

SUBJECT: TITLE IX AND SEX DISCRIMINATION**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment. The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment, made by students, employees, the District's Title IX Coordinator, or other individuals who are participating or attempting to participate in the District's education program or activity.

Inquiries about Title IX may be directed to the District's Title IX Coordinator, the United States Department of Education's Office for Civil Rights, or both.

Relationship to Other District Documents

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, the District's Dignity for All Students (DASA) policy which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or a Dignity Act Coordinator (DAC) not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or a DAC.

The dismissal of a complaint of sex discrimination under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Complainant" means:
 - 1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

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2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.
- b) "Complaint" means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.
- c) "Confidential employee" means:
 1. An employee of the District whose communications are privileged or confidential under federal or state law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 2. An employee of the District whom the District has designated as confidential for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.
- d) "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated the District's prohibition on sex discrimination.
- e) "Party" means a complainant or respondent.
- f) "Peer retaliation" means retaliation by a student against another student.
- g) "Pregnancy or related conditions" means:
 1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

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- h) "Relevant" means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- i) "Remedies" means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
- j) "Respondent" means a person who is alleged to have violated the District's prohibition on sex discrimination.
- k) "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing -- including in an informal resolution process, grievance procedures, and in any other actions taken by the District under Title IX. This does not preclude the District from requiring an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.
- l) "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
 - 1. Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
 - 2. Provide support during the District's grievance procedures or during the informal resolution process.

What Constitutes Sex Discrimination under Title IX

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

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Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex (including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity), that is:

- a) Quid pro quo harassment which is an employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- b) Hostile environment harassment which is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - 1. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 - 2. The type, frequency, and duration of the conduct;
 - 3. The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - 4. The location of the conduct and the context in which the conduct occurred; and
 - 5. Other sex-based harassment in the District's education program or activity; or
- c) Specific offenses:
 - 1. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - 2. Dating violence meaning violence committed by a person:
 - (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (b) Where the existence of such a relationship will be determined based on a consideration of the following factors:

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- (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;
- 3. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - (a) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the District, or a person similarly situated to a spouse of the victim;
 - (b) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (c) Shares a child in common with the victim; or
 - (d) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- 4. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (a) Fear for the person's safety or the safety of others; or
 - (b) Suffer substantial emotional distress.

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Title IX Coordinator

*The District has designated and authorized the following District employees to serve as its Title IX Coordinators:

Daniele Vecchio-Business Administrator and Tony Giannicchi-Superintendent, 3131 Five Mile Road Allegany, NY 14706, 716-375-6600, dvecchio@alcsny.org ; tgiannicchi@alcsny.org

*As required by Title IX, the District has designated the following Title IX Coordinator to retain ultimate oversight over the District's effort to comply with its responsibilities under Title IX and ensure the District's consistent compliance with its responsibilities under Title IX:

Business Administrator-Daniele Vecchio

The District may delegate, or permit the Title IX Coordinators to delegate, specific duties to one or more designees.

Where appropriate, a Title IX Coordinator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or DAC(s) in investigating, responding to, and remediating complaints of sex discrimination, including sexual harassment.

Grievance Procedures for Complaints of Sex Discrimination

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX.

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All District employees, who are not confidential employees, are required to notify the Title IX Coordinator when they have information about conduct that reasonably may constitute sex discrimination under Title IX.

Making a Complaint of Sex Discrimination

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

- a) A complainant;
- b) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- c) The Title IX Coordinator, after making a determination;

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of the person subjected to the sex-based harassment, or if the Title IX Coordinator initiates a complaint consistent with Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, the following individuals have a right to make a complaint:

- a) Any District student or employee; or
- b) Any person other than a student or employee who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

If the Title IX Coordinator is initiating a complaint, they will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

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It is anticipated that, in most cases, the District will decide to dismiss or investigate a complaint within 30 days after receiving a complaint.

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, throughout the District's implementation of grievance procedures.

Basic Requirements of Title IX Grievance Procedures

- a) The District will treat complainants and respondents equitably;
- b) The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- c) The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- d) The District has established timeframes for the major stages of the grievance procedures, including, for example, the decision whether to dismiss or investigate a complaint (i.e., evaluation), investigation, determination, and appeal, if any.
- e) The District has established a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.
- f) The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

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- g) The District will objectively evaluate all evidence that is relevant and not otherwise impermissible -- including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- h) If the District adopts grievance procedures that apply to the resolution of some, but not all, complaints of sex discrimination, the District will articulate in those grievance procedures consistent principles for how the District will determine which procedures apply.

Dismissal of a Complaint

The District may dismiss a complaint of sex discrimination if:

- a) The District is unable to identify the respondent after taking reasonable steps to do so;
- b) The respondent is not participating in the District's education program or activity and is not employed by the District;

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- c) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- d) The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the District will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed.

When a complaint is dismissed, the District will, at a minimum:

- a) Offer supportive measures to the complainant as appropriate;
- b) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- c) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Appeals of Dismissals

Appeals must be submitted in writing to the Title IX Coordinator within 3 days of the notice of the dismissal. Dismissals may be appealed on the following bases:

- a) Procedural irregularity that would change the outcome;
- b) New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

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- c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the District will:

- a) Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- b) Implement appeal procedures equally for the parties;
- c) Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- d) Ensure that the decisionmaker for the appeal has been appropriately trained;
- e) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- f) Notify the parties of the result of the appeal and the rationale for the result.

It is anticipated that the notice of the result of the appeal will be issued within 10 days after the appeal is commenced.

Notice of Allegations

Upon initiation of the District's Title IX grievance procedures, the Title IX Coordinator will notify the parties, whose identities are known, of the following:

- a) The District's Title IX grievance procedures and any informal resolution process;
- b) Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the District;
- c) Retaliation is prohibited; and
- d) The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

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If the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the District will notify the parties, whose identities are known, of the additional allegations.

Investigation

The District will designate an investigator. The investigator may be the Title IX Coordinator or another District employee. The District may also outsource all or part of an investigation to appropriate third parties.

The District will provide for adequate, reliable, and impartial investigation of complaints. The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The burden is on the District -- not on the parties -- to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- a) The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence, the District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- b) The District will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- c) The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of this information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

It is anticipated that most investigations will be completed within 30 days after receiving a complaint.

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The District has established a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, includes:

- a) Allowing the investigator or decisionmaker to ask these questions during individual meetings with a party or witness;
- b) Allowing each party to propose questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness; and
- c) Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

Determination Whether Sex Discrimination Occurred

The District will designate a decisionmaker. After an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District will:

- a) Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the District uses the clear and convincing evidence standard of proof (this standard is understood to mean concluding that a fact is highly probable to be true) in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the District may elect to use that standard of proof in determining whether sex discrimination occurred.

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The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

- b) Notify the parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for the determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable. It is anticipated that the notice of determination will be issued within 10 days after the conclusion of the investigation.
- c) Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- d) If there is a determination that sex discrimination occurred, require the Title IX Coordinator to, as appropriate:
 - 1. Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
 - 2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any disciplinary sanctions; and
 - 3. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- e) Comply with the grievance procedures before imposing any disciplinary sanctions against a respondent.
- f) Not discipline a party, witness, or others participating in the District's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

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Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within 3 days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

An appeal may only be based upon one or more of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal.

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
- b) Ensure that any decision-maker for the appeal:
 - 1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
 - 2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within 5 days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and
- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within 10 days after receiving the parties written statements in support of, or challenging, the outcome.

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Informal Resolution**

At any time prior to determining whether sex discrimination occurred, the District may offer to a complainant and respondent an informal resolution process. The District will not offer an informal resolution process to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student or when the process would conflict with federal, state, or local law.

The District has the discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes. The District will not require or pressure parties to participate in an informal resolution process.

If available, appropriate, and requested by all parties, the Title IX Coordinator will initiate the informal resolution process.

When the District provides the parties an informal resolution process, it will, to the extent necessary, require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Supportive Measures

The Title IX Coordinator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process.

Supportive measures may vary depending on what the District deems to be reasonably available. For complaints of sex-based harassment, these measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; increased security and monitoring of certain areas of the District; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies

After a determination that sex-based harassment occurred, the District may impose disciplinary sanctions on a respondent. Disciplinary sanctions will be imposed in accordance with any applicable District policy, procedure, handbook, or Code of Conduct.

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Disciplinary sanctions that may be imposed on a District employee include, but are not limited to: a verbal warning; a written warning; required training; demotion; suspension; and termination.

Disciplinary sanctions that may be imposed on a District student include, but are not limited to: a verbal warning; writing assignments; changing of seating or location in a classroom; detention; removal from extracurricular activities, including athletics; suspension; and expulsion.

After a determination that sex-based harassment occurred, the District may provide remedies to the complainant and other persons identified as having had equal access to the District's education program or activity limited or denied by sex discrimination.

Since remedies are generally designed to restore or preserve access to the District's education program or activity for a particular person, they will generally be individualized and highly fact-specific.

Examples of remedies that may be provided to a District employee include, but are not limited to: making changes to work locations; and providing counseling.

Examples of remedies that may be provided to a District student include, but are not limited to: ensuring safe movement between classes; making changes to class schedules and extracurricular activities to ensure the complainant and respondent are separated; and providing counseling.

Extension of Timeframes

Reasonable extensions of timeframes are allowed on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay.

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The Title IX Coordinator will evaluate any requests for a reasonable extension of timeframes on a case-by-case basis. If good cause for the extension is found, the Title IX Coordinator will provide written notice to all parties, including the reason for the delay and the new anticipated timeframe. In instances where the Title IX Coordinator is the individual requesting an extension, the Superintendent or designee will evaluate the request to determine if good cause exists.

Training

The District will ensure that all individuals within the District receive the appropriate Title IX training promptly upon hiring or when their position changes in a way that affects their Title IX responsibilities, with training also provided annually thereafter. This training will not rely on sex stereotypes.

The District will provide training as follows:

- a) All employees will be trained on:
 - 1. The District's obligation to address sex discrimination in its education program or activity;
 - 2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and
 - 3. All applicable notification and information requirements.
- b) Along with the general training provided to all employees, all investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures will be trained on the following topics to the extent related to their responsibilities:
 - 1. The District's obligations to respond to sex discrimination;
 - 2. The District's grievance procedures;

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3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 4. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the District's grievance procedures.
- c) Along with the general training provided to all employees, all facilitators of an informal resolution process will be trained on the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
- d) Along with the general training provided to all employees and the more specific training provided to those responsible for implementing the District's grievance procedures and facilitators of an informal resolution process, all Title IX Coordinators and designees will be trained on their specific responsibilities, the District's recordkeeping system, recordkeeping requirements under Title IX, and any other training necessary to coordinate the District's compliance with Title IX.

Notification

The District will provide a notice of nondiscrimination under Title IX to: students; parents, guardians, or other authorized legal representatives of District students; employees, applicants for employment; and all unions and professional organizations holding collective bargaining or professional agreements with the District.

The notice will prominently include, at a minimum, the following:

- a) A statement that the District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment;
- b) A statement that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, the Office for Civil Rights, or both;
- c) The name or title, office address, email address, and telephone number of the District's Title IX Coordinator;
- d) How to locate this policy which contains the District's Title IX nondiscrimination policy and grievance procedures; and

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- e) How to report information about conduct that may constitute sex discrimination and how to make a complaint of sex discrimination under Title IX.

The District will include this notice on its website and in each handbook, catalog, announcement, bulletin, and application form it provides to the individuals and entities referenced above, as well as in any materials used for recruiting employees.

If necessary, due to the format or size of a publication, the District may instead include a statement that the District prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator, and provide the location of the notice on the District's website.

Recordkeeping

The District will maintain for a period of at least seven years:

- a) For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome.
- b) For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took to meet its obligations.
- c) All materials used to provide training. The District will make these training materials available upon request for inspection by members of the public.

20 USC Section 1681, et. seq.
34 CFR Part 106
Education Law Section 13
8 NYCRR Section 100.2