

Policies

Westerly Public Schools Title IX and Grievance Procedure Policy

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Discrimination Based on Sex Prohibited

—The Westerly Public Schools (~~“WPS” or~~ (the “District”) ~~or “WPS”~~) is committed to maintaining an ~~education~~ educational and work environment that is safe, supportive, and free from discrimination based on sex, including ~~sexual~~ sex-based harassment.

This policy, ~~which is~~ adopted pursuant to Title IX of the Education Amendments of 1972 (“Title IX”) ~~and 34 C.F.R. § 106.45, prohibits~~), and updated in accordance with regulations issued by the United States Department of Education (“USDOE”), implements Title IX by prohibiting all sex-based discrimination based on sex, including sexual harassment, in connection with all of the WPS programs or activities.

This means that the District shall not, on the basis of sex, treat one person differently from another in determining whether that person satisfies conditions for the provision of any aid, benefit, or service; provide any aid, benefit, or service in a different manner; deny any person aids, benefits, or services; or subject any person to separate or different rules of behavior, sanctions, or treatment.

This also means that the District shall not, on the basis of sex, exclude any person from participation in, deny a person the benefits of, or subject a person to discrimination in employment, or recruitment, consideration, or selection, whether full-time or part-time. The District shall make all employment decisions in its education program or activity in a non-discriminatory manner and shall not limit, segregate, or classify applicants or employees in any way that could adversely affect any applicant’s or employee’s employment opportunities or status because of sex.

Finally, the District shall not enter into any contractual or other relationship that directly or indirectly has the effect of subjecting employees or students to discrimination on the basis of sex, including relationships with employment and referral agencies, labor unions, and with organizations providing or administering fringe benefits to WPS employees.

WPS “programs or activities” include employment-related programs and activities, and all academic, extracurricular, and athletic, ~~and other~~ programs and activities of the District, whether on or off school grounds, including virtual teaching and learning. “Programs or activities” also include events and incidents that may take place on school buses, at sports games, and on field trips, ~~and in virtual instructional environments.~~ In complaints alleging sex-based hostile environment harassment, “programs and activities” shall in some instances extend to conduct that occurred outside of the District’s program or activity if alleged to be contributing to the hostile environment.

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Notice of Nondiscrimination

The WPS administration shall ensure publication of a notice of nondiscrimination in accordance with the USDOE's Title IX regulations.

Definitions

Complainant – ~~A person~~ An individual who is alleged to ~~be the victim of~~ have been subjected to conduct that could constitute ~~sexual harassment~~ sex discrimination under the District's program or activity. A complainant can be a student, an employee, or a 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.

Respondent – ~~A person~~ An individual who ~~has been reported~~ is alleged to ~~behave violated~~ the perpetrator of conduct that could constitute sexual harassment District's prohibition on sex discrimination. A respondent can be a student, a teacher, an administrator, any other WPS employee, or a third party. Respondents will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

~~Sexual Harassment – Unwelcome conduct~~

Complaint – An oral or written request that objectively can be understood as a request to investigate and make a determination about alleged sex discrimination. A complaint triggers this policy's grievance procedure (or informal resolution process, if appropriate).

Sex Discrimination – Unlawful discrimination on the basis of sex that satisfies, which includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-based Harassment – Sexual harassment and other harassment on the basis of sex (which includes harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity). Sex-based harassment is a category of sex discrimination. It is further defined to fall within one or more of the following three subcategories:

A WPS

- *Quid pro quo harassment*: This occurs when an employee, agent, or other person authorized by the District to provide an aid, benefit, or service under its education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a complainant's participation in unwelcome sexual conduct.
- *Hostile environment harassment*: This occurs when a respondent directs unwelcome sex-based conduct at a complainant that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or otherwise denies the complainant's ability to participate in or benefit from the District's education program or activity.

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- *Specific offense:* This occurs when a respondent perpetrates one of the following specific offenses, defined under the Title IX regulations, against a complainant when such offenses occurred under the District's program or activity: sexual assault, dating violence, domestic violence, or stalking.

~~Unwelcome sexual conduct can be perpetrated in person, over the phone, or online. This policy is not intended to limit the District's authority to address conduct that does not fit the definition of sexual harassment, but that violates other WPS policy or the student code of conduct. For example, conduct that constitutes harassment based on a protected category other than sex, or other forms of unlawful discrimination, hazing, or bullying, or any other violation of the student code of conduct or WPS workplace rules, will be investigated and addressed under the applicable WPS policy and law.~~

Title IX Coordinator

~~The Assistant Superintendent shall serve as the Title IX Coordinator.~~ The Title IX Coordinator is responsible for coordinating the District's ~~response to complaints of sex-based discrimination, compliance with its obligations under Title IX.~~ All questions regarding Title IX or this policy may be referred to the Title IX Coordinator ~~or to the U.S. Department of Education's Assistant Secretary for Civil Rights, or both.~~ The District shall maintain up-to-date information about the Title IX Coordinator,

Reporting Discrimination and Harassment

~~Any~~ including their name and title, office address, and contact information on the WPS website and in student handbooks.

Title IX Protections for Students Related to Parental, Family, and Marital Status; Pregnancy; and Related Conditions

~~The District shall not discriminate against any student based on the student's current, potential, or past pregnancy or related conditions (including childbirth, termination of pregnancy, and lactation, medical conditions related to the same, and recovery from the same).~~

~~When a student, or a person who has a legal right to act on behalf of the student, informs any WPS employee of the student's pregnancy or related condition(s), the employee shall promptly provide that student or person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity. The Title IX Coordinator shall explain the District's obligations under Title IX, the Title IX Regulations, and this Policy and shall ensure the student receives the District's notice of nondiscrimination.~~

~~The District shall make reasonable modifications to its policies, practices, or procedures, as necessary and based on the student's individualized needs, to prevent sex discrimination and~~

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ensure equal access to its education program or activity; provided, however, that a modification that would fundamentally alter the nature of the education program or activity is not a reasonable modification. Reasonable modifications may include, but are not limited to: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies; and elevator access.

Reporting Sex Discrimination

The following procedures apply to reporting allegations of sex discrimination, including sex-based harassment. The District maintains separate policies concerning other forms of discrimination against students and employees, such as discrimination based on race, color, religion, disability, and age.

1. Employee Obligation to Report

Any ~~Any~~ employee who becomes aware of conduct that may violate this policy must immediately and all WPS employee(s) who have information about conduct that reasonably may constitute sex discrimination must notify the Title IX Coordinator, regardless of whether there is a formal or written complaint and even if a complainant requests that the employee do nothing. An employee's failure of the information. An employee who fails to notify the Title IX Coordinator of conduct that may violate such information is in violation of this policy is its own violation of this policy and will result in and subject to discipline.

2. Voluntary Reporting

Any complainant may make an oral or written request that the District investigate and make a determination about alleged sex discrimination. In addition, a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a student may make a complaint of alleged sex discrimination.

2.3. Where to report?

Students or their parents/guardians may report ~~sexual harassment~~ to the Title IX Coordinator or to any trusted WPS District employee, such as a teacher, principal, assistant principal, school nurse, guidance counselor, social worker, or coach. ~~Employees must report sexual harassment directly to the Title IX Coordinator.~~

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Any applicant or employee who believes they have been subjected to conduct that could constitute sex discrimination may file a report with the Title IX Coordinator.

3.4. When to report?

All complaints reports should be made as soon as possible. While there is no time limit for making a complaint report, the sooner WPS the District knows about the complaint conduct, the sooner it can take steps to stop any discriminatory behavior discrimination and remedy its effects.

4.5. How to report?

—Complaints

Reports may be made orally or in writing. The contents of a complaint report generally should include: (i) the complainant's name of (and if the person making the report and the name of the alleged victim; (ii) is someone other than the name of complainant, include the alleged perpetrator; (iii) reporting person's name as well); the respondent's name; a description of the conduct, including the date, time, and location; (iv) the names of any witnesses; and (v) the complainant's requested supportive measures, if any.

Initial

Response to Allegations Reports of Sex Discrimination and Harassment

Once WPS is on notice of an allegation of conduct that may violate this policy, the Title IX Coordinator will promptly contact has been notified of conduct that reasonably may constitute sex discrimination, the complainant to discuss the availability of supportive measures. The Title IX Coordinator will consider the complainant's requested supportive measures, if must take the following actions promptly to effectively end any-

—The Title IX Coordinator will also explain the complainant's option to file a formal complaint sex discrimination, prevent its recurrence, and the process for filing a formal complaint. The Title IX Coordinator will explain that WPS has a legal obligation to investigate the allegations in a formal complaint, and that if a formal complaint is not filed, WPS may nevertheless still investigate the report (either under this or another applicable policy)-remedy its effects. These actions include:

1. Supportive Measures.

The Regardless of whether a Title IX Coordinator must offer and coordinate supportive measures to the complainant chooses to file a formal complaint or not, WPS shall offer individualized services to the complainant which. These measures shall be designed to restore or preserve equal access to education or employment, protect student and employee safety, and deter sexual harassment. sex discrimination. Supportive measures shall not unreasonably burden either party and shall not be imposed for punitive or disciplinary reasons. The Title IX Coordinator must also offer and coordinate supportive measures to the respondent if the District has initiated the grievance procedure or offered an informal resolution process to the respondent.

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Examples of supportive measures include, but are not limited to, counseling, extensions of ~~time~~deadlines or other course-related adjustments, modifications of class, extracurricular, or work schedules, ~~campus~~-escort services, ~~and mutual~~leaves of absence, restrictions on contact between the parties—, and training and education programs related to sex-based harassment. Parties may request the modification or reversal of a decision regarding supportive measures from the Superintendent, who shall have the authority to modify or reverse the decision if it was inconsistent with this policy.

Except as otherwise prohibited by law, nothing in this policy precludes the District from removing a student respondent from the premises on an emergency basis where, after conducting an individualized safety and risk analysis, the District determines that an imminent and serious threat to the health or safety of any individual arising from the allegations of sex discrimination justifies removal. The District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. Further, nothing in this policy precludes the District from placing an employee respondent on administrative leave during the pendency of the investigation and grievance process.

2. Initial Notification to Complainant and Respondent.

The Title IX Coordinator must notify the complainant (or the individual who reported the conduct, if the complainant is unknown) of the District's grievance procedure and informal resolution process. If a complaint is made, the Title IX Coordinator must also notify the respondent of the grievance procedures and the informal resolution process.

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3. Initiate Grievance Procedures or Informal Resolution Process.

In Formal Complaints

~~_____ A formal complaint is a written document or electronic submission that alleges sexual harassment against a respondent and requests that WPS investigate the allegation(s). A complainant can file a formal complaint with the Title IX Coordinator in person, by mail, or by e-mail. The Title IX Coordinator can also sign a formal complaint on a complainant's behalf.~~

~~Formal complaints will be investigated and decided according to the procedures set forth below. These procedures are intended to ensure that all investigations and adjudications are: response to a complaint, the Title IX Coordinator shall initiate the grievance procedures or the informal resolution process, if available and appropriate and requested by all Both parties.~~

~~In some circumstances, the Title IX Coordinator may initiate a complaint of sex-based discrimination if, after consideration of specific factors, the Title IX Coordinator determines that the conduct alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity. If the Title IX Coordinator initiates the complaint, the Title IX Coordinator will notify the complainant prior to doing so and address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.~~

Grievance Procedures

~~_____ Once a complaint is made, the District will initiate its grievance procedure (or informal resolution process, if appropriate). The District's grievance procedure is designed to be:~~

- ~~• *Equitable.* This means that the complainant and the respondent will have the same opportunities to present their side of the story to the investigator, and to present and review evidence, and to be accompanied by a representative (which could be a parent, attorney, or other person of the party's choosing). that the burden remains on the District (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.~~
- ~~• *Objective.* The This means that the Title IX Coordinator, investigator, and decisionmaker will be free from actual or perceived bias or conflict of interest. The investigator will consider both inculpatory and exculpatory evidence; credibility determinations will not be based on a person's status as a complainant, respondent, or witness; and WPS will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, legally privileged information.~~
- ~~• *Prompt.* Temporary delays This means that the District will endeavor to meet the timeframes set forth in this policy. Extensions of the grievance timeframes will be~~

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permitted ~~only~~ on a case-by-case basis for good cause and with notice to the parties that includes the reason for the delay (such as the absence of a party, ~~a party's advisor,~~ or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities).

The WPS grievance procedure consists of the following steps:

1. **Evaluation.** The Title IX Coordinator will first determine whether to dismiss the complaint or proceed with the grievance procedure and whether informal resolution is appropriate. Target timeframe: up to 10 calendar days.

The ~~a formal~~ Title IX Coordinator may dismiss a complaint if: (i) unable to identify the respondent after taking reasonable steps to do so; (ii) the respondent is neither a student nor employee; (iii) the complainant voluntarily withdraws some or all of the allegations in the complaint and, as a result, the conduct that remains alleged in the formal complaint (if any) would not constitute ~~sexual harassment~~ sex discrimination even if ~~proved; (ii) did proven;~~ or (iv) after making reasonable efforts to clarify the allegations in the complaint, the conduct alleged in the complaint would not occur on school grounds or at a school-sponsored activity; or (iii) took place outside of the United States. WPS may also dismiss a formal complaint if the complainant notifies the Title IX Coordinator in writing that constitute sex discrimination even if proven.

If the Title IX Coordinator dismisses a complaint, they will notify the complainant ~~would like to withdraw the formal complaint.~~

If WPS dismisses a formal complaint, all parties will be ~~(and the respondent, if they have already been notified of the allegations)~~ of the basis for the dismissal. A party may appeal the decision to dismiss a ~~formal~~ complaint by following the Appeals Process set forth below. The complaint may also be referred for investigation and possible disciplinary action pursuant to other applicable WPS policy. ~~For example, conduct that does not fit the definition of sexual harassment under this policy may constitute another form of discrimination or bullying.~~ The District will continue to offer supportive measures, as appropriate, and to take such other prompt and effective steps as are appropriate to ensure that sex discrimination does not continue or recur.

Investigation and Adjudication of Formal Complaints— WPS

2. **Investigation.** If the Title IX Coordinator does not dismiss the complaint, or commence the informal resolution process, they will initiate the investigation by designating an investigator (“Investigator”). This person may be the Title IX Coordinator, a Human Resources Department administrator, or one of the WPS Principals. In some instances, the Title IX Coordinator may recommend to the District that it engage an individual from outside the District who has expertise in conducting Title IX investigations. Target timeframe: up to 60 calendar days.

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2(a). The Investigator will provide ~~prior~~ written notice of the investigation to all parties. The notice will include, among other things, a copy of this policy and a sufficiently detailed description of the allegations. ~~The to allow a response. At a minimum, the~~ notice will specify the identities of the parties involved, the conduct ~~allegedly constituting~~ alleged to constitute sex-based discrimination ~~or sexual~~ (e.g., the sex harassment, or other sex discrimination conduct by the respondent against the complainant), and the date(s) and location(s) of the alleged conduct or incident(s), if known. ~~The notice will also include a statement that retaliation is prohibited and that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. (If the Investigator provides a description of the evidence, the parties are nonetheless entitled to access the relevant and not otherwise impermissible evidence upon request of either party).~~

2(b). ~~The Title IX Coordinator will select an investigator to investigate the allegations in the formal complaint. In some instances, the investigator may be an outside investigator.~~
Investigator

~~The investigator~~ will interview the complainant, ~~the and~~ respondent, ~~and any.~~ The Investigator will offer both parties an equal opportunity to present fact witnesses, and gather other inculpatory or exculpatory evidence, as appropriate that is relevant and not otherwise permissible. Examples of evidence that the investigator may consider include e-mails, text messages, social media, photographs, videos, surveillance footage, and medical reports. The parties will be permitted to bring an advisor, such as a parent, guardian, counselor or an attorney, with them to the interview.

~~Before completing~~ 2(c). The Investigator will provide each party with an investigative report, the investigator will offer both parties the equal opportunity to inspect access and review respond to: (a) any relevant and not otherwise impermissible evidence obtained as part of the investigation that is, or (b) an accurate description of the same. If the Investigator provides a description of the evidence, they must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon request of any party. The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through this step of the grievance procedure.

4.3. Determination. The Investigator, the Superintendent, or the Superintendent's designee shall serve as the Decisionmaker and make a determination, using the preponderance of the evidence standard, as to whether sex discrimination occurred. The question and standard for the decisionmaker will be: Did the respondent engage in conduct or direct conduct at the complainant on the basis of sex that had the effect of limiting or denying the complainant equal access to the District's education

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program or activity? In reaching that decision, the Decisionmaker will evaluate the relevant and not otherwise impermissible evidence. To the extent the Decisionmaker has not done so as part of the investigative process, the Decisionmaker may question parties and witnesses directly related to the to assess the credibility of each party or witness if credibility is in dispute and relevant to evaluating one or more allegations raised in the formal complaint. Both parties will have ten (10) of sex discrimination. Target timeframe: up to 20 calendar days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigative report.

• The investigator will create an investigative report that fairly summarizes relevant evidence

1. Notice and send copies Rights of Appeal. The Decisionmaker will notify the report to both parties (and their advisors, if any) for their review and written response.

The investigator will provide a copy in writing of the final investigative report and the parties' written responses (if any) to the Superintendent or designee(s), who will act as decisionmaker. The decisionmaker will offer each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The decisionmaker will then provide each party with the answers and allow for additional, limited follow-up questions from each party.

determination

- 2.4. The decisionmaker will apply a preponderance of the evidence standard to determine whether the alleged sexual harassmentsex discrimination occurred. The decisionmaker will issue a written decision to both parties at the same time. under Title IX, the rationale for the determination, and information about the appeals process, if applicable.

2. If the decisionmaker finds that the alleged misconduct occurred, the decisionmaker will recommend the appropriate disciplinary consequence for the respondent in accordance with applicable policy and law.

Option for

5. Remedies. If there is a determination that sex discrimination occurred, the Title IX Coordinator will coordinate the provision and implementation of 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, coordinate the imposition of any disciplinary sanctions on the respondent (including notification to the complainant of such sanctions) and take any other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur. The District may 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.

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Informal Resolution Process

~~Where appropriate in light of the nature of the allegations and facts involved, WPS~~ At any time prior to determining whether sex discrimination has occurred, the Title IX Coordinator may offer the parties the option to pursue an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. All determination. The Title IX Coordinator: (i) shall not require or pressure the parties to participate in an informal resolution process; (ii) must voluntarily agree to the informal resolution after receiving a full written disclosure obtain the parties' voluntary consent to participate; and (iii) must not require waiver of the allegations and their options for formal resolution. WPS will not offer right to an investigation and determination of a complaint as a condition of the exercise of any right.

The Title IX Coordinator shall provide notice to the parties before initiating an informal resolution process to resolve which shall explain the allegations, the requirements of the process, the parties' rights to withdraw from the process and initiate or resume the grievance procedure (except after the parties have agreed to a resolution at the conclusion of an informal resolution process), the potential terms that may be requested or offered in an informal resolution agreement, and what information the District will maintain and whether and how it could disclose such information for use in grievance procedures (if initiated or resumed).

The facilitator of the informal resolution process (i) shall not be the same person as the investigator or decisionmaker; (ii) shall be free from any conflict of interest or bias for or against complainants/respondents generally or an individual complainant/respondent; and (iii) shall be trained in accordance with this Policy.

The option for informal resolution does not apply where the complaint includes allegations that an employee sexually harassed a student engaged in sex-based harassment of a student or where such process would conflict with applicable law. The Title IX Coordinator may decline to allow informal resolution based on the circumstances of each individual case, including but not limited to cases in which the alleged conduct would present a risk of future harm to others.

Appeals Process

Either party may appeal from the District's decision to dismiss a complaint or from the ~~decisionmaker's investigator's~~ determination of responsibility that sex discrimination occurred. The appealing party must submit ~~the~~ their appeal, in writing, to the ~~Chair of the Westerly School Committee Superintendent~~ within ten (10) days of receiving the notice of dismissal or determination of responsibility.

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~~Appeals will only be allowed for the following reasons: (i) procedural irregularity that affected the outcome of the matter; (ii) new evidence that was not reasonably available at the time the determination of responsibility or dismissal was made, that could affect the outcome of the matter; or (iii) the Title IX Coordinator, investigator, or Superintendent 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.~~

Both parties will ~~be notified of the appeal in writing and will~~ have the opportunity to submit a written statement in support of or challenging the outcome.

Appeals will be decided by the ~~Committee~~ Superintendent or, if the Superintendent served as the decisionmaker, by the School Committee. The outcome of the appeal will be in writing and issued to both parties at the same time. -Target timeframe: up to 14 calendar days from receipt of the appeal.

Confidentiality

~~WPS~~The District will strive to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. ~~WPS~~The District may, however, have a legal obligation to share information received during an investigation. For example, ~~WPS~~the District is required to report known and suspected cases of child abuse to the Department of Children, Youth and Families. ~~WPS~~The District may also have an obligation to report known or suspected violations of the law to local law enforcement. The District will not disclose information about supportive measures to persons other than the person to whom they apply unless necessary to provide the supportive measure or to restore or preserve a party's access to the education program or activity.

Students with Disabilities

If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members, as appropriate, of the student's IEP Team to ensure compliance with applicable law governing the education of students with disabilities throughout the implementation of the grievance procedure in this policy.

Discipline

Any student or employee who is determined to have violated this policy will be subject to discipline in accordance with policy and applicable law. The range of disciplinary consequences that may be imposed on a student for violations of this policy includes, but is not limited to, removal from extracurricular activities or other school-sponsored events, removal from athletic activities, and suspension (in-school or out-of-school). The range of disciplinary consequences that may be imposed on an employee for violations of this policy includes, but is not limited to, verbal or written reprimand, referral to counseling, suspension without pay, and termination from

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employment.

Complaints to External Agencies

~~Nothing in this policy is intended to discourage a complainant from reporting acts of unlawful sexual harassment or sexual violence to local law enforcement. In the event a complainant chooses to file a report with local law enforcement in addition to filing a complaint with WPS under this policy, WPS will conduct its own investigation, independent of any law enforcement investigation.~~

~~In addition, any individual who believes they have been subjected to sex-based discrimination, including sexual harassment and sexual violence, may file a formal complaint with:~~

~~The United States Department of Education
Office for Civil Rights ("OCR")
5 Post Office Square
Boston, MA 02109
(617) 289-0111~~

Retaliation ~~and Malicious Reporting~~ Prohibited

~~WPS~~The District prohibits retaliation against any individual who makes a report of sex-based discrimination or who cooperates in an investigation. Any individual who believes they have been subjected to retaliation is encouraged to report the retaliation to the Title IX Coordinator. Employees must report any instance of retaliation against a student to the Title IX Coordinator. The District will initiate the grievance procedures or informal resolution process set forth in this Policy in response to a complaint alleging retaliation.

Any individual found to have retaliated against another individual person for reporting sex discrimination ~~or harassment~~ or for cooperating in the investigation of a complaint is in violation of this policy and will be subject to disciplinary action.

~~Similarly, if an investigation results in a finding that the complainant knowingly and falsely accused another person of discrimination or harassment, the complainant will be subject to disciplinary action.~~

Employee Training ~~and Requirement of Impartiality~~

~~WPS~~The Superintendent shall ensure that ~~the all~~ District staff receive training regarding their obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination, applicable notification and information requirements, and this Policy in accordance with the USDOE's Title IX regulations. The training shall not rely on sex stereotypes.

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The Title IX Coordinator and, any employee acting as staff serving as an investigator, decision-maker, or person facilitating an investigator or decisionmaker, any staff responsible for implementing the District's grievance procedures, any staff serving as facilitators of informal resolution process is adequately trained and free from conflicts of interest and bias processes, and any staff having authority to modify or terminate supportive measures shall receive additional training in accordance with the Title IX regulations.

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Legal References

Title IX of the Education Amendments of 1972}

{34 C.F.R. § 106.301 et seq.}

{R.I. Gen. Laws § 16-38-1.1}

{R.I. Gen. Laws § 16-85-2}

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This means that the District shall not, on the basis of sex, treat one person differently from another in determining whether that person satisfies conditions for the provision of any aid, benefit, or service; provide any aid, benefit, or service in a different manner; deny any person aids, benefits, or services; or subject any person to separate or different rules of behavior, sanctions, or treatment.

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Definitions

Complainant – An individual who is alleged to have been subjected to conduct that could constitute sex discrimination under the District’s program or activity. A complainant can be a student, an employee, or a 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.

Respondent – An individual who is alleged to have violated the District’s prohibition on sex discrimination. A respondent can be a student, a teacher, an administrator, any other WPS employee, or a third party. Respondents will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Complaint – An oral or written request that objectively can be understood as a request to investigate and make a determination about alleged sex discrimination. A complaint triggers this policy’s grievance procedure (or informal resolution process, if appropriate).

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

Sex-based Harassment – Sexual harassment and other harassment on the basis of sex (which includes harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity). Sex-based harassment is a category of sex discrimination. It is further defined to fall within one of the following three subcategories:

- *Quid pro quo harassment*: This occurs when an employee, agent, or other person authorized by the District to provide an aid, benefit, or service under its education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a complainant’s participation in unwelcome sexual conduct.
- *Hostile environment harassment*: This occurs when a respondent directs unwelcome sex-based conduct at a complainant that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or otherwise denies the complainant’s ability to participate in or benefit from the District’s education program or activity.
- *Specific offense*: This occurs when a respondent perpetrates one of the following specific offenses, defined under the Title IX regulations, against a complainant when such offenses occurred under the District’s program or activity: sexual assault, dating violence, domestic violence, or stalking.

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Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the District's compliance with its obligations under Title IX. All questions regarding Title IX or this policy may be referred to the Title IX Coordinator. The District shall maintain up-to-date information about the Title IX Coordinator, including their name and title, office address, and contact information on the WPS website and in student handbooks.

Title IX Protections for Students Related to Parental, Family, and Marital Status; Pregnancy; and Related Conditions

The District shall not discriminate against any student based on the student's current, potential, or past pregnancy or related conditions (including childbirth, termination of pregnancy, and lactation, medical conditions related to the same, and recovery from the same).

When a student, or a person who has a legal right to act on behalf of the student, informs any WPS employee of the student's pregnancy or related condition(s), the employee shall promptly provide that student or person with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity. The Title IX Coordinator shall explain the District's obligations under Title IX, the Title IX Regulations, and this Policy and shall ensure the student receives the District's notice of nondiscrimination.

The District shall make reasonable modifications to its policies, practices, or procedures, as necessary and based on the student's individualized needs, to prevent sex discrimination and ensure equal access to its education program or activity; provided, however, that a modification that would fundamentally alter the nature of the education program or activity is not a reasonable modification. Reasonable modifications may include, but are not limited to: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies; and elevator access.

Reporting Sex Discrimination

The following procedures apply to reporting allegations of sex discrimination, including sex-based harassment. The District maintains separate policies concerning other forms of discrimination against students and employees, such as discrimination based on race, color, religion, disability, and age.

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1. *Employee Obligation to Report*

Any and all WPS employee(s) who have information about conduct that reasonably may constitute sex discrimination must notify the Title IX Coordinator of the information. ***An employee who fails to notify the Title IX Coordinator of such information is in violation of this policy and subject to discipline.***

2. *Voluntary Reporting*

Any complainant may make an oral or written request that the District investigate and make a determination about alleged sex discrimination. In addition, a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a student may make a complaint of alleged sex discrimination.

3. *Where to report?*

Students or their parents/guardians may report to the Title IX Coordinator or to any trusted District employee, such as a teacher, principal, assistant principal, school nurse, guidance counselor, social worker, or coach.

Any applicant or employee who believes they have been subjected to conduct that could constitute sex discrimination may file a report with the Title IX Coordinator.

4. *When to report?*

All reports should be made as soon as possible. While there is no time limit for making a report, the sooner the District knows about the conduct, the sooner it can take steps to stop any discrimination and remedy its effects.

5. *How to report?*

Reports may be made orally or in writing. The contents of a report generally should include the complainant's name (and if the person making the report is someone other than the complainant, include the reporting person's name as well); the respondent's name; a description of the conduct, including the date, time, and location; the names of any witnesses; and the complainant's requested supportive measures, if any.

Response to Reports of Sex Discrimination

Once the Title IX Coordinator has been notified of conduct that reasonably may constitute sex discrimination, the Title IX Coordinator must take the following actions promptly

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to effectively end any sex discrimination, prevent its recurrence, and remedy its effects. These actions include:

1. Supportive Measures.

The Title IX Coordinator must offer and coordinate supportive measures to the complainant. These measures shall be designed to restore or preserve equal access to education or employment, protect student and employee safety, and deter sex discrimination. Supportive measures shall not unreasonably burden either party and shall not be imposed for punitive or disciplinary reasons. The Title IX Coordinator must also offer and coordinate supportive measures to the respondent if the District has initiated the grievance procedure or offered an informal resolution process to the respondent.

Examples of supportive measures include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of class, extracurricular, or work schedules, escort services, leaves of absence, restrictions on contact between the parties, and training and education programs related to sex-based harassment. Parties may request the modification or reversal of a decision regarding supportive measures from the Superintendent, who shall have the authority to modify or reverse the decision if it was inconsistent with this policy.

Except as otherwise prohibited by law, nothing in this policy precludes the District from removing a student respondent from the premises on an emergency basis where, after conducting an individualized safety and risk analysis, the District determines that an imminent and serious threat to the health or safety of any individual arising from the allegations of sex discrimination justifies removal. The District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. Further, nothing in this policy precludes the District from placing an employee respondent on administrative leave during the pendency of the investigation and grievance process.

2. Initial Notification to Complainant and Respondent.

The Title IX Coordinator must notify the complainant (or the individual who reported the conduct, if the complainant is unknown) of the District's grievance procedure and informal resolution process. If a complaint is made, the Title IX Coordinator must also notify the respondent of the grievance procedures and the informal resolution process.

3. Initiate Grievance Procedures or Informal Resolution Process.

In response to a complaint, the Title IX Coordinator shall initiate the grievance procedures or the informal resolution process, if available and appropriate and requested by all parties.

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In some circumstances, the Title IX Coordinator may initiate a complaint of sex-based discrimination if, after consideration of specific factors, the Title IX Coordinator determines that the conduct alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity. If the Title IX Coordinator initiates the complaint, the Title IX Coordinator will notify the complainant prior to doing so and address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

Grievance Procedures

Once a complaint is made, the District will initiate its grievance procedure (or informal resolution process, if appropriate). The District's grievance procedure is designed to be:

- *Equitable*. This means that the complainant and the respondent will have the same opportunities to present their side of the story to the investigator and to present and review evidence, and that the burden remains on the District (not the parties) to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
- *Objective*. This means that the Title IX Coordinator, investigator, and decisionmaker will be free from actual or perceived bias or conflict of interest.
- *Prompt*. This means that the District will endeavor to meet the timeframes set forth in this policy. Extensions of the grievance timeframes will be permitted on a case-by-case basis for good cause and with notice to the parties that includes the reason for the delay (such as the absence of a party or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities).

The grievance procedure consists of the following steps:

1. ***Evaluation***. The Title IX Coordinator will first determine whether to dismiss the complaint or proceed with the grievance procedure and whether informal resolution is appropriate. **Target timeframe: up to 10 calendar days.**

The Title IX Coordinator may dismiss a complaint if: (i) unable to identify the respondent after taking reasonable steps to do so; (ii) the respondent is neither a student nor employee; (iii) the complainant voluntarily withdraws some or all of the allegations in the complaint and, as a result, the conduct that remains alleged in the complaint (if any) would not constitute sex discrimination even if proven; or (iv) after

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making reasonable efforts to clarify the allegations in the complaint, the conduct alleged in the complaint would not constitute sex discrimination even if proven.

If the Title IX Coordinator dismisses a complaint, they will notify the complainant (and the respondent, if they have already been notified of the allegations) of the basis for the dismissal. A party may appeal the decision to dismiss a complaint by following the Appeals Process set forth below. The complaint may also be referred for investigation and possible disciplinary action pursuant to other applicable WPS policy. The District will continue to offer supportive measures, as appropriate, and to take such other prompt and effective steps as are appropriate to ensure that sex discrimination does not continue or recur.

2. **Investigation.** If the Title IX Coordinator does not dismiss the complaint, or commence the informal resolution process, they will initiate the investigation by designating an investigator (“Investigator”). This person may be the Title IX Coordinator, a Human Resources Department administrator, or one of the WPS Principals. In some instances, the Title IX Coordinator may recommend to the District that it engage an individual from outside the District who has expertise in conducting Title IX investigations. **Target timeframe: up to 60 calendar days.**

2(a). The Investigator will provide written notice of the investigation to all parties. The notice will include, among other things, a copy of this policy and a sufficiently detailed description of the allegations to allow a response. At a minimum, the notice will specify the identities of the parties involved, the conduct alleged to constitute sex discrimination (*e.g.*, the sex harassment or other sex discrimination conduct by the respondent against the complainant), and the date(s) and location(s) of the alleged conduct or incident(s), if known. The notice will also include a statement that retaliation is prohibited and that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. (If the Investigator provides a description of the evidence, the parties are nonetheless entitled to access the relevant and not otherwise impermissible evidence upon request of either party).

2(b). The Investigator will interview the complainant and respondent. The Investigator will offer both parties an equal opportunity to present fact witnesses and other inculpatory or exculpatory evidence that is relevant and not otherwise permissible. Examples of evidence that the investigator may consider include e-mails, text messages, social media, photographs, videos, surveillance footage, and medical reports. The parties will be permitted to bring an advisor, such as a parent, guardian, counselor or an attorney, with them to the interview.

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- 2(c). The Investigator will provide each party with an equal opportunity to access and respond to: (a) any relevant and not otherwise impermissible evidence obtained as part of the investigation, or (b) an accurate description of the same. If the Investigator provides a description of the evidence, they must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon request of any party. The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through this step of the grievance procedure.
3. *Determination.* The Investigator, the Superintendent, or the Superintendent's designee shall serve as the Decisionmaker and make a determination, using the preponderance of the evidence standard, as to whether sex discrimination occurred. The question and standard for the decisionmaker will be: *Did the respondent engage in conduct or direct conduct at the complainant on the basis of sex that had the effect of limiting or denying the complainant equal access to the District's education program or activity?* In reaching that decision, the Decisionmaker will evaluate the relevant and not otherwise impermissible evidence. To the extent the Decisionmaker has not done so as part of the investigative process, the Decisionmaker may question parties and witnesses directly to assess the credibility of each party or witness if credibility is in dispute and relevant to evaluating one or more allegations of sex discrimination. **Target timeframe: up to 20 calendar days.**
4. *Notice and Rights of Appeal.* The Decisionmaker will notify the parties in writing of the determination whether sex discrimination occurred under Title IX, the rationale for the determination, and information about the appeals process, if applicable.
5. *Remedies.* If there is a determination that sex discrimination occurred, the Title IX Coordinator will coordinate the provision and implementation of 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, coordinate the imposition of any disciplinary sanctions on the respondent (including notification to the complainant of such sanctions) and take any other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur. The District may 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.

Informal Resolution Process

At any time prior to determining whether sex discrimination has occurred, the Title IX Coordinator may offer the parties the option to pursue an informal resolution process that does not involve a full investigation and determination. The Title IX Coordinator: (i) shall not require

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or pressure the parties to participate in an informal resolution process; (ii) must obtain the parties' voluntary consent to participate; and (iii) must not require waiver of the right to an investigation and determination of a complaint as a condition of the exercise of any right.

The Title IX Coordinator shall provide notice to the parties before initiating an informal resolution process which shall explain the allegations, the requirements of the process, the parties' rights to withdraw from the process and initiate or resume the grievance procedure (except after the parties have agreed to a resolution at the conclusion of an informal resolution process), the potential terms that may be requested or offered in an informal resolution agreement, and what information the District will maintain and whether and how it could disclose such information for use in grievance procedures (if initiated or resumed).

The facilitator of the informal resolution process (i) shall not be the same person as the investigator or decisionmaker; (ii) shall be free from any conflict of interest or bias for or against complainants/respondents generally or an individual complainant/respondent; and (iii) shall be trained in accordance with this Policy.

The option for informal resolution does not apply where the complaint includes allegations that an employee engaged in sex-based harassment of a student or where such process would conflict with applicable law. The Title IX Coordinator may decline to allow informal resolution based on the circumstances of each individual case, including but not limited to cases in which the alleged conduct would present a risk of future harm to others.

Appeals Process

Either party may appeal from the District's decision to dismiss a complaint or from the investigator's determination that sex discrimination occurred. The appealing party must submit their appeal, in writing, to the Superintendent within ten (10) days of receiving the notice of dismissal or determination of responsibility. Both parties will have the opportunity to submit a written statement in support of or challenging the outcome.

Appeals will be decided by the Superintendent or, if the Superintendent served as the decisionmaker, by the School Committee. The outcome of the appeal will be in writing and issued to both parties at the same time. **Target timeframe: up to 14 calendar days from receipt of the appeal.**

Confidentiality

The District will strive to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. The District may, however, have a

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legal obligation to share information received during an investigation. For example, the District is required to report known and suspected cases of child abuse to the Department of Children, Youth and Families. The District may also have an obligation to report known or suspected violations of the law to local law enforcement. The District will not disclose information about supportive measures to persons other than the person to whom they apply unless necessary to provide the supportive measure or to restore or preserve a party's access to the education program or activity.

Students with Disabilities

If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members, as appropriate, of the student's IEP Team to ensure compliance with applicable law governing the education of students with disabilities throughout the implementation of the grievance procedure in this policy.

Discipline

Any student or employee who is determined to have violated this policy will be subject to discipline in accordance with policy and applicable law. The range of disciplinary consequences that may be imposed on a student for violations of this policy includes, but is not limited to, removal from extracurricular activities or other school-sponsored events, removal from athletic activities, and suspension (in-school or out-of-school). The range of disciplinary consequences that may be imposed on an employee for violations of this policy includes, but is not limited to, verbal or written reprimand, referral to counseling, suspension without pay, and termination from employment.

Retaliation Prohibited

The District prohibits retaliation against any individual who makes a report of sex discrimination or who cooperates in an investigation. Any individual who believes they have been subjected to retaliation is encouraged to report the retaliation to the Title IX Coordinator. Employees must report any instance of retaliation against a student to the Title IX Coordinator. The District will initiate the grievance procedures or informal resolution process set forth in this Policy in response to a complaint alleging retaliation.

Any individual found to have retaliated against another person for reporting sex discrimination or for cooperating in the investigation of a complaint is in violation of this policy and will be subject to disciplinary action.

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Employee Training

The Superintendent shall ensure that all District staff receive training regarding their obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination, applicable notification and information requirements, and this Policy in accordance with the USDOE's Title IX regulations. The training shall not rely on sex stereotypes.

The Title IX Coordinator, any staff serving as investigators or decisionmakers, any staff responsible for implementing the District's grievance procedures, any staff serving as facilitators of informal resolution processes, and any staff having authority to modify or terminate supportive measures shall receive additional training in accordance with the Title IX regulations.

Legal References

Title IX of the Education Amendments of 1972

34 C.F.R. § 106.1 et seq.

R.I. Gen. Laws § 16-38-1.1

R.I. Gen. Laws § 16-85-2

Updated:

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