

## **GRIEVANCE PROCESS FOR SEXUAL HARASSMENT CLAIMS**

### **I. INTRODUCTION AND STATEMENT OF POLICY**

This process accompanies Policy No. 522: Title IX Sex Nondiscrimination Policy, Grievance Procedure, and Process, and describes the procedure that the Owatonna Public School District hereinafter “School District” will follow when a formal complaint of sexual harassment has been filed. Questions regarding this process may be addressed to Christina Picha, the School District’s Title IX Coordinator. Christina Picha may be contacted at 333 East School Street, Owatonna, MN 55060; email: [cpicha@isd761.org](mailto:cpicha@isd761.org) or phone # 507 444 8602.

It is also the policy of the School District to respond promptly to known allegations of sexual harassment in its educational program(s) and/or activities in a manner that is not deliberately indifferent. This process governs the School District’s response to formal complaints. It is the policy of the School District to ensure that complainants and respondents are treated equally under this process. If any opportunity to participate in the grievance process is or is not made available to one party, the same opportunity shall be made available (or unavailable) to the other party.

The fact that this process refers to complainants and respondents in the singular shall not be construed to prohibit a complaint against multiple respondents, or the consolidation of multiple complaints against a single respondent, or the consolidation against cross-complaints between the parties, provided that the allegations in said complaint(s) arise out of the same facts or circumstances.

### **II. DEFINITIONS**

- A. “Complaint means an oral or written request to the school or school district that objectively can be understood as a request for the school or school district to investigate and make a determination about alleged discrimination under Title IX and its regulations.
  
- B. “Complainant” means:
  - 1. A student or employee who is alleged to have been subjected to conduct that could constitute sexual harassment or sex-based harassment; or
  
  - 2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sexual harassment or sex-based harassment, and who was participating or attempting to participate in the school or School District’s education program or activity at the time of the alleged sexual harassment or sex-based harassment.

- C. “Confidential Employee” means:
1. An employee of a school or school district whose communications are privileged or confidential under federal or state law. The employee’s confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
  2. An employee of a school or school district whom the school or school district has designated as confidential for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to information received about sex discrimination in connect with providing those services.
- D. “Disciplinary sanctions” means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient’s prohibition on sex discrimination.
- E. “Education program or activity” includes locations, events, or circumstances over which the School District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.
- F. “Knowledge” means knowledge of conduct that reasonably may constitute sex discrimination (final rule eliminated “actual knowledge” standard). This knowledge standard triggers a school or school district’s duty to respond to sex discrimination in a prompt and effective manner.
- G. “Party” refers to a complainant or a respondent. The term “parties” refers to both. Some reports of sexual harassment or sex-based harassment may involve multiple complainants or multiple respondents.
- H. “Pregnancy or Related Conditions” means:
1. Pregnancy, childbirth, termination of pregnancy, ore lactation;
  2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
  3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

- I. “Relevant” means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- J. “Remedies” means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient’s education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the recipient’s education program or activity after a recipient determines that sex discrimination occurred.
- K. “Respondent” means an individual who is alleged to have violated the school or School District’s prohibition on sexual harassment or sex-based harassment.
- L. “Retaliation” means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.
- M. “Sexual-based harassment” means sexual harassment and other harassment on the basis of sex that also satisfies one or more of the following:
1. *Quid pro quo harassment*: A school employee, agent or other person authorized by the school or school district to provide an aid, benefit, or service under the school or school district’s education program or activity explicitly or impliedly conditioning the provisions of such an aid, benefit, or service of school on an individual’s participation in unwelcome sexual conduct;
  2. *Hostile environment harassment*: Unwelcome sexual harassment or sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the school or school district’s education program or activity (i.e., creates a hostile

environment). In determining whether a hostile environment was created, the school will consider the following factors:

- i. The degree to which the conduct affected one or more students/employee's ability to access an education program or activity.
- ii. The type, frequency, and duration of the conduct.
- iii. The identity of and relationship between the alleged harasser and the subject(s) of the harassment.
- iv. The number of individuals involved.
- v. The age and sex of the alleged harasser and the subject(s).
- vi. The size of the school, location of the incidents, and context in which they occurred; or

3. *Specific Offenses*: The following offenses constitute sexual harassment or sex-based harassment:

- a. "Sexual assault" means any forcible or non-forcible sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- b. "Dating Violence" means violence committed by a person:
  - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.
- c. "Domestic Violence" meaning felony or misdemeanor crimes of violence committed by a person who:
  - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the school or School District, or a person similarly situated to a spouse of the victim;
  - ii. Is cohabitating, or has cohabitated with the victim as a spouse or intimate partner;
  - iii. Shares a child in common with the victim; or

- iv. Commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction.
    - d. “Stalking” meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
      - i. Fear for the person’s safety or the safety of others; or
      - ii. Suffer substantial emotional distress.
  - N. “Sufficient time to prepare,” unless otherwise stated, means ten (10) days.
  - O. “Supportive Measures” means individualized measures offered as appropriate as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
    - 1. Restore or preserve that party’s access to the school or school district’s education program or activity, including measures that are designed to protect the safety of the parties or the school or school district’s educational environment; or
    - 2. Provide support during the school or school district’s grievance procedures, and if applicable, during the informal resolution process.

### **III. BASIC REQUIREMENTS OF TITLE IX GRIEVANCE PROCEDURES**

- A. A Respondent is presumed to not be responsible for the alleged conduct until a determination is made at the conclusion of its grievance proceedings.
- B. The Title IX Coordinator, Investigator(s), and Decision-Maker(s) shall receive training regarding the definition of sexual harassment or sex-based harassment in this process, how to serve impartially, how to avoid prejudgment of the facts at issue, bias based on sex, bias in favor of complainants or respondents in general, and bias or conflicts of interest with respect to any particular student(s).
- C. The Title IX Coordinator shall receive training regarding the requirements of a formal complaint, the required contents of the notice of allegations, and the steps of the grievance process.

- D The Investigator(s) and Decision-Maker(s) shall receive training on what constitutes relevant evidence, for purposes of the investigation report and/or advisor questioning of the other party.
- E Training materials supporting these assurances are available at <https://www.isd761.....> (I'm not sure where the materials are housed) [URL].
- F The School District will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These steps will not restrict the ability of the parties to: obtain and present evidence – including by speaking to witnesses – consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.
- G The School District will objectively evaluate all evidence that is relevant and not otherwise impermissible - including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- H The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by SMCPS to determine whether one of the exceptions listed below applies, will not be disclosed and will not otherwise be used), regardless of whether they are relevant:
- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - A party's or witnesses' records that are made or maintained by a physician, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the School District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
  - Evidence that relates to the complainant's sexual interest or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual harassment or sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the

complainant's consent to the alleged sexual harassment or sex-based harassment or preclude determination that sexual harassment or sex-based harassment occurred.

- I. In lieu of resolving a complaint through the School Districts Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The School District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sexual harassment or sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.
  
- J. The School District will offer and coordinate supportive measures, as appropriate, for the complainant and /or respondent to restore or preserve the person's access to a School District's education program or activity or provide support during the Title IX grievance procedures or during the informal resolution process. Supportive measures will not unreasonably burden either party and will be designed to protect the safety of the parties or the educational environment, to provide support during the grievance procedure/information resolution process and will not be for disciplinary reasons. SMCPS will provide the complainant/respondent reasonable time to see modification or reversal of a decision on supportive measures applicable to the party. These support measures may include, but are not limited to:
  - Class change
  - Schedule modification
  - School route change
  - Bus change
  - Counseling services through the school counselor
  - Campus escort to and from a specific class
  - Mutual restrictions on contact between parties
  - Leave of absences
  - Increased security
  - Monitoring of certain areas
  
- K. The School District prohibits retaliation, including peer retaliation, in its education program or activity. Upon receiving a complaint alleging retaliation, the School District will initiate grievance procedures or, as appropriate, an informal resolution process.

#### **IV. GRIEVANCE PROCEDURES**

It is the policy of Owatonna Public Schools (OPS) to provide for the adequate, equitable, reliable and impartial investigation of all Title IX complaints. Instances where

complainants who wish to resolve their concerns informally through counseling, advice, or information discussion, should bring their concerns to the attention of the Title IX Coordinator. The OPS grievance process is comprised of four major stages: evaluation, investigation, determination, and appeal. During the Evaluation Stage, notification of a complaint is received and evaluated to determine whether an investigation should be conducted. The Investigation Stage involves the interviewing of involved parties as well as witnesses and the gathering of information through additional resources (i.e. school cameras, cell phones, etc.). During the Investigative Stage, preliminary findings will be issued to involved parties followed by a 10 day review period. An Investigative Report will be drafted and provided to involved parties and the Decision Maker at the close of the Investigative Stage. The Determination Stage begins with the receipt of the Investigative Report and ends with the rendering of the Determination of Responsibility by the Decision Maker to all parties. The Appeal Stage is engaged should either party submit a written appeal of the Determination of Responsibility.

## **Evaluation**

### **A. Formal Complaint**

A notification of sexual discrimination, including sexual harassment or sex-based harassment, may be made to any school staff member, who is not a confidential employee in person, by phone, via email, or in writing. If the notification is regarding sexual discrimination, including sexual harassment or sex-based harassment, the school staff member will inform the School District Title IX Coordinator. The School District Title IX Coordinator will review the notification and initiate a complaint per the OPS grievance procedures. The School District Title IX Coordinator for student and employee complaints is the Director of Human Resources & Student Affairs.

The following people have a right to make a complaint of sex discrimination, including complaints of sexual harassment or sex-based harassment, requesting that OPS investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes:
  - a student or employee of OPS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of OPS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in an OPS education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- A Title IX Coordinator of OPS



Note that a person is entitled to make a complaint of sexual harassment or sex-based harassment only if they themselves are alleged to have been subjected to the sexual harassment or sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

OPS may consolidate complainants of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references to a party, complainant, or respondent include the plural, as applicable.

## **B. Notice of Allegations**

Upon receipt of a complaint, the Title IX Coordinator must provide all known parties with a written notice that will include the following content:

- OPS Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If OPS provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the Title IX Coordinator and/or Investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the Title IX Coordinator will notify the parties of the additional allegations.

## **C. Emergency Removal of Student Respondents**

- Presumption of Non-Removal:
  - A student respondent will not be suspended, expelled, or otherwise removed while an investigation is pending under the grievance process.
- Standards for Immediate Removal:
  - A mandatory individualized safety and risk analysis must be conducted.
  - The respondent must pose an imminent and serious threat arising from the allegations of sex discrimination
  - The threat must relate to the physical health or safety of a complainant, any student, employee, or other individual, including the respondent

themselves.

- Procedural Requirements of Emergency Removal for Students:
  - A respondent who is removed on an emergency basis must be notified of the school or school district's decision.
  - A respondent must be provided with an opportunity to challenge the decision immediately following removal.
  - The respondent bears the burden of proving the removal decision was incorrect.

#### **D. Emergency Removal of Employee**

- A school district may place a non-student employee who is accused of sexual harassment or sex-based harassment on administrative leave pending the completion of the investigation without any specific limitation that would otherwise be applicable to students.

#### **E. Dismissal of a Complaint**

OPS may dismiss a complaint of sex discrimination if:

- OPS is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in an OPS education program or activity and is not employed by OPS;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and OPS determines that without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- OPS determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, SMCPS will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, OPS will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then OPS will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification of the complainant, or simultaneously if notification is in writing.

OPS will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then OPS will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;

- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- 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 would change the outcome.

If the dismissal is appealed, OPS will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision maker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, OPS will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measure to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within a OPS education program or activity.

## **Investigation**

OPS will provide for adequate, reliable, and empirical investigation of complaints. The burden is on OPS, not the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Equal opportunity will be provided for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

OPS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Each party will be afforded equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:

- OPS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If OPS provides a description of the evidence, OPS will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;

- OPS will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- OPS will take sensible steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Upon receipt of the written/verbal complaint, the Title IX Investigator will investigate the allegation, schedule meetings to interview the complainant, possible witnesses, and the respondent. Supportive measures will be offered, as appropriate, before and/or after the filing of a complaint. The Title IX Investigator will provide sufficient written notice to each known parties to give time to prepare a response before an initial interview. The written notification will include:

- Notice of the grievance process, including the availability of an informal resolution process;
- Notice of the allegation, including sufficient detail (i.e. names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false information in the grievance process.

The Investigator will provide written notification of preliminary findings to the Complainant, Respondent, and advisors, if any, for their review and written response at least 10 days before the issuance of a final Investigative Report. During this time each party will be provided the opportunity to submit to the Investigator written relevant questions for limited follow-up. The Investigator may determine what evidence is relevant and will inform parties of evidence considered to be impermissible. If the investigation yields additional allegations that were not included in the original written notice, notice of the additional allegations will also be provided in writing to the known parties. An Investigative Report that summarizes the relevant evidence will be provided to both parties and the Decision Maker.

#### **A. Questioning of the Parties and Witnesses**

OPS will provide a process that enables the Decision Maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. If a Decision Maker decides to question parties and witnesses, the Decision Maker will provide sufficient written notice to all known parties to give time to prepare a response before the interview. The written notification will include:

- A description of the alleged violation
- Time, date, and location of the meeting
- Technology that will be used to facilitate the meeting (Zoom, Google Meet)
- Name and contact information of the Decision Maker
- A statement that if any party does not appear at the scheduled meeting, the meeting will only be rescheduled for compelling reasons.

### **Determination of Responsibility**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, OPS will:

- Use the preponderance of evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decision Maker to evaluate relevant and not otherwise impermissible evidence for its pervasiveness. If the Decision Maker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decision Maker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX – including the rationale for such determination – and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to the complainant and other people OPS identifies as having had equal access to the OPS education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification of the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within a OPS education program or activity.
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The Title IX Decision Maker will then render in writing a determination of responsibility using a preponderance of evidence standard of proof. If a violation is found to have occurred, the appropriate disciplinary and /or remedial action will be taken in accordance with the Code of Student Conduct for students or Employee

Collective Bargaining Agreement or School Board employee-related policies and regulations for employees. Additionally, the Title IX School Coordinator will provide and implement supportive measures and/or remedies for the complainant or others whose access to the educational program or activity has been limited or denied and will take steps to ensure that sex discrimination does not occur in the future.

## **Appeal**

OPS offers the following process for appeals from a determination whether sex discrimination occurred. Grievance procedures ensure that the students, parents, and staff members of the school district are aware of their rights under Title IX, have contact information for the Title IX Coordinator, and know how to file a complaint alleging a violation of Title IX. OPS has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any discrimination and sexual harassment prohibited under Title IX of the Education Amendments of 1972. Any person who believes he or she has been subjected to discrimination and harassment on the basis of sex may file a grievance under this procedure. This grievance procedure applies to complaints alleging sexual harassment or sex-based discrimination carried out by students, employees, or third parties. The procedure is meant to provide a prompt and equitable resolution of a complaint and is at a minimum, the same as OPS offers in all other comparable proceedings, including proceedings relating to other discrimination complaints. It is against the law for OPS to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

An appeal of the Decision Maker's Determination of Responsibility must be filed in writing within 30 calendar days of the date of Determination of Responsibility, and at a minimum contain (1) the nature of the grievance; (2) the facts upon which the grievance is based, including a list of all witnesses; (3) the remedy requested; (4) the grievant's signature and (5) the date the grievance is filed. The written grievance must be filed with the appropriate District Title IX Coordinator.

## **V. ROLES**

### **A. Title IX Coordinator**

Students, parents/legal guardians, employees and community members may report allegations of discrimination or harassment to:

Christina Picha  
Director of Human Resources  
333 E. School Street  
Owatonna, MN 55060  
507-444-8602  
cpicha@isd761.org

The District Title IX Coordinator will reconsider the determination on the following basis:

- Procedural irregularity that affected the outcome of the matter;
- Newly discovered evidence that could affect the outcome of the matter; and/or
- Title IX personnel had a conflict of interest or bias that affected the outcome of the matter;
- The disciplinary sanction is inappropriate or unreasonable;
- Or any other basis provided by law or Board policy governing appeals.

The District Title IX Coordinator or designee will provide a written report of the investigation of the grievance. The report should include the following information:

- A statement of the complainant's allegations and the remedy sought;
- A statement of the facts as contended by each party;
- A list of the witnesses interviewed and/or the documents reviewed during the investigation;
- A statement of the facts as determined by the District Title IX Coordinator or designee with reference to the evidence to support each fact;
- The District Title IX Coordinator's conclusion as to whether the allegations are valid;
- Any corrective action recommended and/or determined;
- An assurance and description of the steps to be taken, if necessary, to prevent the recurrence of the prohibited actions and to correct any discriminatory effects on the complainant and others, if appropriate.

The parties shall have an opportunity to appeal the decision of the Title District IX Coordinator or designee in writing to an impartial third-party examiner within ten (10) work days of the date of the written report of findings. The appeal should be submitted in writing to the Title IX Coordinator. The parties including the parent or guardian or other representative, will have an opportunity to participate in the appeal. Following an appeal, an examiner will review the appeal along with the written report of findings and then respond in writing within thirty (30) school days of receiving the appeal. The examiner shall either affirm or reverse the decision of the District Title IX Coordinator or designee. There is no additional appeal process beyond the decision of the Examiner.

The Complainant has the right to file a complaint at any time with the U.S. Department of Education Office for Civil Rights (OCR) without going through the OPS internal grievance procedures.

## **B. Investigator**

The Title IX Investigator is a neutral party, with no conflicts of interest regarding or bias for or against either the complainant, or respondent, or complainants or respondents in general.

- The Title IX Investigator is assigned by the Title IX Coordinator and conducts an investigation into the allegations contained in the Notice of Complaint/Allegations.
- The Title IX Investigator schedules interviews typically in the following order: Complainant, Complainant's identified witnesses, Respondent and Respondent's identified witnesses.
- The Title IX Investigator completes all interviews and collects relevant evidence.
- The Title IX Investigator compiles the relevant evidence for the Title IX Coordinator and Decisionmaker and may choose to draft a summary or an investigation report.
- The Title IX Investigator sends a copy of the relevant evidence to the Title IX Coordinator and Title IX Decisionmaker, including any summary or an investigation report if one was prepared.

### **C. Decisionmaker**

The decisionmaker is responsible for reviewing the evidence, including any Investigator's report and determining whether the respondent is responsible for the conduct alleged.