled under Regulation AC-R. In this regulation, "days" means calendar days unless school days are stated.

Title IX Coordinator

The Superintendent is designated as the District's Title IX Coordinator.

Title IX Coordinator:

Title: Superintendent, Joseph City Unified School District No. 2

Address: P.O. Box 8, 8176 Westover Avenue, Joseph City, Arizona 86032

E-mail: sharvilla@jcusd.org

Telephone: 928-288-3307

If the Superintendent is the respondent, or has a conflict of interest or bias in a particular matter, the report or formal complaint shall be filed with the President of the Governing Board at the District office address above. The President shall assign an outside Title IX Coordinator for that matter, who shall have the authority and duties of the Title IX Coordinator under this regulation for that matter.

Persons Who Carry Out the Grievance Process

For each formal complaint:

A. Title IX Coordinator. The Superintendent, or the outside coordinator assigned by the Governing Board President as described above.

B. Investigator. Assigned by the Title IX Coordinator for each formal complaint. The investigator shall be either a trained District administrator who has had no involvement in the matter and who will not serve as decision-maker or appeal decision-maker, or an outside investigator engaged by the District.

C. Decision-maker. The principal of the District campus that is not involved in the complaint. If both campuses are involved, or if that principal is a party or witness, has had any other involvement in the matter, or has a conflict of interest or bias, the Title IX Coordinator shall arrange an outside decision-maker through the Arizona School Risk Retention Trust, District counsel, or another qualified person outside the District, or, if none is available, assign a trained District employee who meets the same requirements.

D. Appeal decision-maker. An outside decision-maker arranged through the Arizona School Risk Retention Trust, District counsel, or another qualified person outside the District. If no outside

decision-maker is available, the Superintendent shall assign a trained District employee who has had no involvement in the matter, has no conflict of interest or bias, and is not the Title IX Coordinator, investigator or decision-maker for that complaint.

E. Informal resolution facilitator. A trained person designated by the Title IX Coordinator who is not the investigator, decision-maker, or appeal decision-maker for the same matter.

The Title IX Coordinator, investigator, decision-maker, and appeal decision-maker for a formal complaint shall be four (4) different people. No person may serve in any of these roles, or as an informal resolution facilitator, if that person has a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A party who believes that an assigned person has a conflict of interest or bias may raise the concern in writing with the Title IX Coordinator, or with the Governing Board President if the concern is about the Title IX Coordinator. The concern shall be decided, and a replacement assigned if needed, before the process continues.

Training

Every person who serves as Title IX Coordinator, investigator, decision-maker, appeal decision-maker, or informal resolution facilitator shall be trained on:

A. The definition of sexual harassment in Policy ACAA;

B. The scope of the District's education program or activity;

C. How to conduct an investigation and grievance process, including appeals and informal resolution processes; and

D. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers and appeal decision-makers shall also be trained 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. Investigators shall also be trained on issues of relevance so they can create an investigative report that fairly summarizes relevant evidence. Training materials shall not rely on sex stereotypes and shall promote impartial investigations and adjudications of formal complaints. When an outside person serves in any of these roles, the District shall obtain confirmation of that person's training and a copy of the training materials used. The District shall post all training materials on its website.

Notice

The District shall notify applicants for admission and employment, students, parents and legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District of the title, office address, e-mail address, and telephone number of the Title IX Coordinator, of the District's policy of nondiscrimination on the basis of sex, and of this grievance process, including how to report or file a formal complaint of sexual harassment and how the District will respond. The District shall post this information on its website and in each handbook it makes available to these persons (34 C.F.R. 106.8).

Response to Sexual Harassment

When the District has actual knowledge of sexual harassment in an education program or activity of the District against a person in the United States, it shall respond promptly in a manner that is not deliberately indifferent.

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or to any employee.

B. An "education program or activity" includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the District.

C. The District is "deliberately indifferent" only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Nothing in this regulation delays or replaces a report required by A.R.S. 13-3620 or any other law.

Supportive Measures

The District's response shall treat complainants and respondents equitably by offering supportive measures to the complainant, and by following the grievance process in this regulation before imposing any disciplinary sanction or other action that is not a supportive measure against a respondent. Supportive measures may also be offered to a respondent.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. They are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or to deter sexual harassment.

The range of supportive measures available includes counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; changes in seating, class, bus, or work assignments; mutual restrictions on contact between the parties; increased monitoring or supervision of certain areas; escorts; leaves of absence; and other similar measures.

The District shall keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining confidentiality does not impair the District's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Even if no formal complaint has been filed, the Title IX Coordinator shall promptly:

A. Contact the complainant to discuss the availability of supportive measures;

B. Consider the complainant's wishes with respect to supportive measures;

C. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and

D. Explain to the complainant the process for filing a formal complaint.

Emergency Removal and Administrative Leave

The District may remove a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

The District may place a non-student employee respondent on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Formal Complaint

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, using the contact information listed above, or by any additional method designated by the District that results in the Title IX Coordinator receiving the complaint. When the Title IX Coordinator signs a formal complaint, the Coordinator is not a complainant or otherwise a party.

A parent or legal guardian who has a legal right to act on behalf of a complainant, respondent, or other individual may do so under this regulation, including by filing a formal complaint (34 C.F.R. 106.6(g)).

The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

Basic Requirements of the Grievance Process

In addressing a formal complaint of sexual harassment, the District shall:

A. Provide written notice to the parties whose identities are known, within the timeframe set out below, that includes:

1. Notice of this grievance process, including the informal resolution process;

2. Notice of the allegations, with sufficient details to allow the respondent to prepare a response, including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

4. Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence; and

5. Notice of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

B. If, during the investigation, the District decides to investigate allegations that were not included in the original notice, provide notice of the additional allegations to the parties whose identities are known.

C. Treat complainants and respondents equitably, providing remedies to a complainant where the respondent is found responsible and following this grievance process before imposing any disciplinary sanction on a respondent.

D. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and not base credibility determinations on a person's status as a complainant, respondent, or witness.

E. Require that the Title IX Coordinator, investigator, decision-maker, appeal decision-maker, and any informal resolution facilitator be trained as described in this regulation and have no conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

F. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

G. Follow the timeframes set out in this regulation.

H. Use the preponderance of the evidence standard to determine responsibility. The District applies the same standard to formal complaints against students and formal complaints against employees.

I. Apply the sanctions, remedies, and appeal procedures set out in this regulation.

J. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.

Timeframes

The District shall conclude the grievance process within the following reasonably prompt timeframes:

A. Written notice of the allegations shall be sent to the parties within five (5) school days after the Title IX Coordinator receives or signs a formal complaint.

B. The parties shall have at least ten (10) days to submit a written response to the evidence sent to them before the investigative report is completed.

C. The investigative report shall be sent to the parties at least ten (10) days before a determination regarding responsibility is made.

D. A party may submit written questions to the decision-maker within five (5) days after receiving the investigative report. The decision-maker shall provide the answers to each party and allow

limited follow-up questions, which shall be submitted within three (3) days after the answers are received.

E. The written determination regarding responsibility shall ordinarily be issued within sixty (60) days after the Title IX Coordinator receives or signs the formal complaint.

F. An appeal shall be filed in writing with the Title IX Coordinator within ten (10) days after the written determination or notice of dismissal is sent. Each party may submit a written statement within ten (10) days after being notified of the appeal. The appeal decision-maker shall issue a written decision within thirty (30) days after the written statements are due.

G. An informal resolution process shall be concluded within thirty (30) days after both parties give written consent to it. If it is not concluded in that time, the grievance process resumes unless both parties agree in writing to extend it.

The Title IX Coordinator may allow a temporary delay of the grievance process, or a limited extension of any of these timeframes, for good cause, with written notice to the complainant and the respondent of the delay or extension and the reasons for it. Good cause may include the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; and periods when school is not in session.

The determination regarding responsibility becomes final on the date the District provides the parties with the written decision on appeal, or, if no appeal is filed, on the date an appeal would no longer be timely.

Investigation

When investigating a formal complaint and throughout the grievance process, the District shall:

A. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties. The District shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional in connection with treatment of the party, unless the District obtains that party's voluntary, written consent, or the written consent of a parent or legal guardian if the party is not an eligible student;

B. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

C. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

D. Provide the parties with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied by the advisor of their choice. The District may set restrictions on the extent to which an advisor may participate, provided the restrictions apply equally to both parties;

E. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting, with sufficient time for the party to prepare to participate;

F. Provide both parties an equal opportunity to inspect and review any evidence obtained during the investigation that is directly related to the allegations, including evidence the District does not intend to rely on, so that each party can meaningfully respond to the evidence before the investigation concludes. Before the investigative report is completed, the investigator shall send each party and the party's advisor, if any, the evidence in an electronic format or hard copy, and the parties shall have at least ten (10) days to submit a written response, which the investigator shall consider before completing the report; and

G. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days before a determination regarding responsibility, send it to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response.

Determination Regarding Responsibility

The District does not hold live hearings. After the investigative report has been sent to the parties and before a determination regarding responsibility is made, the decision-maker shall give each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker shall explain to the party proposing a question any decision to exclude the question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or they concern specific incidents of the complainant's prior sexual behavior with the respondent and are offered to prove consent.

The decision-maker shall apply the preponderance of the evidence standard and shall issue a written determination regarding responsibility that includes:

A. Identification of the allegations potentially constituting sexual harassment;

B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

C. Findings of fact supporting the determination;

D. Conclusions regarding the application of the District's code of conduct or policies to the facts;

E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and

F. The procedures and permissible bases for the complainant and respondent to appeal.

The District shall provide the written determination to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies.

Disciplinary Sanctions and Remedies

If a respondent is found responsible, the District may impose disciplinary sanctions consistent with Board policy and law.

A. For a student respondent, sanctions may include a warning, parent conference, loss of privileges, removal from extracurricular activities, detention, in-school suspension, short-term suspension, long-term suspension, or expulsion, under the Board's student discipline policies.

B. For an employee respondent, sanctions may include required training, a verbal or written reprimand, reassignment, suspension, nonrenewal, or dismissal, under the Board's employee discipline policies, and any report to the Arizona Department of Education or other agency required by law.

Remedies for a complainant are designed to restore or preserve equal access to the District's education program or activity. Remedies may include any of the supportive measures listed in this regulation and need not be non-disciplinary or non-punitive, and need not avoid burdening the respondent.

Dismissal of a Formal Complaint

The District shall dismiss a formal complaint, or any allegation in it, for purposes of Title IX if the conduct alleged would not constitute sexual harassment as defined in Policy ACAA even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States. The District may still address the allegations under other Board policies.

The District may dismiss a formal complaint, or any allegation in it, if at any time during the investigation:

A. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegation in it;

B. The respondent is no longer enrolled in or employed by the District; or

C. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in it.

Upon dismissal, the District shall promptly send written notice of the dismissal and the reasons for it simultaneously to the parties. A dismissal may be appealed as provided below.

Appeals

Either party may appeal a determination regarding responsibility or a dismissal of a formal complaint or any allegation in it, on the following bases:

A. Procedural irregularity that affected the outcome of the matter;

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

C. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

As to all appeals, the District shall:

A. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

B. Ensure that the appeal decision-maker is not the same person as the decision-maker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;

C. Ensure that the appeal decision-maker has been trained as described in this regulation and has no conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;

D. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

E. Issue a written decision describing the result of the appeal and the rationale for the result; and

F. Provide the written decision simultaneously to both parties.

Informal Resolution

The District may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint has been filed. At any time before a determination regarding responsibility is reached, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District:

A. Provides the parties a written notice disclosing:

1. The allegations;

2. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, and that at any time before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and

3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

B. Obtains the parties' voluntary, written consent to the informal resolution process; and

C. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

No Waiver

The District may not require, as a condition of enrollment or continuing enrollment, employment or continuing employment, or enjoyment of any other right, a waiver of the right to an investigation and adjudication of a formal complaint of sexual harassment.

Records

The District shall maintain for a period of seven (7) years records of:

A. 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;

B. Any appeal and the result;

C. Any informal resolution and the result; and

D. All materials used to train the Title IX Coordinator, investigators, decision-makers, appeal decision-makers, and any person who facilitates an informal resolution process. The District shall make these training materials publicly available on its website.

For each response to a report or formal complaint of sexual harassment, the District shall create and maintain for a period of seven (7) years records of any actions, including any supportive measures, taken in response. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, the District shall document the reasons why that response was not clearly unreasonable in light of the known circumstances. Documenting certain bases or measures does not limit the District from later providing additional explanations or detailing additional measures taken.