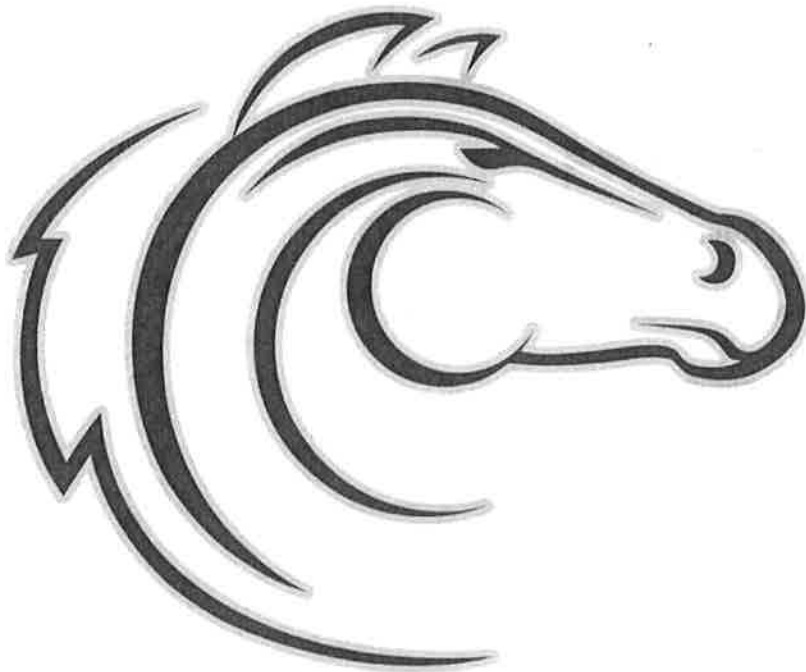


TITLE IX HANDBOOK

Date: July 23, 2017



Colstrip Public School District #19

Colstrip Schools Vision and Mission Statements

Our Vision is to provide a world-class education while preparing our students for life, college and career readiness.

Mission

Colstrip Public School's District Mission: The core purpose of Colstrip Public Schools is to provide a safe, healthy and secure environment in which to educate and prepare students for the demands of the future by engaging children in lifelong learning.

It is the goal of Colstrip School District #19 to provide learning and working environment free from discrimination. To that end, Colstrip Schools requests students, parents, and staff to assist the Superintendent and the Board of Trustees in identifying barriers to a discrimination-free learning and working environment in our schools. The following Grievance Procedure is provided as an avenue for the fair and expeditious processing of complaints toward the elimination of elements that pollute the learning and working environment with unlawful discrimination.

I. DEFINITIONS:

- A. Grievance:** a complaint alleging a violation of any policy, procedure, or practice which would be prohibited by Title IX, Section 504 and other federal and state civil rights laws, rules, and regulations.
- B. Title IX:** of the Education Amendments of 1972, the 1975 Implementing Regulations, and any memoranda, directives, guidelines, or subsequent legislation that may be issued.
- C. Section 504:** the Rehabilitation Act of 1973.
- D. Federal and State Civil Rights Laws, Rules and Regulations:** 1964 Civil Rights Act, Title VI, Title VII as amended, Title IX, Age Discrimination Act of 1967 and 1975 as amended, Equal Pay Act of 1963, Section 504, and implementing federal and state rules and regulation.
- E. Grievant(s):** a student, parent, guardian or employee of the Colstrip School District who submits a grievance.
- F. Title IX/Section 504 Coordinator:** the employees designated to coordinate the District's/Institution's efforts to comply with equity regulations and facilitate processing of complaints. Colstrip Public Schools' Title IX Coordinator-Mark Ator, 748-4699 ext 4131. Section 504 Coordinator- Debi Smith, 748-4699 ext. 1341.
- G. Day:** a working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays and school holidays.

- 12) Administration must monitor all areas under their leadership for any/all violations
- 13) EDUCATE about Title IX

Sexual Harassment

- 1) Sexual Harassment is best described as an action that affects the life functions of the recipient of the harassment
- 2) The major determining factors regarding Sexual Harassment are SEVERITY and IMPACT
- 3) Impact is affected by POWER, AGE and AUTHORITY

II. BASIC PROCEDURAL RIGHTS:

Applicable to all levels of the grievance process

- A. The Title IX/Section 504 coordinator shall receive complaints, actively and independently investigate the merit of complaints, and assist the parties in resolution of complaints. The coordinator may be utilized by any party at any level of this procedure.
- B. Relevant records shall be available in accordance with the district/institution's policies and procedures.
- C. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.
- D. In most instances parents or legal guardians should be part of the hearing and resolution process. In investigations of sexual harassment, it is recommended that the grievant be accompanied by a friend parent or advisor for support during any part of the process.
- E. Intimidation, harassment or retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is in violation of law and constitutes the basis for filing a separate grievance.
- F. Records pursuant to the grievance shall be maintained by the district/institution separate and apart from student records for a period of not less than five (5) years.
- G. If a grievance is taken to the Board of Trustees for a formal contested case hearing, parties shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.
- H. It is the policy of this district/institution to process all grievances in a fair, expeditious and confidential manner.
- I. The District Superintendent may request that the Title IX Coordinator or an authorized individual conduct an investigation of suspected violations of Title IX. The investigator will prepare a report as outlined in the grievance process.

III. PROCESS

satisfied with the recommendations from Level 2, either party may make a written appeal within ten (10) days of receiving the report of the coordinator to the Board of Trustees for a full contested case hearing under the rules. On receipt of the written appeal, the matter shall be placed on the agenda of the Board of Trustees for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within ten (10) days of that meeting. The decision of the Board of Trustees will be final.

Other Options For Grievant

At any time during this process, a grievant may file a complaint with the U.S. Department of Education, Office of Civil Rights (Denver, Colorado).

Office of Civil Rights Ste.
310
Federal Building, 1244 Speer Blvd.
Denver, CO. 80204-3582
(303) 844-4480

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex discrimination against students and employees of elementary and secondary schools and institutions of higher education. It was passed after congressional hearings documented the widespread existence and consequences of sex discrimination in education.

The preamble to Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Title IX is one of several federal and state anti-discrimination laws which define and ensure equality in education. It is patterned after Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color and national origin.

The language of Title IX generally makes it illegal to treat males and females differently or separately. In addition, school districts are required to remedy the effects of past discrimination with affirmative measures when necessary. Without such remedial steps, equal access produces little real change in traditional patterns.

After a great deal of controversy and 10,000 comments from citizens, the implementing regulations for Title IX were published in 1975. They prohibit discrimination, exclusion, denial, limitation, or separation based on gender. The regulations cover in detail the following areas relating to elementary and secondary schools and institutions of higher education that receive federal funding?

- Admissions and recruitment
- Comparable facilities

- **What should school employees do if they are accused of sexual harassment?**

It is best practice for employees to know and proactively follow their district's policies and procedures on sexual harassment. If accused of sexual harassment, employees should notify their immediate supervisor and document their version of the report. Written statements from witnesses should be obtained. Employees who follow their institution's procedures will promote fairness and impartiality to all parties during investigations. Employees who are subject to possible disciplinary action as the result of a Title IX complaint may be entitled to protections under the district's employee policies, tenure laws, and the U.S. Constitution depending on the facts of the case.

- **What should I do if I believe I have been sexually harassed?**

First, know your school and district policies on reporting sexual harassment and follow them. Recommendations are that you do the following:

- 1) Tell the harasser that the behavior offends you and to stop
- 2) Document what happened in writing and get written statements of witnesses if possible
- 3) Report the behavior to your supervisor and ask for assistance in stopping it
- 4) Continue to document and report any future occurrences
- 5) Your employer should assist you with resolving the problem/

How Sexual Harassment Affects the Victim/Target

Physical Effects

- 1) Stress related physical symptoms and problems including:
 - Acne, skin problems
 - Changes in body weight
 - Colds; sore throats; frequent illness
 - Dependence on alcohol or other drugs
 - Headaches/stomach aches/backaches/other physical aches and pains
 - Illness
 - Nausea
 - Sleeplessness/sleep disturbances
 - Ulcers, diarrhea, intestinal problems
 - Sudden changes in patterns of dress

Emotional Effects

- Anger
- Anxiety
- Confusion
- Depression
- Detachment
- Embarrassment
- Fear

Job-Related Effects

- Loss of income
- Loss of job and employee benefits including unemployment and insurance
- Loss of promotional opportunities and job-related educational opportunities
- Loss of job skills
- Reassignment
- Dread of work

- Distraction from tasks
- Inability to work
- Drop in work quality
- Loss of job recommendations
- Absenteeism
- Tardiness

Information to share with Students/Staff

What can you expect if you are Harassed

- 1) When reporting the incident you have the right to:
 - a. Have someone of your choice present with you when you talk to the complaint manager (a friend, parent, school employee, counselor, coach, etc.)
 - b. NOT CONFRONT the harasser alone at any time
 - c. Be listened to and taken seriously
 - d. Stop the interview and take your complaint to another administrator if you believe your report or complaint is being handled inappropriately
 - e. Get a copy of the district's harassment and grievance policies
 - f. Share what you need to feel safe and comfortable during the investigation

- 2) You can expect that:
 - a. Your complaint will be taken seriously and investigated promptly and according to your district's grievance procedures
 - b. Every effort will be made to handle the complaint discreetly and with as much confidentiality as possible
 - c. Your name will be provided to the harasser when they receive the complaint
 - d. The investigation will begin immediately and be completed in a timely manner
 - e. You will be informed as to the progress of the investigation
 - f. You will be informed as to the result of the investigation
 - g. You may have to testify in front of the harasser in the presence of the appropriate authorities...you will have the right to have someone of your choice present with you ...at NO time should you ever have to be with the harasser alone
 - h. When indicated, remedial steps will be taken to stop the harassing behavior
 - i. All persons included in the complaint will be warned that retaliation of any form

Amendments of 1972		and employees	
Section 504, Rehabilitation Act 1973	Disability	Students and employees	DOE, OCR
Education for All Handicapped Children Act Public Law 94-142, 1976	Disability	Students	Special Programs DOE
Pregnancy Discrimination Act, 1978	Sex (pregnancy)	Employees	EEOC
Age Discrimination in Employment Act, Amended 1978	Ages 40-70	Employees	EEOC
Title VI Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, color, National Origin, Sex and Handicap	Race, color, national origin, sex and handicap in education	Students	DOE, OCR
Carl D. Perkins Vocational Act, 1990	Race, color, national origin, sex and handicap in education	Students	DOE, OCR, CCCOES
Americans with Disabilities Act of 1990	Educational and public institutions	Students and employees	DOE, OCR

DOE – Department of Education EEOC – Equal Employment Opportunity Commission FCC – Federal Contract Compliance OCR – Office for Civil Rights CCCOES – Colorado Community College Occupational and Educational System

Important Contacts on Harassment

Montana Human Rights Bureau Katherine Kountz, Bureau Chief 1625-11th Ave POB 1728
Helena MT 59624-1728
406-444-2882
800-542-0807

US Department of Education Office for Civil Rights, Ste 310 Federal Bldg, 1244 Speer Blvd. Denver CO
80204-3582
303-844-4480
(Tom Cliise-athletics, Virginia Wilson Cobble-SH, Mike Sentel- ADA/IEDA/504)
Fax: 303-844-4303

Catalyst Resources, L.L.C.
301 S. Oakes St., Helena MT 59601
406-442-6927 Fax: 443-4946
CatalystRs@aol.com