

*Discriminatory Harassment by and of District Employees*

The District's Title IX Coordinator is the Director of State and Federal Programs. Contact information for the Director of State and Federal Programs is outlined below.

**Position:** Director of State and Federal Programs

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*Procedures for Resolving Reports of Sexual Harassment*

Any reports of discriminatory harassment deemed by the Title IX Coordinator to meet the definition of Title IX sexual harassment, as defined in the accompanying Policy, shall be investigated and handled in accordance with the specific procedures outlined on the District's website at: <https://www.tesd.net/domain/1894>, particularly the procedures outlined in the document titled "Grievance Process with Exhibits."

*Procedures for Resolving Reports of Discriminatory Harassment Other than Title IX Sexual Harassment*

**Step 1 – Reporting**

An employee or other individual who believes they or others have been subject to conduct that constitutes discriminatory harassment is encouraged to immediately report the incident in accordance with the procedures outlined in the accompanying Board Policy. Any person with knowledge of conduct that may violate this Administrative Regulation or the accompanying Board Policy is similarly encouraged to immediately report the matter as outlined in the accompanying Board Policy.

A school employee who is notified that a student has been subject to conduct that constitutes a violation of this Administrative Regulation or the accompanying Board Policy shall immediately report the incident pursuant to the procedures outlined in the accompanying Board Policy.

**Step 2 – Investigation**

Where an attorney is not used to conduct the investigation, only individuals who have received basic training or informed guidance on the applicable law, this Administrative Regulation and the accompanying Board Policy, and how to conduct a proper investigation shall be authorized to conduct the investigation.

The investigator shall work with the Title IX Coordinator or Superintendent's designee to assess the anticipated scope of the investigation, who might need to be interviewed, and what records may be relevant.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator or Superintendent's designee, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the District's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

### **Step 3 – Investigative Report**

The investigator shall prepare and submit a written report to the Title IX Coordinator or Superintendent's designee within twenty (20) business days of the initial report of alleged discriminatory harassment, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Title IX Coordinator or Superintendent's designee to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this Administrative Regulation or the accompanying Board Policy, and of any other violations of law or Board Policy which may warrant further District action, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation,

including the recommended disposition within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

#### **Step 4 – District Action**

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this Administrative Regulation or the accompanying Board Policy, the District shall take prompt and appropriate corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Title IX Coordinator or Superintendent’s designee shall follow up as necessary to assess the effectiveness of the corrective action.

If an investigation results in a finding that a different Board Policy was violated separately from or in addition to violations of this Administrative Regulation and the accompanying Board Policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board Policy, Administrative Regulations, any applicable Employee Handbook or Collective Bargaining Agreement, and state and federal laws.

#### **Appeal Procedure**

1. If the complainant or the accused is not satisfied with a finding or the corrective action recommended in the investigative report, they may submit a written appeal to the Title IX Coordinator or Superintendent’s designee within fifteen (15) business days. If the Title IX Coordinator or Superintendent’s designee investigated the complaint, such appeal shall be made to the Superintendent.
2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) business days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

Adopted: December 10, 1992

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