



TITLE IX PROCEDURES FOR PARENTS AND STUDENTS: SEX-BASED DISCRIMINATION

Prohibition of Discrimination on the Basis of Sex

Jordan School District (the "District") is committed to providing an educational environment that is free from discrimination based on sex, including sexual harassment and sexual violence. As such, Jordan School District does not discriminate on the basis of sex in its programs and activities. Title IX of the Education Amendments of 1972 ("Title IX"), its regulations, and certain other federal and state laws prohibit such discrimination. Under Title IX, discrimination on the basis of sex includes sexual harassment.

Inquiries about the application of Title IX and its regulations to the District may be referred to the District's Title IX Coordinator for Student Concerns, the Assistant Secretary for Civil Rights of the United States Department of Education, or both:

JSD Title IX Coordinator for Students

Melissa Flores

Jordan School District

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West Jordan, UT 84088

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Denver Office for Civil Rights

U.S. Department of Education

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To the extent that any District policy or procedure regarding discrimination or harassment on the basis of sex (as defined by Title IX) conflicts with the United States Department of Education's Title IX regulations effective August 14, 2020, the Title IX regulations will control for as long as they remain effective.

Title IX of the Education Amendments of 1972

Title IX is a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The U.S. Department of Education's [Office for Civil Rights \(OCR\)](#) enforces Title IX.

Although Title IX is best known for breaking down barriers in sports for women and girls, Title IX and its regulations also require that schools adopt specific grievance procedures to address formal complaints of sexual harassment (as that term is defined by Title IX.)

Title IX Coordinator

Who can contact the Title IX Coordinator?

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator, regardless of whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

How can I contact the Title IX Coordinator?

Any person can contact the Title IX Coordinator in person, by mail, telephone, or by electronic mail, or by using the contact information listed above. You can also contact the Title IX Coordinator by any other means that result in the Title IX Coordinator receiving your verbal or written report.

Reports can be made to the Title IX Coordinator at any time, including during non-business hours, by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Sexual Harassment Under Title IX

What is sexual harassment?

Title IX defines sexual harassment as conduct on the basis of sex that satisfies one or more of the following:

- A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- 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
- Sexual assault, dating violence, domestic violence, or stalking each of which is as defined by reference to specific sections of the U.S. Code.

How does the District respond to reports of sexual harassment?

All students and employees are encouraged to report sexual harassment to the District. Upon receiving a report of sexual harassment in an education program or activity, the Title IX Coordinator or School Deputy Title IX Coordinator will contact the complainant (the individual alleged to be the victim of conduct that could constitute sexual harassment) to discuss the availability of supportive measures* and explain the process for filing a formal complaint of sexual harassment.

The District also reserves the right to remove a respondent (the alleged perpetrator of conduct that could constitute sexual harassment) from its education program or activity on an emergency basis, subject to the requirements of Title IX and its regulations.

**Notably, the respondent also has an equal right to supportive measures throughout the report and complaint process.*

What is a formal complaint of sexual harassment?

Either a complainant or the Title IX Coordinator can file a formal complaint alleging sexual harassment against a respondent.

To qualify as a formal complaint, the document must be filed by a complainant (a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint) or signed by the Title IX Coordinator. The document must allege sexual harassment against a respondent and request 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 District's education program or activity.

How does the District respond to formal complaints of sexual harassment?

Formal complaints of sexual harassment trigger the grievance process prescribed by Title IX and its regulations. The District's grievance process for formal complaints of sexual harassment and complaints including allegations of sexual harassment is set forth below.

GRIEVANCE PROCEDURES

The District has grievance procedures for processing complaints of sex-based discrimination that provide for the prompt and equitable resolution of student complaints alleging discrimination on the basis of sex, including sexual harassment.

How to File a Complaint of Discrimination on the Basis of Sex

The District has established a number of methods for filing complaints of discrimination on the basis of sex (including sexual harassment). They include:

- Filing a complaint using the online reporting form at <http://compliance.jordandistrict.org/title-ix/>
- Speaking to your School Principal or Assistant Principal
- Contacting the Title IX Coordinator by any of the means set forth above.

Is my formal complaint of sexual harassment subject to this grievance process?

Formal complaints of sexual harassment and formal complaints including allegations of sexual harassment trigger a unique grievance process required by Title IX and its regulations.

However, under certain circumstances, a formal complaint of sexual harassment may not be subject to the jurisdiction of Title IX and this grievance procedure. A formal complaint must be dismissed for purposes of sexual harassment under Title IX and its regulations if:

- The conduct would not constitute sexual harassment as defined in the Title IX regulations even if proved;
- The conduct did not occur in the District's education program or activity (as defined by the Title IX regulations); or
- The conduct did not occur against a person in the United States.

Dismissing a formal complaint of sexual harassment for any of these reasons does not preclude action under another of the District's policies prohibiting misconduct.

The District also has discretion to dismiss a formal complaint subject to this grievance process if the complainant submits a written request for withdrawal to the Title IX Coordinator, the respondent is no longer enrolled at or employed by the District, or the specific circumstances prevent the District from gathering evidence sufficient to reach a determination.

Parties are able to appeal dismissal decisions.

What are my rights during this grievance process?

During the grievance process for formal complaints of sexual harassment and complaints including allegations of sexual harassment, parties are guaranteed a number of rights, including:

- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Equal opportunity to (i) present witnesses and other evidence, and (ii) inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint.
- Privacy protections for records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional.
- Protections for information covered by a legally recognized privilege.
- Credibility determinations that are not based upon a person's status as a complainant, respondent, or witness.
- Objective evaluation of all relevant evidence.
- No conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.
- The right to an advisor of choice, who may be, but is not required to be, an attorney.
- No Retaliation.

How long will the grievance process take?

The grievance process (up to and including an appeals determination, if applicable) will be completed in a reasonably prompt time frame. Temporary delays or limited extensions of time frames may be permitted for good cause with written notice to the complainant and respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as 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.

What is the standard of evidence for determining responsibility?

The standard of evidence to be used for determining responsibility under this grievance procedure (and for all formal complaints of sexual harassment, including formal complaints against employees and students) is the preponderance of the evidence standard.

What happens during the investigation phase of the grievance process?

Upon receipt of a formal complaint, the Title IX Coordinator (or Deputy) will provide the known parties written notice of: the grievance process, allegations of sexual harassment, and other information required by Title IX and its regulations.

The specific steps of the investigation will vary based on the nature of the allegations and other factors. However, the District's inquiry will be prompt, thorough, and impartial. The burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not the parties.

The investigation may include, but is not limited to, the following:

- Interviews of the parties and/or witnesses;
- Requests for written statements from the parties and/or witnesses; and/or
- Review and collection of relevant documentation or information.

Both parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the District does not intend to rely upon in reaching a determination of responsibility.

The investigator will create an investigative report that fairly summarizes the relevant evidence. Prior to completion of the investigative report, the District will send to each party (and their advisor(s), if any) the evidence subject to inspection and review. The parties will have 10 days to submit a written response, including written, relevant questions that the party wants asked of any other party or witness. The investigator will provide each party with the answers to those questions and will allow for additional, limited follow-up questions from each party. The investigator will consider all of this information prior to completion of the investigative report.

The District will send the final investigative report to the decision-making team and to each party (and advisor(s), if any) for their review and written response at least 10 days prior to a determination being made by the decision-making team. Written responses, if any, will be provided to the decision-making team for their consideration. The investigative report will be advisory in nature and will not bind the decision-making team to any particular decision, course of action, or remedial measure.

What happens after the investigative report has been finalized?

After receiving a copy of the investigative report and the parties' written questions and responses (if any), the decision-making team will issue a written determination regarding responsibility in accordance with Title IX and its regulations. The written determination will include, among other things, findings of fact supporting their determination, the rationale for their determination, and any disciplinary sanctions imposed on the respondent and/or remedies designed to restore or preserve equal access to the District's education program or activity for the complainant.

Can I appeal the decision-maker(s)' determination?

Any party can appeal the decision-maker(s)' determination regarding responsibility within 10 school days of its issuance. Any party may file an appeal by making a [written request](#) to the Title IX Coordinator detailing the reason for the appeal.

Parties can appeal on the following bases:

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

Parties also have the right to appeal the District's mandatory or discretionary dismissal decision.

What is the appeal process?

Upon receipt of a timely appeal, the Title IX Coordinator will notify the parties that an appeal has been filed. The Title IX Coordinator will also appoint a reviewer to consider the appeal and notify the parties of the selected reviewer.

The reviewer will notify the parties of the appeal procedures and set a schedule for the parties to submit a written statement in support of, or challenging, the decision-maker(s)' determination.

Upon reviewing both parties' statements, the reviewer will issue a reasoned written decision describing the result of the appeal and rationale for the result. The reviewer's decision will be final and binding on the parties.

What remedies and sanctions are available under this grievance procedure?

Remedies under this grievance procedure must be designed to restore or preserve equal access to the education program or activity. For students, the range of possible remedies may include but is not limited to: restorative conversations, safety escorts, or change of classes. The Title IX Coordinator and/or Deputy Title IX Coordinator is responsible for effective implementation of any remedies.

This grievance procedure may also provide for discipline or recommendations for discipline where a determination of responsibility for sexual harassment has been made against the respondent. For students, the range of possible discipline may extend from verbal counseling up to and including expulsion from all District schools for up to one school year with no instruction provided by the District. Recommendations for discipline will be pursued according to applicable District policies and procedures.

What if I change my mind and want to withdraw my formal complaint?

At any time after a formal complaint has been filed (but before a determination regarding responsibility), the Complainant may withdraw their complaint by sending a written, signed request to the Title IX Coordinator.