

CIVIL RIGHTS POLICY AND GRIEVANCE PROCEDURES

The District complies with the Civil Rights Laws, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, the Age Discrimination in Employment Act, and Section 504 of the Rehabilitation Act of 1973, in assuring the students and employees of the District and all other persons that the District does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, national origin, disability, religion, veteran status or age. The Superintendent is designated by the Board to coordinate the District's efforts to comply with this assurance.

Definitions:

- A. Compliance Officer/Title IX Coordinator: An employee designated to coordinate compliance efforts with the Civil Rights laws listed above, and to receive complaints. The Compliance Officer is Sam Belcher, Superintendent who may be contacted at sbelcher@mvgschools.com or (580)347-221 or 124 S. First Street, Mountain View, OK 73062.
- B. Complaint: A written complaint alleging that a policy, procedure, or practice of the District discriminates on the basis of race, color, national origin, sex, sexual orientation, gender identity, religion, age, veteran status or disability.
- C. Complainant: A student, an employee, or any other person who submits a Complaint as defined above.
- D. Day: Day means a working day; the calculation of days in processing a complaint shall exclude Saturdays, Sundays, and holidays.
- E. Decision Maker: This person will determine sanctions and remedies after the investigation is completed. The Principal is designated as the decision maker.
- F. Investigator: The party in charge of gathering facts and interviewing parties and witnesses. The Principal designee is designated as the Investigator for these matters.
- G. Respondent: The person alleged to be responsible for the violation alleged in the complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the Complaint.

- H. **Appeal Officer:** The person designated to hear an appeal from a determination of responsibility for discrimination or sexual harassment. The Appeal Officer will not be the Compliance Officer, Investigator, or initial Decision Maker.

Posting Requirements: District will post, on its website, all materials used to train Title IX Coordinators, Investigators, Decision-makers, and any other person who facilitates an informal resolution process.

Burden of Proof: Title IX proceedings require a “preponderance of the evidence” burden of proof, meaning in order to prevail, the Complainant must introduce sufficient evidence that their claims are more likely true than not.

Pre-filing Procedures: Prior to the filing of a written complaint, the Complainant is encouraged to visit with the Compliance Officer and to make a reasonable effort to informally resolve the problem or complaint.

Procedures for Filing Complaint:

- A. If the Complainant desires to proceed with a Complaint, then, within thirty (30) days of an alleged violation, the Complainant shall submit a written and signed Complaint to the Compliance Officer. The Complaint shall, at a minimum, state the Complainant’s name, the nature of the alleged violation, the date of the alleged violation, the names of persons responsible, and the requested action or relief sought.
- B. The Compliance Officer may offer supportive measures, will notify parents if students are involved, and will notify the designated Investigator who will investigate allegations of discrimination. Additionally, the Compliance Officer may direct an investigation without a written complaint according to the procedures set forth herein whenever the Compliance Officer deems such action to be appropriate.
- C. Within ten (10) days of District’s receipt of the Complaint, the Respondent shall be notified of the Complaint.
- D. Within ten (10) days of notification, the Respondent shall submit to the Investigator a written answer or response which shall confirm or deny the facts upon which the allegation is based, indicate acceptance or rejection of the Complainant’s requested action, and/or outline alternatives. The Respondent may also identify witnesses who should be contacted to provide input during the investigation.
- E. Within ten (10) days of receiving the Respondent’s answer, the Investigator shall initiate an appropriate investigation which may include, but is not limited to, interviewing both the Complainant and the Respondent and any witnesses identified by either party, identifying any documents or tangible evidence supporting or opposing the Complaint, and undertaking any further investigation deemed appropriate by the Investigator. The investigation should be concluded within thirty (30) days but the Investigator may extend the period of time for an investigation by notifying the Complainant and the Respondent.

- F. Within ten (10) days after completion of the investigation, the Investigator shall render a written decision and shall provide a copy of the written decision to the Complainant, the Respondent, and the Compliance Officer. The written decision shall be a summary report containing a synopsis of the evidence and findings of fact as well as the conclusion regarding the Complaint. Additionally, if the Investigator determines that the allegations of the Complaint are substantiated, the decision shall be provided to the Decision Maker to take appropriate disciplinary action.
- G. Within ten (10) days of receipt of the Investigator's decision, if either the Complainant or the Respondent is not satisfied with the decision of the Investigator, either may submit a written request to the Compliance Officer for a hearing or determination of responsibility. .
- H. Within ten (10) days of receiving a request for review by the Board, the Compliance Officer shall determine if a hearing is necessary on a case-by-case basis if both parties request or consent to such a hearing (the live hearing component is optional for K-12 schools). Regardless of whether a live hearing is held, or a written hearing is conducted, each party will have ten (10) days from receipt of the investigation report to submit a written, relevant questions that the party wants asked of another party or witness. Both parties will be provided with the answers and follow-up questions. Federal law determines when questions regarding a Complainant's prior sexual behavior or sexual predisposition are considered relevant in a hearing provided by a district.

I. **Determination of Responsibility:** A decision-maker, who is not the Title IX Coordinator/Compliance Officer or the Investigator, will apply a preponderance of the evidence standard to determine responsibility, and will issue a written determination of responsibility that:

- Identifies the allegations that potentially constitute sexual harassment;
- Describes the District's procedural steps taken from receipt of the Complaint to the determination;
- Includes Findings of Fact to support the determination;
- Includes Conclusions regarding the applicant's of the discipline code to the facts;
- Includes a statement of, and rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the District's educational programs or activities will be provided to the Complainant; and
- The procedures and permissible basis for appeals.

Appeals: Within ten (10) days of a determination of responsibility, dismissal of a complaint or any allegations therein either party may appeal for one of the following reasons:

1. A procedural error affected the outcome.

2. New evidence that was not reasonably available at the time of the determination and could affect the outcome;
3. Conflicts of interest on the part of the Title IX Coordinator/Compliance Officer, Investigator or Decision-maker that affected the outcome.

If an appeal is made, District will provide written notice to both parties of the appeal. Both parties will be provided an equal opportunity to submit a written statement in support of or challenging the determination within ten (10) days of the written notice to both parties of the appeal being filed. The appeal will be heard by an appeal decision-maker who is not the Title IX Coordinator/Compliance Officer, the Investigator or the original Decision-maker. The appeal decision-maker cannot have a conflict of interest or bias against complainants and respondents generally or the particular complainant and respondent. The appeal decision-maker will receive training as mandated by law. The decision of the appeal decision-maker will be final and nonappealable. The written decision of the appeal decision-maker will be provided within ten (10) days of the deadline for written statements supporting or challenging the initial determination. The written decision will be provided simultaneously to both parties.

Extension of Time: Any time limits established by this policy and these procedures may be extended by mutual consent of the parties involved.

Confidentiality of Records: All records, complaints, notes, documents, and statements made during or relating to allegations of discrimination shall be maintained on a confidential basis by the Compliance Officer, and no information concerning any complaint shall be documented in an employee's personnel file. However, in the event official proceedings relating to such allegations are initiated by a party or the District, such records may become public in accordance with law. Information pertaining to complaints shall be maintained for three (3) years after resolution of the complaint.

Discipline: The Investigator may recommend to the Decision Maker that students or employees who are found to have engaged in discrimination in violation of District's policies prohibiting discrimination be disciplined. An employee may be subject to disciplinary action up to and including termination or non-reemployment. A student may be subject to disciplinary action up to and including suspension.

Non-retaliation Provision: No person filing a grievance nor anyone participating in the grievance process under this policy will be subjected to any form of reprisal, retaliation, intimidation or harassment because he or she has utilized this grievance procedure in good faith or because he or she has in any way participated in any investigation or hearing involving or related to any grievance filed under this policy. The School District will discipline or take appropriate action against any student, employee, agent, or representative of the District who is determined to have engaged in such retaliatory behavior.

Adopted:

Revised: September 1, 2020