TITLE IX—SEX DISCRIMINATION AND SEXUAL HARASSMENT

Policy and Purpose

The Coweta Public Schools will address all incidents of sex discrimination and sexual harassment reported to the district's Title IX Coordinator in compliance with Title IX of the Education Amendments of 1972, as amended. The Title IX Coordinator, the Assistant Superintendent, is located in the district Administration Building, 14540 S. 302nd East Avenue, Coweta, Oklahoma 74429, phone number 918-486-6506.

This policy informs all students and all district employees of policies and procedures regarding sex discrimination and sexual harassment to which all students, instructional staff, and non-instructional personnel are expected to adhere. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

The district seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, the district condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, dating violence, and stalking. Notice of sex discrimination or a sexual harassment incident to the district's Title IX Coordinator charges the district with actual knowledge and triggers its response obligations.

Scope of the Policy

The district must respond when sex discrimination and harassment occur in the school's education programs or activities. Education programs and activities include locations, events, or circumstances in which the district exercises substantial control over both the respondent and the context in which the discrimination or harassment occurred. Title IX applies to all of the district's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the district's Title IX Coordinator. The district encourages

victims of sexual harassment to talk with a counselor. Different employees within the scope of district's resources have different abilities to maintain a victim's confidentiality.

- **School Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Disclosures to these employees will not trigger an investigation into an incident against the complainant's wishes.

- **District Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to district employees (called "responsible employees") constitutes a report to district and places district on notice to take appropriate steps to address the situation.

This policy also applies to retaliation by district or any person against any other person for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

Assistance Following an Incident of Sexual Harassment

- Immediate Assistance:

  Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator, the Assistant Superintendent, who is located in the district Administration Building, 14540 S. 302nd East Avenue, Coweta, Oklahoma 74429, phone number 918-486-6506.

  Victims of sexual violence should get to a place of safety and call Police. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and district officials will assist in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Oklahoma law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

  COMPLAINANT OR WITNESS: CALL POLICE (918-486-2121) FOR IMMEDIATE ASSISTANCE.

- Ongoing Assistance:

  In order to ensure the safety and well-being of the complainant, district may take interim measures such as changing academic schedules, work schedules, extracurricular activity modifications, addressing transportation issues, withdraw from/retake a class without penalty, academic support (e.g., tutoring), leaves of absence, counseling, campus escort services, distance learning arrangements, or similar measures. In addition, while an investigation is pending district may initiate a "no contact order" between the parties that carries a sanction of short- or long-term suspension if violated.

The district offers internal counseling options. District officials and representatives are available to facilitate access to support services. Several service organizations in Oklahoma have provided telephone numbers and made available other services for students, staff and campus community members. District will assist any interested person, needing assistance, in contacting these agencies.

- Statewide Support Services:

  Oklahoma Safeline - 1-800-522-7233 (SAFE)
  Oklahoma Safeline - Oklahoma City Metro Area - 405-522-7233 (SAFE)
  National Domestic Violence Hotline - 1-800-799-7233 (SAFE)
  Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)
  Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)
  Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)
  Oklahoma Coalition Against Domestic Violence/Sexual Assault - 405-524-0700 (M-F/9-5)

- Local Support Services

  Creoks Behavioral Health Services - (918) 485-0242
  Help In Crisis, Inc. - 918-316-3570

Title IX Coordinator and Staff

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating district's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator.

- Deputy Title IX Officers have the secondary responsibility and assist with the duties of the Title IX Coordinator. Deputy Title IX Officers include Principals.

- Title IX Investigators may include but not be limited to district administration. The primary responsibility of the investigator relates to formal complaints. The investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX training.

- Title IX Hearing Officer (decision-maker) may include a district administrator, legal counsel or specially designated officer. The primary responsibility of the hearing officer is to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX training.

Definitions

The district defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of quid pro quo harassment by a school's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and
3. Any instance of sexual assault, dating violence, domestic violence, or stalking as defined by Federal law.

Offenses prohibited under the district's policy include, but are not limited to: sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include nonconsensual sexual contact, nonconsensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

A. Sex Discrimination: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment, or school-related benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

B. Sexual Harassment: is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, vendors and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any district employee. District employees who witness or learn of such conduct are required to report it to the Title IX Coordinator.

    1. Hostile Environment: Sexual harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to the following:

        - The frequency of the conduct;
        - The nature and severity of the conduct;
        - Whether the conduct was physically threatening;
        - Whether the conduct was deliberate, repeated humiliation based upon sex;
        - The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
        - Whether the conduct was directed at more than one person;
        - Whether the conduct arose in the context of other discriminatory conduct;
        - Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
        - Whether the speech or conduct deserves constitutional protections.

    2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant engage in the following behaviors:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or district activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- A teacher insists that a student have sex or engage in sexual acts with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus or in connection with classes or school sponsored events in which both are involved.
- The teacher's assistant probes for explicit details of a student's sexual history, and demands that the student respond, though the student is clearly uncomfortable and hesitant.
- An administrator asks a student for nude or semi-nude pictures to be sent via Snapchat or other social media.
- The coach provides explicit details of his sexual past or describes his sexual relationship with his spouse or girlfriend.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort and embarrassment.

C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age, school status, or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.

1. Nonconsensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.

2. Nonconsensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

   a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without

the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

4. Dating Violence is violence between individuals:

    - The party is or has been in a social relationship of a romantic or intimate nature with the victim;
    - The existence of such a relationship shall be determined based on a consideration of the following factors:
        - Length of the relationship
        - Type of relationship
        - Frequency of interaction between the persons involved in the relationship

D. Advisor - a person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a district faculty or staff member, a friend or an attorney.

E. Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

F. Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.

G. Formal complaint – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation(s) of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient details to make a determination regarding basic elements of the formal complaint process.

H. 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 school with which the formal complaint is filed.

I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Consent

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes".

A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.

C. Previous relationships or consent does not imply consent to future sexual acts.

D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.

E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is not consent. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

   Examples of when a person should know that another is incapacitated include, but are not limited to the following:

   - The amount of alcohol, medication or drugs consumed,
   - Imbalance or stumbling,
   - Slurred speech,
   - Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
   - Mental disability or incapacity.

F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

Reporting

A. Mandatory Reporting

   All district employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All district employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator. The only

exception to the mandatory duty to report is a licensed counselor for whom the report is considered a privileged exchange.

B. Confidential Reporting

Resources are available through staff and counselors. Victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, the district should be made aware of possible threats to the campus community in order to issue timely warnings.

C. Reporting to the Police

The district strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence gathered preserve future options regarding criminal prosecution, district disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to the district's SRO or an officer of the Police Department at 918-486-2121. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.

- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, the district also strongly encourages reporting any instances to the police.

- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name(s) of the persons involved.

D. Student Reporting

Students shall report any instances of sex discrimination or sexual harassment to any district employee and/or the Title IX Coordinator. Only victims or their parents or guardians can file a formal complaint of sexual harassment. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that result in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the

complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the district investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

The district will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sexual harassment has occurred. In some instances, the district may implement an emergency removal of a student when a safety and risk analysis indicate that an imminent threat exists to the physical health or safety of a party. A party subject to an emergency removal shall have an opportunity to challenge the decision immediately following the removal. An employee may be placed on administrative leave or suspended during the pendency of the grievance process. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that sexual violence occurred, the district will continue to take steps to protect the complainant and ensure safety at school or related activities. The district will provide the complainant with available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, and assistance in reporting a crime to local law enforcement.

Written Notice of Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

a. Notice of the grievance process, including any informal resolution process;
b. Notice of the allegations, 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;
c. 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;
d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct of students or a violation of performance and conduct standards for employees.

Investigation

An investigator will be designated to investigate the allegations contained in the complaint or which are developed in the course of the investigation. The burden of gathering evidence and burden of proof must remain on the district—not on the parties.

An investigation will be conducted by a district Title IX official. This investigation will include:

- Meeting personally with the complainant (unless extraordinary circumstances prevent a personal meeting),

- Meeting personally with the respondent (unless extraordinary circumstances prevent a personal meeting),
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
- Collecting any physical evidence,
- Meeting personally with any witnesses (unless extraordinary circumstances prevent a personal meeting with one or more witnesses),
- Reviewing any documentary evidence, and
- Preparing a report of the investigation.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the grievance process, the district must do the following:

1. Ensure that the burden of proof and of gathering evidence rests on district rather than the parties;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations or gather and present evidence;
4. Provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor;
5. Provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate;
6. Provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation;
7. Ensure that if the district obtains additional information from or about the respondent or complainant, during the course of the investigation, that was not included in the original notice to the parties—both parties will be provided written notice of additional allegations and a reasonable opportunity to respond in writing to the new information or documents;
8. Prepare a written report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility; and
9. Ensure that parties will have 10 calendar days to respond to the investigator's report; any response will be considered in connection with any hearing that is conducted.

The Title IX Coordinator will determine if a Title IX hearing is necessary. In making this determination, the Coordinator will consider whether both parties request or consent to a hearing and will agree to participate in a hearing. If it is determined that the district will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing.

Mandatory or Permissive Dismissal

Mandatory dismissal must occur when it is determined in the course of the investigation that allegations in a formal complaint: (1) did not occur in the district's program or activity; (2) did not constitute sexual harassment as defined, or (3) did not occur against a person within the United States. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; (2) the respondent is no longer enrolled or employed by the district; or (3) specific circumstances prevent the district from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

The district may still address allegations of misconduct under the Student Code of Conduct or employee disciplinary procedures.

District Action

A. Informal resolution is available in some circumstances. Informal resolutions are unavailable unless a formal complaint of sexual harassment is filed. Informal resolution may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the informal resolution conference. Participation in informal resolution is never mandatory, and will only take place with the full consent of both parties involved. Informal resolution may only be used:

1. When a formal complaint of sexual harassment is filed;
2. Prior to a Notice of Hearing being issued;
3. When a Title IX Officer determines this is a suitable option for resolving the concern, and both the complainant and respondent agree to use the process;
4. When the complaint does not involve sexual violence as defined in the Title IX Policy; and
5. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.

Informal resolution is not available when the complaint alleges a district employee sexually harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may withdraw from informal resolution at any time prior to the entry of a voluntary resolution agreement and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

B. Title IX Hearing

The district has determined that, unless extraordinary circumstances are present, the hearing process will be conducted through written exchanges but a live hearing will not be conducted.

The Title IX Hearing Officer's responsibilities include but are not limited to the following, regardless of whether a hearing is conducted through written exchanges or a live hearing:

- Read and understand the Title IX Policy and Procedures, which include the hearing process;
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet;
- Read and understand the procedures of the Title IX hearing (live or non-live) provided by the Coordinator prior to the hearing as part of a hearing packet;
- Have a clear understanding of the incident(s) in question before making a decision;
- Decide the outcome and sanctions if needed based on the information presented, hearing notes, and the district Title IX Policy;
- Maintain copies of all notes made. The hearing officer will inform the parties of the decision at the live hearing and send a letter as described in this policy;
- Ensure that parties have had ample time and opportunity to ask questions and obtain responses before the hearing officer renders a decision (live or non-live); and
- Ensure that the determination (decision) includes a statement of and rationale as to each allegation, a determination of responsibility, any disciplinary sanctions, and whether remedies to restore equal access to the district's educational programs or activities will be provided to the complainant.

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire live hearing or fully aware of the process used in a non-live hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students should provide district with the name and contact information for the student's advisor as soon as practical but at least three (3) calendar days prior to the hearing;
- Be given a timely live or non-live hearing;
- Be assured of exclusion of evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Be permitted to clarify that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent (remember students cannot consent to sexual harassment) or preclude a finding of sexual harassment;
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant, additional remedies for the school community;
- Be provided written notification of any external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable;
- Be provided written notification of an avenue for appeal.

Respondent's Rights:

- Be given written notice of the allegations and the hearing process;
- Be given access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students should provide the district with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing;
- Be informed that evidence of the victim's past sexual history will be excluded from discussion during the hearing or hearing process. Similarly, the past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant or respondent, additional remedies for the school community;
- Be provided written notification of external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable; and
- Be provided written notification of an avenue for appeal.

Live Hearings

A live hearing will not be conducted unless students who are parties to the complaint are at least 18 years of age or extraordinary circumstances are present. The complainant and respondent will be notified in writing of the hearing date, the alleged policy violation(s) and issued a notice to appear at the hearing. The Notice of Hearing will be hand-delivered or mailed to the physical or electronic addresses of the parties. Parties are responsible for ensuring that a current physical and electronic mail address is included in district records. The live hearing will include opening statements, each party's evidence and witnesses, cross-examination, and closing statements. Students are permitted to have an advisor accompany the Student throughout the disciplinary hearing. Students should provide district with the name and contact information for the Student's advisor at least 3 calendar days prior to the hearing. Parties are present during the disciplinary hearing (except during deliberations of the hearing officer). Parties are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigative process.

Non-Live Hearings

Non-live hearings will have similar rights and responsibilities, except that the hearing officer will conduct the hearing via written or oral exchanges officer and neither the complainant nor the respondent will confront one another; no cross-examination will occur. However, both parties will be invited to submit questions, receive answers, and present relevant written arguments in connection with the claims and defenses. Parties will have at least 10 days to respond to the receipt of information or documents to which they wish to respond. The investigator's report, all submissions by the parties, the exchange of

information, documents and arguments will provide the basis for the hearing officer's decision.

All Hearings

Witnesses and evidence need to be directly related to the claims. Parties will be notified in any instance in which responses, information or documents are not available because of a privilege (not waived by the party who asserts the privilege) or irrelevant information is involved (.e.g., information involving prior sexual behavior or sexual predisposition is irrelevant; a privilege such as an attorney-client or doctor-patient or other privilege bars introduction of certain evidence). The standard of proof used in district Title IX Hearings is the preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

Outcomes

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sexual Harassment policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; actions may be imposed singularly or in combination when a violation of this policy is found.

Discrimination (includes gender discrimination) may include the following sanctions on the student(s) found responsible:

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the district, or denial of participation in extracurricular activities.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Probation – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with the district and that further violations of district policies will subject the student to suspension from school.
- Suspension – If warranted by the severity of the incident, removal from classes and other privileges or activities for a definite period of time not to exceed the remainder of the semester in which the incident occurred and the following semester and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from the district are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Principal. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent district.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Probation – Students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions or other organizations). Students must apply to be removed from probation by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
- Suspension – If warranted by the severity of the incident, removal from classes and other privileges or activities for a definite period of time not to exceed for the remainder of the semester in which the incident occurred and the following semester and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from district are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Principal. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Long-term Suspension – Suspension of student status for an indefinite period not to exceed the maximum period permitted by law. The conditions for readmission, if any, shall be stated in the hearing outcome letter. In addition, a student, though readmitted to the school by operation of law, may be denied the opportunity to participate in extracurricular activities for as long as the student is enrolled in the district. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record. Removal should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing at the same time by certified mail or other agreed upon form of notice within five business days after the hearing. Both parties have the right to appeal the decision reached through the hearing process within five days after the hearing.

Appeal Procedures

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student or other party. The burden of proof shifts from the district to the party found responsible for the policy violation. The appealing party must show one or more of the listed grounds for an appeal.

A. Appeals must be submitted in writing to the Superintendent within five (5) district working/calendar days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):

1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
2. The evidence presented at the previous hearing was not "sufficient" to justify a decision against the student or group.
3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with district procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

C. The Superintendent will review the record of the original hearing, including documentary evidence. It is the Superintendent's discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing officer for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing was "insufficient" to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing officer, either or both students may appeal the hearing officer's decision to the Superintendent and the procedures set out above shall control the appeal.

D. The final decision will be communicated in writing by the Superintendent to both parties. The decision will be communicated within ten (10) calendar days of receiving the hearing officer's decision.

E. The decision of the Superintendent on appeal shall be final.

Retaliation

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a district's attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the district or any State or Federal agency, it is unlawful for the district to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or district's investigation or proceeding. Therefore, if a student, parent, teacher, sponsor, coach, or other individual complains formally or informally about sexual harassment or participates in an OCR or district investigation or proceedings related to sexual harassment, the district is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with district, engage in

retaliatory activities will also be subject to district's policies insofar as they are applicable to third party actions.

The district will take steps to prevent retaliation against a student who filed a complaint on his or her own behalf or reported on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- Suspension – Removal from classes and other privileges or activities for a definite period of time not to exceed the maximum period permitted by law and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from district are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Principal. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record.

District Officers and Designees

The designation of a district official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or it appears that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy. In connection with an appeal the Superintendent may appoint a neutral individual, not employed by the district, to consider and decide the appeal.

Timelines

Unless otherwise stated, a reference to days, refers to calendar days. The intent of this policy is to complete the grievance process within 60 days of the filing of a formal complaint; however, the timeline can be affected by one or both parties' right to at least 10 days to review and respond, consistent with the procedural protections provided both parties. An extension of timelines by agreement or to ensure one or both parties' opportunity to respond will not violate this policy even if the timeline for resolution of a grievance through appeal, for good cause, exceeds 60 days.

Recordkeeping Protocol

The district will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. The district Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate or other assistance, investigation notes, informal resolution agreement (if applicable), notice of hearing, committee selection, hearing notes, hearing

decision, written notice of the outcome, and any recordings made of the live hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of district's final action or decision (whether through report of the investigation, informal resolution, hearing, or appeal). The confidential reporting of the number of incidents and types will be sent to district Security for the preparation of the Annual Crimes Report.

Prevention and Education

A. Education

District requires all employees to take sexual harassment educational training courses on an annual basis. Failure to have a confirmation of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and upon request.

B. Bystander Intervention

If you witness sexual harassment, or behaviors that may lead to sexual harassment (a violation of district policy), there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g., "help me; I don't feel well!")
- Distract the perpetrator (e.g., "looks like your car is being towed; a police officer is on the way!")
- Delegate to a person of authority (e.g., if at a party let a parent, or other adult know of the situation)
- Direct, confront the perpetrator (e.g., "don't speak to her that way; you are in trouble")

C. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a nonconsensual sexual act.

- Make your personal limits known as early as possible.
- Be aware of your alcohol or drug intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Never leave a party or event with a person you don't know.
- Never consent to send another person a picture of any part of your body without clothing.
- Take care of your friends or colleagues and ask that they take care of you.
- Never leave a friend at a party or allow the friend to leave a party with someone not known to them. Contact trusted adults to intervene.

D. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about age; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent.
- Remember that students cannot consent to sexual behavior.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the boundaries for sexual behaviors.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don't abuse that power. Understand that consent to one form of sexual behavior (e.g., kissing) does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Training

Training on sexual misconduct: discrimination, harassment, and violence is included in district's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. In-person training for Active Bystander Intervention skills may include: on-going campus campaigns and information at a variety of events concerning this policy and appropriate behaviors. Information will be placed on the district's website and brochures devoted to educating students will be presented at prevention workshops.

Mandatory training for employees will be provided through in-person training on sexual misconduct to include: discrimination, harassment, violence and mandatory reporting obligations. In-person training for Active Bystander Intervention skills may include: ongoing campus campaigns and information provided at events. Training will include an explanation of the district's policy, appropriate behaviors, bystander intervention strategies, location of information on the district's website, and brochures devoted to educating employees.

Resources available to all of the district community:

Call Rape/Tulsa Rape Crisis-(918) 585-3143-provides confidential resources off-campus
Tulsa Police Department-911 for emergencies; (918) 596-9222 for non-emergencies
Tulsa 211 Helpline - (918)836-4357
Oklahoma Coalition Against Domestic Violence and Sexual Assault (405)524-0700-provides confidential resources off campus
Oklahoma Safeline - (800) 522-7233 – provides confidential resources off campus

Local Support Services

Creoks Behavioral Health Services - (918) 485-0242
Help In Crisis, Inc. - 918-316-3570

Free Speech and Academic Freedom

Members of the district community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the district community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state antidiscrimination laws.

Availability of other Complaint Procedures

In addition to seeking criminal charges through local law enforcement, members of the district community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Email: OCR@ed.gov

Office for Civil Rights:
Kansas City Field Office: OCR.KansasCity@ed.gov, (816) 268-0550;
Washington D.C.: OCR@ed.gov 1-800-421-3481

Equal Employment Opportunity Commission:
Oklahoma City Field Office: 1-800-669-4000;
Washington D.C.: 1-800-669-4000, Eeoc.gov/contact

Distribution

The district shall: prominently display on its website the required contact information for the Title IX Coordinator; post training materials used to train Title IX Coordinators and related Title IX Officials, Investigators, and Hearing Officers on its website; and notify applicants for employment, parents or legal guardians of elementary and secondary school students, and

employee organizations—of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.