STUDENTS COMPLAINTS OF SEXUAL DISCRIMINATION/HARASSMENT -- TITLE IX PROCEDURES

Students in this School District are protected from sexual discrimination, including sexual harassment, by Title IX of the Education Amendment of 1972 to the Civil Rights Act. It is the intent of the Board to maintain an environment free from sexual harassment of any kind. Therefore, unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited.

This complaint procedure shall provide a process for filing, processing and resolving complaints on such matters. Adherence to these procedures is mandatory. The failure of any person to follow these procedures will constitute a waiver of the right to pursue a complaint at any level, including review by the Board.

I. DEFINITIONS

A. "Sexual harassment" exists when unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature meets one of the following criteria:

1. QUID PRO QUO HARASSMENT: Submission to such conduct is made, either implicitly or explicitly, a term or condition for a student's assignment of grades, promotion or other school-related benefit.

2. QUID PRO QUO HARASSMENT: Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual.

3. HOSTILE ENVIRONMENT HARASSMENT: Such conduct has the purpose or effect of unreasonably interfering with the student's work performance or creating an intimidating, hostile or offensive teaching or learning environment.

B. A "complaint" is a report by any student, a parent, legal guardian or custodian of a student or any employee which alleges that a policy or practice of the District or a practice or act of any of its employees or students has discriminated against a student on the basis of sex, including sexual harassment.

C. The "complainant" is the student or parent, legal guardian or custodian of a student or employee who submits a complaint.

D. The "respondent" is the person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for
E. The "Title IX Coordinator" is the person(s) designated to coordinate the District's efforts to comply with and carry out responsibilities under Title IX and other state and federal laws addressing equal educational opportunity.

F. A "day" means a working day and does not include holidays and/or weekends.

II. GENERAL RULES

A. Since it is important that complaints be filed and processed as rapidly as possible, the number of days indicated at each step are considered to be maximum and every effort will be made to expedite the process. At any step in the complaint procedure, the time limits may be extended only when necessary under the circumstances. In no event shall these procedures be extended for more than a 90 day period.

B. If a review is not requested at any step within the time allotted and if the decision at the prior step found a reasonable basis to believe that an employee has engaged in any sexual misconduct or involvement with any student under the age of 18, the Title IX Coordinator shall, immediately upon the expiration of the allotted time, submit such information to the superintendent. The superintendent shall make such information available to the appropriate District Attorney as required by District policy and Mississippi law.

C. Facts elicited during the complaint procedure are confidential and do not become part of a student's permanent record. A copy of documents, communications and records dealing with the processing of a complaint will be filed in a separate file as designated by the superintendent.

D. Facts elicited during the complaint procedure that result in adverse disciplinary action against an employee become part of that employee's personnel file.

E. The failure of a complainant to proceed from one step to the next within the set time limits, without being granted an extension of time by the Title IX Coordinator, shall be deemed to be an acceptance of the decision previously rendered and shall eliminate any future review concerning that particular complaint.

F. The failure of the reviewing officer(s) to communicate his decision to the complainant or respondent within the time limits shall permit the complainant or
respondent to proceed to the next step.

G. The complainant may withdraw his complaint at any step without reprisal. However, a complainant shall not be permitted to refile the same complaint once withdrawn unless it is within the initial time period.

H. No reprisal shall be invoked against the complainant for filing a complaint or against any person for participation in any way in this procedure.

I. If the complaint is against the student's principal, the complainant may go directly to the Title IX Coordinator.

### III. PROCEDURES FOR PROCESSING A COMPLAINT

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<th>Party/Parties Involved</th>
<th>Action Required</th>
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<td>A. Complainant</td>
<td>Within 5 days from the time a complaint becomes known, the complainant must complete and submit to the Title IX Coordinator a written &quot;Title IX Report&quot; form. The report must state the respondent's name, the nature and date of the alleged violation, the names of any witnesses to such alleged violation and requested action. Forms shall be available from all principals' offices and from the Title IX Coordinator.</td>
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<td>B. Title IX Coordinator</td>
<td>Within 2 days from receipt of the written complaint, the Title IX Coordinator shall notify the respondent.</td>
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<td>C. Respondent</td>
<td>Within 5 days, the respondent shall be required to respond in writing to the Title IX Coordinator, as follows:</td>
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<td>1. Confirm or deny the facts as alleged;</td>
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<td>2. Indicate acceptance or rejection of the complainant's requested action; or</td>
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<td>3. Outline alternative actions.</td>
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<td>D. Title IX Coordinator</td>
<td>Within 5 days from receipt of the respondent's response, the Title IX Coordinator shall provide an</td>
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E. Complainant or Respondent
Within 5 days of receiving the initial response, the complainant or respondent may request, in writing, a hearing on the matter.

F. Title IX Coordinator
Upon receipt of a written request for hearing, the Title IX Coordinator shall schedule a hearing to be held within 5-10 days before an unbiased panel of 3-5 district employees. The Title IX Coordinator shall give written notice of such hearing to the complainant, respondent, student's principal or employee's supervisor, superintendent and other appropriate witnesses, if applicable.

G. Title IX Coordinator, Grievant, Respondent, request for a hearing by the Title IX Coordinator, Title IX Hearing Panel
Within 5-10 days of the receipt of the written request for a hearing by the Title IX Coordinator, a hearing shall be before an unbiased panel of 3-5 District employees. The Title IX Coordinator shall facilitate the hearing, at which the following rules shall apply:

1. The hearing shall be informal and the legal rules of evidence and procedure shall not apply.

2. The complainant and respondent shall be permitted to submit written evidence and to bring witnesses before the panel.

3. The Title IX Hearing Panel members may question any witnesses brought before them.

4. The complainant and respondent shall be permitted to make a statement before the panel and may be permitted to examine their witnesses and to cross-examine witnesses actually presented by the other parties.

5. Representation of the complainant or respondent by other individuals shall not be permitted.
6. The Title IX Coordinator shall create and maintain a record of the hearing which shall include the names of all witnesses, all investigation reports, a summary of all witness testimony and all documentary evidence.

H. Title IX Hearing Panel Within 5 days after the hearing, the Title IX Hearing Panel shall issue a written decision which shall include findings of fact and recommended action.

I. Title IX Coordinator Upon receipt of the decision of the Title IX Hearing Panel, the Title IX Coordinator shall provide a copy of such decision to the complainant, respondent, principal or supervisor and superintendent.

J. Complainant or Respondent If the complainant or respondent is not satisfied with the decision, he/she may request a review by the superintendent. The request for such review must be made in writing to the Title IX Coordinator within 5 days of receipt of the Panel's decision.

K. Title IX Coordinator Upon receipt of a request for review by the superintendent, the Title IX Coordinator shall notify the superintendent of such request and submit to the superintendent the record of the hearing, the Panel decision and all related documents.

L. Superintendent Within 10 days of notice of request for review, the superintendent shall review the record and Panel decision and shall issue a decision. The superintendent may concur in the findings and recommendations of the Panel or may make alternate findings and recommendations. The superintendent shall have his decision provided to the Title IX Coordinator, complainant, respondent and the principal or supervisor within the 10 day period.

M. Complainant or Respondent Within 5 days of the receipt of the superintendent's decision, if dissatisfied with the decision, the
N. Title IX Coordinator

Upon receipt of the request for review, the Title IX Coordinator must schedule a review before the governing school board to be held at the Board's next regular or special meeting, but in no event more than 30 days from such request. The Title IX Coordinator shall provide the board members with copies of the hearing record, all investigation reports, the Panel decision, the superintendent's decision and all related documents.

O. School Board, Title IX Coordinator, Complainant, Respondent

Within 30 days of the request for review, the board shall review the hearing record, all investigation, all reports, the Panel decision, the superintendent's decision and all related records. The review is not a hearing and no party has the right to present further witnesses or other evidence or to examine any witness or party. However, the board may, in its discretion, permit statements of limited duration from the complainant or his representative and the respondent or his representative. All usual rules of board procedure shall apply. Furthermore, the board may, in its discretion, require that the review be conducted in closed or executive session.

P. School Board

Within 10 days of the review, the board shall issue a final written decision. The board may concur in the findings of the superintendent and direct that the recommended actions be taken or may make alternate findings and direct appropriate actions be taken by the superintendent or other appropriate administrator. The decision of the board is final.