

## SEXUAL HARASSMENT

Sweetwater County School District #1 (the District) does not discriminate, and is required by Title IX not to discriminate, on the basis of sex in any education program or activity that it operates. Sexual harassment, a form of sexual discrimination, violates District policies<sup>1</sup> and Section 703 of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e, et seq. and the Educational Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, et seq.

### I. PURPOSE

The following sets forth the District's procedures for reporting or filing a complaint of sexual harassment, and responding to reports and investigating complaints of sexual harassment. These procedures, along with the relevant nondiscrimination policies of the District, apply to all District employees and students.

### II. DEFINITIONS

***Actual Knowledge*** means notice of sexual harassment or allegations of sexual harassment to 1) the Title IX Coordinator; 2) any school employee; or 3) any District official who has authority to institute corrective measures on behalf of the District. This standard is not met when the only employee or official with actual knowledge is the Respondent.

***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

***Deliberate indifference*** means the District's response to sexual harassment is clearly unreasonable in light of the known circumstances.

***Education program or activity*** includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the sexual harassment occurs.

***Formal complaint*** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District. The phrase "document filed by a Complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

***Respondent*** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

1 District Policies AC: Nondiscrimination, ACA: Nondiscrimination on the Basis of Sex, and GBA: Equal Opportunity Employment; the Educational Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, et seq.

***Sexual harassment*** means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

(a) "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation as follows:

i. *Sex Offenses, Forcible*—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

- *Forcible Rape*— (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

- *Forcible Sodomy*—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- *Sexual Assault With An Object*—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- *Forcible Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in

instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

ii. *Sex Offenses, Nonforcible*— (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.

- *Incest*—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- *Statutory Rape*—Nonforcible sexual intercourse with a person who is under the statutory age of consent.ii

(b) *Dating violence* means violence committed by a person—

i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.

- The type of relationship.

- The frequency of interaction between the persons involved in the relationship.iii

(c) *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.iv

(d) *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

i. fear for his or her safety or the safety of others; or

ii. suffer substantial emotional distress.v

***Supportive measures*** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the

Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **III. THE GRIEVANCE PROCESS**

#### **A. Reporting Sexual Harassment**

***How to Report.*** Any person, not just the alleged victim, may report sexual harassment to any administrator, principal, teacher or employee of the District or to the Title IX Coordinator, who may be reached at the Central Administration Building, email address ([titleIX@sw1.k12.wy.us](mailto:titleIX@sw1.k12.wy.us)); 3550 Foothill Blvd., P.O. Box 1089, Rock Springs, WY 82902, (307) 352-3400. Reports to the Title IX Coordinator may be made at any time, including during non-business hours, and can be made by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any means that results in the Title IX Coordinator receiving the person's report.

***Employee Duty to Report.*** Any employee who receives a report of sexual harassment, or has knowledge that a student or employee is a victim of sexual harassment, including through direct observation, shall report it to the Title IX Coordinator.

Individuals experiencing sexual discrimination may also file a formal grievance with the Office of Civil Rights, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582, (303) 844-5695, [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov).

#### **B. Responding to Reports of Sexual Harassment**

When the District has actual knowledge of sexual harassment, the District will respond promptly and in a manner that is not deliberately indifferent. The District's response will treat Complainants and Respondents equitably by offering supportive measures to a Complainant and if appropriate, the Respondent.

***Title IX Coordinator Initial Response.*** Upon receipt of a report of sexual harassment (even if no formal complaint is filed), the Title IX Coordinator will promptly contact the Complainant to:

1. Discuss the availability of supportive measures;
2. Consider the Complainant's wishes with respect to supportive measures;

3. Inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint; and

4. Explain to the Complainant the process for filing a formal complaint.

***Supportive measures.*** Supporting measures will be determined on an individual basis and may include, among other measures, measures such as counseling, course modifications, schedule changes, increased monitoring or supervision.

***Emergency removal.*** The District may remove a student Respondent from the education program or activity on an emergency basis, following an individualized safety and risk analysis that determines an immediate threat to the *physical* health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. The District will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

***Administrative leave.*** The District may place an employee Respondent on administrative leave during the pendency of the grievance process.

### **C. Formal Complaints of Sexual Harassment**

***Filing a Formal Complaint.*** Only a Complainant (or their parent/guardian) or the Title IX Coordinator may file a formal complaint. When the Title IX Coordinator files a formal complaint, the Title IX Coordinator is not considered a Complainant or a party.

***Presumption and Equitable Treatment.*** The District will presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

***Title IX Coordinator Responsibilities.*** After the Title IX Coordinator has discussed supportive measures, and the formal complaint filing process with the Complainant, the Title IX Coordinator will:

1. ***Process the Complaint.*** All reports of sexual harassment, false reporting, or retaliation shall be processed by the Title IX Coordinator. If the Complainant does not wish to file a formal complaint, the Title IX Coordinator will decide whether to file a complaint signed by the Title IX Coordinator.

2. ***Appoint Investigator and Decisionmaker.*** The Title IX Coordinator will appoint an impartial and trained Investigator to investigate the allegations and draft the Investigative Report and an impartial and trained Decision-Maker to make a determination regarding responsibility and draft the Determination of Responsibility.

3. ***Notice to the Parties.*** Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the known parties that will include:

a. Notice of the District's grievance process.

b. Notice of the allegations of sexual harassment, given with sufficient detail and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

d. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney,

e. A statement that the parties may inspect and review evidence.

f. A statement that the Code of Student Conduct (File JFC) prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

4. *Additional Allegations.* If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the original notice, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

5. *Dismissal of a Formal Complaint.*

a. *Mandatory Dismissal.* The Title IX Coordinator shall dismiss a formal complaint or any allegations therein for purposes of sexual harassment under Title IX for alleged conduct that

i. would not constitute sexual harassment as defined even if proved;

ii. did not occur in the District's education program or activity; or

iii. did not occur against a person in the United States.

b. *Permissive Dismissal.* The Title IX Coordinator may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing:

i. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;

ii. the Respondent is no longer enrolled or employed by the District; or

iii. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

c. Upon a dismissal the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

d. Dismissal of a Formal Complaint does not preclude disciplinary action under any other District policy, including the Code of Student Conduct (File JFC).

6. *Consolidation of Formal Complaints.* The Title IX Coordinator may choose to consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

***Rights of The Parties.*** The parties will be afforded the following:

1. *Witnesses & Evidence.* Each party will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

2. *Investigation.* The District does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

3. *Advisor.* Each party will be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

4. *Notice.* Each party whose participation is invited or expected, will be provided written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

5. *Inspection.* Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

**Investigator Responsibilities:** The Investigator will investigate the allegations and present an Investigative Report. The Investigator will make an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. The Investigator will not base credibility determinations on a person's status as a Complainant, Respondent, or witness.

1. *Burden of Proof.* The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties provided that the District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under this section;

2. *Present Evidence.* The Investigator will provide both parties and their advisors, if any, an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including evidence on which the District does not intend to rely, and any exculpatory (evidence that tends to show the Respondent did not commit the alleged sexual harassment) or inculpatory (evidence that tends to show the Respondent did commit sexual harassment) evidence from any source. This evidence will be provided to the parties at a time as determined by the Investigator but prior to the completion of the 8 final Investigative Report and in time to give the parties at least ten (10) days to prepare a written response. The Investigator must consider each party's written response prior to completing the Investigative Report.

3. *Investigative Report.* The Investigator will prepare a written Investigative Report that fairly summarizes the relevant evidence and provide the report to the parties and their advisors, if any, for their review and written response, at least ten (10) days prior to making a determination of responsibility.

***Questions by Parties.*** After the having sent the Investigative Report to the parties, but before reaching a determination regarding responsibility, each party shall have the opportunity to submit written, relevant questions that the party wants asked of another party or witness, provide each party with the answers, and provide for limited follow-up questions. The Decision-Maker must explain to the party proposing the questions that any decision to exclude a question is not relevant. The Decision-Maker shall set reasonable deadlines for submission and response to questions.

***Determinations of Responsibility.*** The grievance process will be completed in a reasonable timeframe. A temporary delay or a limited extension of time for good cause may be granted upon receipt of written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations 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.

***Decision-Maker Responsibilities.*** Following the investigation process, an impartial and trained Decision-Maker, shall make a determination regarding responsibility. The Decision-Maker cannot be the Investigator or the Title IX Coordinator.



1. *Standard of Evidence.* In reaching a determination of responsibility, the Decision Maker shall apply the preponderance of evidence standard (“it is more than likely than not that sexual harassment occurred”).

2. *Written Determination.* The Decision-Maker shall issue a written Determination of Responsibility that includes:

- a. Identification of the allegations;
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of District policy to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the District’s education program or activity will be provided by the District to the Complainant; and
  - f. The District’s procedures and permissible bases for the Complainant and Respondent to appeal.
3. The written determination will be provided to the parties simultaneously and becomes final either on the date provided the parties are provided with a written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

***No Conflicts of Interest.*** Any individual designated as the Title IX Coordinator, Investigator, Decision-Maker, or any person designated to facilitate an Informal Resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

***Presumption.*** The District will presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

***Protected Information.*** The District will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

***Disciplinary Sanctions and Remedies.*** The District will not provide remedies to a Complainant or impose any disciplinary sanctions or other actions that are not supportive measures against a

Respondent until a determination of responsibility for sexual harassment has been made against the Respondent at the conclusion of the grievance process.

1. *Remedies Available to Complainant.* Remedies, designed to restore or preserve equal access to the District's education programs or activities, may be implemented by the Title IX Coordinator. Such remedies may include the same individualized services described "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

2. *Disciplinary Sanctions Against the Respondent.*

a. *Student Respondent.* The range of disciplinary sanctions to be imposed against a student Respondent following a determination of responsibility shall be at the discretion of the District and may include suspension or expulsion. Sanctions will be imposed pursuant to District Policy, including the Code of Student Conduct (File JFC) and applicable law.

b. *Employee Respondent.* Disciplinary sanctions imposed against an employee will be imposed in accordance with District Policy and all applicable law. A determination of responsibility against an employee Respondent shall be considered "good and just cause" for suspension, termination or dismissal. The District will report determinations of responsibility to the Wyoming Professional Teaching Standards Board or any other applicable licensing bodies.

**This policy does not preclude, and the District retains its right to take additional or alternative disciplinary action under any other District policy, including the Code of Student Conduct (File JFC).**

#### **D. Appeals**

***Right to Appeal.*** Either party may appeal a determination regarding responsibility or dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. 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
3. The Title IX Coordinator, Investigator(s), 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.

There is no right to appeal with respect to any reason not set forth above.

***Appeal Requirements and Deadlines.***

1. *Filing an Appeal.* All appeals must be filed in writing with the Title IX Coordinator within ten (10) business days of the date of the written Determination of Responsibility or Dismissal. All requests for appeal shall state the basis for the appeal.

2. *Notice to Parties.* Upon receipt of the filed appeal, the Title IX Coordinator will notify the other party of the appeal, and notify each party that they may submit a written statement in support of, or challenging, the outcome. The Title IX Coordinator will assign a Decision-Maker(s) may not be the same person as the Decision-Maker(s) that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator.

3. *Written Statements For or Against.* Within ten (10) of receipt of notice by the Title IX Coordinator of the right to submit a written statement, each party may submit a written statement in support of, or challenging, the outcome.

4. *Decision on Appeal.* Within ten (10) days of receipt of the parties' written statements, the Decision-Maker(s) will issue a written decision describing the result of the appeal and the rationale for the result. The decision will be provided to each party simultaneously.

#### **E. Informal Resolution**

After a formal complaint has been filed, and at any time prior to reaching a determination regarding responsibility, the District, in its discretion, may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The following requirements apply to the Informal Resolution process:

1. *Notice.* The District will provide notice to the parties disclosing

a. the allegations;

b. the requirements of the Informal Resolution process, including the circumstances under which the parties are precluded from resuming a formal complaint arising from the same allegations, and

c. Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.

2. *Voluntary Consent.* The parties must provide voluntary, written consent to the Informal Resolution process.

3. *Right to Withdraw.* At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint.

4. *Employee Harassment.* Informal Resolution is not available to resolve allegations that an employee sexually harassed a student.

#### **IV. DOCUMENTING DISTRICT RESPONSE**

For every response to reports of sexual harassment, the District will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If supportive measures are not provided to the Complainant, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. For a period of no less seven (7) years, the District will also retain records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any Informal Resolution and the result therefrom; and
4. all materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process.

#### **V. RETALIATION PROHIBITED**

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the District's nondiscrimination policies, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or the District's nondiscrimination policies. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or the District's nondiscrimination policies, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures outlined above.

##### ***Specific circumstances.***

1. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.
2. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under does not constitute prohibited retaliation. A determination regarding responsibility, alone, is not sufficient evidence to conclude that any party made a materially false statement in bad faith.

## **VI. CONFIDENTIALITY**

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

## **VII. TRAINING**

Title IX Coordinators, Investigators, Decision-Makers, and any other person who facilitates an Informal Resolution process, will receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and the District's 13 grievance process including hearings, appeals, and Informal Resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators will receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence. No materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process, will rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

The District will make these training materials publicly available on its website.

## **VIII. PROCEDURES FOR PROVIDING REQUIRED NOTICES**

All applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District will be given notice of:

1. the Title IX Coordinator's office address, email address, and telephone number. The information to be listed for the Title IX Coordinator will be displayed on the District's website, and in each handbook or catalog that it makes available to persons entitled to notice under this section;
2. the District's policy not to discriminate on the basis of sex in any education program or activity that it operates; and
3. the District's grievance procedures and grievance process.

## **IX. LAW ENFORCEMENT**

For allegation of sexual harassment that may be criminal in nature, the District will notify law enforcement. Where law enforcement is involved, law enforcement officers may conduct their own investigation and the District will comply with any such investigation. In the event that law enforcement agencies become involved, the District will complete its investigation and render its findings in accordance with its own policies and procedures.

Under certain circumstances, sexual harassment may constitute child abuse or neglect under Wyo. Stat. §§ 14-3-201 et seq. as amended. In such situations, the District shall comply with the reporting requirements contained therein.

## **X. FURTHER INQUIRIES**

Inquiries may be addressed to the Title IX Coordinator, who may be reached at the Central Administration Building, email address (titleIX@sw1.k12.wy.us); 3550 Foothill Blvd., P.O. Box 1089, Rock Springs, WY 82902, (307) 352-3400; or the Assistant Secretary, Office of Civil Rights, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582, (303) 844-5695, OCR.Denver@ed.gov.

Adopted: 9/13/21

LEGAL REFS.: Education Amendments of 1972, Title IX, as amended, 20 U.S.C. § 1681

CROSS REFS.: AC, Nondiscrimination ; ACA, Nondiscrimination of the Basis of Sex; ACA-E, Title IX Coordinator; JFCB, Student Harassment and Violence Policy; GBA, Equal Opportunity Employment; GBA-E, Title IX Coordinator GBCH, Staff Harassment and Violence Policy

School District #1, Sweetwater County, Wyoming

<sup>i</sup> 20 U.S.C.A. § 1092 (f)(6)(A)(v)

<sup>ii</sup> National Incident Based Reporting System/Uniform Crime Reporting Program/United States Department of Justice/Federal Bureau of Investigation, available at, <https://ucr.fbi.gov/nibrs/2012/resources/nibrs-offense-definitions>

<sup>iii</sup> 34 U.S.C.A. § 12291 (a)(10)

<sup>iv</sup> 34 U.S.C.A. § 12291 (a)(8)

<sup>v</sup> 34 U.S.C.A. § 12291 (a)(30)