

POLICY 5000

Equal Educational Opportunity

A. General

1. The Board of Education of the Box Elder School District does not discriminate on the basis of sex in its programs and activities and is required by Title IX and 34 CFR Part 106 not to discriminate on the basis of sex, including but not limited to such discrimination in admission and employment.
 - a. Notice of this policy shall be given to all students seeking admission and their parents and shall be included in student handbooks. Questions about rights under Title IX and about the application of Title IX to the District can be directed to the Title IX Coordinator identified in this policy or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

[34 CFR § 106.8\(b\)\(1\)](#)
[20 U.S.C. § 1701-21](#)

2. No officer or employee of Box Elder School District when acting or purporting to act in official capacity shall refuse to permit any student to participate in any school activity because of the student's, race, color, creed, sex, national origin, marital status, political or religious belief, physical or mental condition, family, social, or cultural background, ~~or~~ sexual orientation ~~or~~ gender identification.

[Utah Admin. Rules 277-217-2\(23\) \(January 24, 2024\)](#)

3. The District encourages all victims of sex discrimination and persons with knowledge of sex discrimination to immediately report that to the Title IX Coordinator or an administrator. All complainants have the right to be free from retaliation of any kind. Complaints relating to sexual harassment (one form of sex discrimination) are addressed under [Policy 3015 Title IX Sexual Harassment](#) and [Policy 5350 Student Complaints - Resolution](#). Complaints regarding other types of sex discrimination may be addressed through the grievance procedures set out in [Policy 5270 Student Rights and Responsibilities Bullying, Cyberbullying, Hazing, and Abusive Conduct](#) (for students) and [Policy 3000 Employment: Nondiscrimination](#) (for employees).

[34 CFR § 106.8\(c\)](#)

4. The District and its schools and staff shall not provide a sex-designated facility, program, or event of a higher quality to one sex and of a lesser quality to the opposite sex but shall ensure equivalent quality or rotational sharing, including the use of athletic facilities or venues. The District and its schools and staff shall not provide males or females preferred or more advantageous scheduling of facilities, programs, or events in comparison to the opposite sex but shall ensure equivalent scheduling practices or rotational sharing, including the scheduling of athletic events or practices. The District and its schools and staff shall not provide males or females with more sex-designated opportunities than the opposite sex (meaning more than 10% disparity). The District and its schools and staff shall not require males or females to participate or compete against the opposite sex in any sex-designated facility, program, or event. The District and its schools and staff shall not require, give official authorization for, or knowingly allow males or females to use a sex-designated facility in the presence of the opposite sex.
5. [Utah Code § 63G-31-204 \(2024\)](#)

B. Title IX Coordinator

1. The District shall designate one or more employees to serve as Title IX Coordinator. The Title IX Coordinator is responsible and has authority to coordinate the District's compliance with Title IX, including but not limited to responding to complaints of sex discrimination. The designated Title IX Coordinator for the District is:

Name: Emily Williams

Title/Position: Title IX Coordinator

Mailing Address: 960 South Main, Brigham City, UT. 84302

Office Email: emily.williams@besd.net

Telephone: 435-734-4800 ext. 4142

2. Reports about any form of sex discrimination (including sexual harassment) may be made to the Title IX Coordinator by any person (whether or not the discrimination was directed at that person) using any of the contact methods listed above or by any other means and at any time (including during non-business hours).

[34 CFR § 106.8\(a\)](#)

C. Retaliation Prohibited

1. It is prohibited to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to any type of sex

discrimination. Prohibited retaliation includes acting with the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy by intimidation, threats, coercion, or discrimination. If brought for the purpose of interfering with these rights, prohibited retaliation includes charges against an individual for violations that do not involve sex discrimination 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. Reports of retaliation should be made to the Title IX Coordinator designated in this policy. Complaints regarding retaliation against a student may be raised under [Policy 5270](#) or as applicable under [Policy 5350](#) or regarding retaliation against an employee under [Policy 3000](#) or as applicable under [Policy 3015](#).

[34 CFR § 106.71\(a\)](#)

D. Confidentiality

1. Except to the extent required to appropriately respond to complaints of sex discrimination, or as required by law, the District shall keep confidential the identity of
 - a. any individual who reports or complains of sex discrimination (including filing a formal complaint),
 - b. any individual reported to have perpetrated sex discrimination, and
 - c. any witness regarding sex discrimination.
2. Except to the extent that maintaining confidentiality would impair the District's ability to provide supportive measures, the District shall keep confidential any supportive measures provided to a complainant or accused individual. (In appropriately responding to complaints of sex discrimination, the District may need to disclose the identity of individuals for purposes of an appropriate investigation and following the grievance process or for purposes of appropriate supportive measures.) Disclosure is also allowed to the extent permitted by FERPA and its implementing regulations.

[34 CFR § 106.71\(a\)](#)

3. Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate authorities and the confidentiality of the information will be maintained as required by [Utah Code § 80-2-1005](#). (See [Policy 5090 Child Abuse/Sexual Abuse and Human Trafficking Prevention Training and Reporting](#))

E. Students with Disabilities

1. The District shall provide a free appropriate public education to all students with disabilities identified under [IDEA](#) who are residents of the District between the ages of three and twenty-two who have not graduated from high school, including those in regular or special education and those who have related services designed to meet the individual educational needs of each qualified student, regardless of the nature or severity of the disability. The District shall comply with federal law concerning education of students with disabilities in the areas of educational setting, evaluation and placement, and procedural safeguards.

[34 CFR § 104.33](#)

[Utah Code § 53E-7-201\(8\) \(2019\)](#)

[Utah Code § 53E-7-202 \(2019\)](#)

[Utah Code § 53E-7-207 \(2019\)](#)

F. Dissemination of Policy

1. Notice of this policy and of the name and contact information of the Title IX Coordinator shall be provided to applicants for admissions or for employment, students, parents of students, employees, and employee associations. The contact information for the Title IX Coordinator shall be prominently displayed on the District's website and in student admission materials and employment application materials. In addition, a copy of this policy shall be published on the District website and included in student admission materials, in employment application materials, in student handbooks, and in materials provided to employees. A copy of this policy shall also be provided to the appropriate officer of each employee association.

[34 CFR § 106.8\(b\)\(2\), \(c\)](#)