

TITLE IX HANDBOOK

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Colstrip Public School District #19

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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.

Title IX and Sexual Harassment

Misunderstood Definitions:

Sexual Harassment can be a Title IX issue; however, Title IX is not sexual harassment. Title IX is best associated with DISCRIMINATION. Most commonly it is associated with: Gender, Race, Age, Religion, and Disabilities. However, other areas that can be included are Marital Status, Political Beliefs and National Origin.

It is unlawful to discriminate in these areas:

Credit, Education, Employment, Financing, Housing, Insurance (sex and marital status only), State and Local Government Services and Employment, and Public Accommodations

The governing agency in Montana for Title IX issues is the Montana Human Rights Commission (HRC) and can then advance to the Office of Civil Rights (OCR)...our district is in California

Complaints are filed with the HRC and investigated by that commission. There is no cost to the complainant to file with the HRC. If not resolved, an action can be pursued with the OCR or District Court.

When the HRC or OCR determines an unlawful discrimination has occurred, the stated remedies may be:

- 1) Cease the discriminatory conduct
- 2) Rectify any harm through the payment of back pay and/or other actual damages
- 3) Civil penalty in housing cases

Colstrip Public Schools Responsibilities

- 1) Provide a non-discriminatory workplace
- 2) Provide a nondiscriminatory school environment
- 3) Have a regularly scheduled evaluation instrument in place to determine District Compliance
- 4) Provide an avenue of filing complaints
- 5) EVALUATE every complaint for investigation
- 6) INVESTIGATE every complaint of merit
- 7) Document all complaints and actions by the District
- 8) Keep documentation on record with copies to the Title IX Coordinator
- 9) In the event further investigation is needed, Title IX Coordinator should become involved in the investigation, {all investigations must be reported to the Superintendent by the Title IX Coordinator}
- 10) Correction of any discriminatory practices must be implemented if any violations are found, {written plan of correction on file with Title IX Coordinator}
- 11) Review success of corrective actions
- 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

Level 1: Principal or Immediate Supervisor

(Formal and optional – may be bypassed by grievant)

Many problems can be solved by an informal meeting with the parties and the principal or coordinator. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. Employees with a complaint are encouraged to first discuss it with their immediate supervisor with the same objective. An exception is that complaints of sexual harassment should be discussed with the first-line supervisor or administrator that is not involved in the alleged harassment.

Level 2: Title IX/Section 504 or Grievance Coordinator

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance which must:

- 1) State the nature of the grievance
- 2) State the remedy requested
- 3) Be signed and dated by the grievant

The Level 2 written grievance must be filed with the coordinator (or designated person) within twenty (20) days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

The Title IX coordinator (or designated person) has authority to investigate all written grievances. If possible, the coordinator will resolve the grievance. If the parties cannot agree on resolution, the coordinator will prepare a written report of the investigation, which shall include the following:

- 1) A clear statement of the allegations of the grievance and remedy sought by the grievant
- 2) A statement of the facts as contended by each of the parties
- 3) A statement of the facts as found by the coordinator and identification of evidence to support each fact
- 4) A list of all witnesses interviewed and documents reviewed during the investigation
- 5) A narrative describing attempts to resolve the grievance
- 6) The coordinator's conclusion as to whether the allegations in the grievance are meritorious
- 7) If the coordinator believes the grievance is valid, the coordinator will recommend appropriate action to the Superintendent

The Title IX coordinator will complete the investigation and file the report with the Superintendent within twenty (20) days after receipt of the written grievance. The coordinator will send a copy of the report to the grievant.

If the Superintendent agrees with the recommendation of the coordinator, the recommendations will be implemented.

The Title IX Coordinator and Superintendent may appoint an outside investigator once a written grievance is filed.

Level 3: The Board of Trustees

If the Superintendent rejects the recommendations of the coordinator, and/or either party is not 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

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
- Access to course offerings
- Access to schools of vocational education
- Counseling and counseling materials
- Financial assistance
- Student health and insurance benefits/services
- Marital and parental status of students
- Physical education and athletics
- Education programs and activities
- Employment

Several procedural requirements are also included in the regulations:

- Designation of responsible employee(s)

- Establishment of grievance procedure
- Self-evaluation
- Remedial and affirmative action

TITLE IX FREQUENTLY ASKED QUESTIONS

Definition and Authority:

- **What is Title IX?**

Title IX refers to education amendments enacted in 1972. This federal legislation prohibits any educational institutions that receive federal funding from discrimination on the basis of sex.

- **What types of discrimination are prohibited under Title IX?**

Title IX mandates gender equity in academic and extracurricular activities. It specifies that no one may be excluded from participation, be denied the benefits of, or be subjected to discrimination by federally assisted educational programs on the basis of sex.

- **Do Title IX regulations address specific types of equity requirements?**

Title IX regulations require covered programs to provide equitable opportunities for admission, fair treatment, and employment procedures. Equal opportunities are required in academics, extracurricular activities, research practices, occupation training, or other educational programs.

- **What school levels are covered by Title IX?**

Title IX legislation covers educational programs, receiving federal assistance, ranging from preschool through post-graduate studies. In this document, these schools and programs are referred to as “covered institutions.”

- **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
- Feeling degraded
- Feeling intimidated
- Feeling powerless
- Feelings of dread
- Guilt
- Hopelessness
- Humiliation
- Irritability
- Isolation/withdrawal
- Loss of trust in others
- Low self-esteem
- Mood swings
- Self-blaming
- Self-doubt
- Shame
- Stress

School Performance/Experience Effects

- Absenteeism
- “Acting out” (behaving inappropriately to get attention)
- Damaged reputation
- Delayed graduation
- Drop in quality of school/job/work
- Dropping a class/leaving a program
- Dropping out of school/quitting
- Inability to concentrate/feeling distracted
- Loss of friends
- Loss of trust in the educational system
- Lower grades/evaluations
- Switching classes/teams/activities
- Switching schools/job sites
- Switching work-study assignments
- Tardiness/truancy
- Loss of privacy
- Avoidance behavior with friends or certain teachers/staff
- Increase in rumor-mill activity

Future Effects

- Continued inability to trust others
- Continued stress-related physical problems and symptoms
- Loss of job recommendations
- Loss of recommendations for college admission or continuing education
- Loss of career and job opportunities
- Loss of economic opportunities

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 related to the complaint will be responded to in a severe disciplinary manner
 - j. You will be given the name of someone to contact during the process for information, assistance or to report retaliation
 - k. Your parents/guardian may be notified during the process in accordance with state and federal requirements

What you can expect if you are accused

- 1) When receiving a complaint against you with respect to sexual harassment, you have the right to:
 - a) Have someone of your choice present with you when you talk to the complaint manager (friend, parent, school employee, teacher, coach, counselor, etc)
 - b) Be given the name of the person making the complaint
 - c) Be given the specifics of the allegation(s)
 - d) Be given the opportunity to respond to the allegation(s)
 - e) Provide the names of persons to whom the investigator may want to speak and/or interview
 - f) Be able to share what you need to feel safe during the process, and be given the name of a contact person for information, assistance or to report retaliation
 - g) A copy of the grievance and harassment policies and the procedure that will be used to process the complaint

- 2) You can expect that:
- a) The investigation will begin immediately and be completed in a timely manner
 - b) You will be warned not to contact the person who filed the complaint
 - c) You will be informed as to the progress and the result of the investigation
 - d) All persons included in the complaint and investigation will be warned the retaliation of any form related to the complaint will be responded to in a severe disciplinary manner
 - e) If warranted, remedial steps will be taken and could include suspension and/or expulsion
 - f) If warranted, the complaint and remedial steps will become part of your school discipline record
 - g) Your parents/guardian may be notified during this process according to federal and state requirements

Federal Anti-Discrimination Laws Related to Schools

| LAW | AREA OF DISCRIMINATION | COVERS | ENFORCED BY |
|--|---|------------------------|---------------------------|
| 14 th Amendment of the US constitution | Rights of Citizens | Students and employees | Court, District or Region |
| Equal Pay Act, 1963 | Sex (in Pay) | Employees | EEOC |
| Title VII, Civil Rights act of 1964 | Race, sex and national origin in employment | Employees | EEOC |
| Executive Order 11246 (as amended by EO 11374) 1968 | Race, sex, color, national origin | Employees | EEOC |
| Title IX, Education Amendments of 1972 | Sex | Students and employees | DOE, OCR |
| 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 **CCOES** – Colorado Community College Occupational and Educational System

Important Contacts on Harassment:

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

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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

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