

## **GRIEVANCE PROCESS FOR SEX DISCRIMINATION, HARASSMENT, AND RETALIATION**

The purpose of this grievance procedure is to provide for the prompt and equitable resolution of grievances based upon complaints of sex discrimination, harassment, or retaliation, including complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. Additional information and forms are available at [centraltech.edu](http://centraltech.edu) on the About/ Consumer Information/Title IX link.

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#### **A. Definitions:**

**Complaint:** A written or verbal complaint alleging any action, policy, procedure or practice that discriminates on the basis of sex, (including harassment and retaliation).

**Complainant:** A complainant includes:

A District student or employee of who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

A person other than a District student or employee of who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in District's education program or activity; or

A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or

District's Title IX Coordinator as permitted by law.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

Any District student or employee; or

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

**District:** Central Technology Center.

**District Coordinator(s):** The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education

Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints and serves as moderator and recorder during hearings. The coordinator of each statutory scheme may be the same person or different persons, but each coordinator will receive relevant training in order to perform his/her duties. The District Coordinators may be contacted at:

- Title IX District Coordinator is LaDonna Gear, Assistant Superintendent, 918.352.2551.
- Title IX Coordinator for Drumright campus is Shane Bruce, Assistant Superintendent, 918.352.2551
- Title IX coordinator for Sapulpa campus is Kim Howard, Sapulpa Campus Director, 918.224.9300
- Section 504 coordinator for Drumright campus is Kacee Poteet, Counselor, 918.352.2551
- Section 504 coordinator for Sapulpa campus is Ronda Casey, ESC Coordinator, 918.224.9300
- ADA coordinator is LaDonna Gear, Assistant Superintendent, 918.352.2551
- Compliance coordinator is LaDonna Gear, Assistant Superintendent, 918.352.2551

Central Technology Center  
3 CT Circle  
Drumright, OK, 74030

Respondent: The person alleged to be responsible for the alleged sex discrimination or harassment contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

Day: Day means a working day when the technology center's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

Outside Assistance: Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of Education Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320 Kansas City, MO 64106  
(816) 268-0550  
(816) 268-0599 (Fax)  
(877) 521-2172 (TTY)  
E-mail: OCR.KansasCity@ed.gov

B. Procedures:

The District shall promptly investigate complaints of sex discrimination, harassment, and retaliation; take appropriate action against any student or employee who violates this policy; and take any other action reasonably calculated to end and prevent further discrimination, harassment, and retaliation against students, employees, or others. All employees shall cooperate with any investigation of alleged discrimination, harassment, and retaliation conducted under this procedure or by an appropriate state or federal agency.

Informal Pre-Filing Procedures:

Prior to the filing of a written complaint, the student, employee or other person is encouraged to visit with a Site Title IX Coordinator or the District Title IX Coordinator, as applicable, and reasonable effort should be made at this level to resolve the problem or complaint. In the event the Complainant is under the age of 18, the Title IX Coordinator will notify his/her parent(s).

Other Provisions:

District will treat complainants and respondents equitably.

District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

District has established the following timeframes for the major stages of the grievance procedures: Upon initiation of this grievance procedure, the District will notify all known parties within ten (10) calendar days; the investigation may take up to sixty (60) calendar days; the parties will be provided with a copy of a written investigative report at least ten (10) days prior to a determination of responsibility; the parties will have at least ten (10) calendar days to respond to the investigator's report.

Any deadline established in this policy may be extended for good cause, in the sole discretion of the appropriate District official. Reasonable written notice of any extension will be provided to the parties.

District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility

determinations will not be based on a person's status as a complainant, respondent, or witness.

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

Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### Notice of Allegations:

Upon initiation of this Title IX grievance procedures, District will notify the parties of the following:

District's Title IX grievance procedures and any informal resolution process;

Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);

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

#### Dismissal of a Complaint:

District may dismiss a complaint of sex discrimination if:

District is unable to identify the respondent after taking reasonable steps to do so;

The respondent is not participating in District's education program or activity and is not employed by District;

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

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

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

Procedural irregularity that would change the outcome;

New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

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

If the dismissal is appealed, District will:

Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

Implement appeal procedures equally for the parties;

Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;

Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;

Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

Notify the parties of the result of the appeal and the rationale for the result.

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

Offer supportive measures to the complainant as appropriate;

If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within District's education program or activity.

Investigation:

District will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If District provides a description of the evidence: District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.;

District will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and

District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Process for Filing a Complaint and Investigation Timeline:

Any student, employee or other person as set forth in this policy who believes he or she subjected to sex discrimination under Title IX who desires to proceed with a complaint, shall, within twenty (20) days of an alleged violation, submit a written complaint to the District Title IX Coordinator or Site Title IX Coordinator.

In addition to taking action with respect to a written complaint, a Title IX Coordinator may investigate allegations of discrimination without a written complaint according to the procedures set forth in this Policy whenever a Title IX Coordinator deems such action to be appropriate.

The complaint shall state the Claimant's name, the nature of the alleged violation, the date of the alleged violation, the names of persons responsible, any witnesses to the alleged action, and the requested action or relief sought.

Upon the receipt of the complaint, the District Title IX Coordinator or Site Title IX shall authorize or undertake an investigation. In the event the Claimant is under the age of 18, the Coordinator will notify the parent(s) of the student.

The District Title IX Coordinator or Site Title IX Coordinator may determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the claimant from the person who allegedly harassed or discriminated against the claimant, suspending the implementation of a policy, practice, or procedure and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified.

Within ten (10) business days of receiving the Complaint, the the District Title IX Coordinator or Site Title IX Coordinator, shall notify the Respondent of the Complaint in writing.

Within ten (10) business days of notification, the Respondent shall submit to the applicable District Title IX Coordinator or Site Title IX Coordinator, a written answer which shall confirm or deny the facts upon which the allegation is based, indicate acceptance or rejection of the Claimant's requested action, and/or outline alternatives. The Respondent may also identify witnesses who should be contacted to provide input during the investigation.

Within ten (10) business days of receiving the Respondent's answer, the applicable District Title IX Coordinator or Site Title IX Coordinator shall initiate an appropriate investigation which may include, but is not limited to, interviewing both the Claimant and the Respondent and any witnesses identified by either party, identifying any documents or tangible evidence in support of or opposition to the complaint, and conducting any further investigation deemed appropriate by the District Title IX Coordinator or Site Title IX Coordinator. The investigation should be concluded within thirty (30) days but the District Title IX Coordinator or Site Title IX Coordinator may extend the period of time for an investigation by notifying the Claimant and the Respondent.

Within ten (10) business days after completion of the investigation, the applicable Coordinator shall render a written decision as to the complaint and shall provide a copy of the written decision to the Claimant and the Respondent. The written decision shall be a summary report containing a synopsis of the evidence, findings of facts, determination of policy violation, and resolution. Additionally, if the applicable Coordinator determines that the allegations of the complaint are in violation of the policy, prompt and appropriate action shall be taken to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or termination.

Appeals must be submitted in writing to the Superintendent within ten (10) business days of receiving the decision from the applicable Coordinator. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s): 1. The decision-making process was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted. 2. The evidence presented in the investigation was not "sufficient" to justify a decision against the student or group. 3. New evidence which could have substantially affected the decision has been discovered since the decision. The evidence must not have been available at the time of the original decision. Failure to present information that was available is not grounds for an appeal. 4. The sanction is not appropriate for the violation.

This provision is intended to be utilized when a determined sanction is inherently inconsistent with district procedures or precedent. Dissatisfaction with a sanction alone is not grounds for overturning a sanction under this provision.

The Superintendent will review the record of the original decision, including documentary evidence. It is the Superintendent's discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original decision-maker for review/or reconsideration. If there is new evidence (unavailable at the time of the decision through no fault of the parties) which is believed to substantially affect the outcome, or that the evidence presented was "insufficient" to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded for reconsideration of the entire matter or specific issue.

The final decision will be communicated in writing by the Superintendent to both parties. The decision will be communicated within ten (10) business days of receiving notice of an appeal.

The decision of the Superintendent on appeal shall be final.

#### Questioning the Parties and Witnesses:

District will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Any party or witness will be given reasonable notice of the time, date, and location of an interview. Any party or witness may be questioned about any matter determined by the decisionmaker to be relevant to the assessment of the party's or witness's credibility, if credibility is both in dispute and relevant to evaluating an allegation of sex discrimination.

#### Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence,

District will:

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

Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;

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.



If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

Coordinate the provision and implementation of remedies to a complainant and other people District identifies as having had equal access to District's education program or activity limited or denied by sex discrimination;

Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within District's education program or activity.

Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and

Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations: A determination may be appealed as set forth in Paragraph 6 above.

Informal Resolution:

In lieu of resolving a complaint through District's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Supportive Measures:

District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to District's education program or activity or provide support during District's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school escort services, mutual restrictions on contact between the parties, changes in class locations, leaves of absence, increased security and monitoring of certain areas of the school, and other similar measures. 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 restore or preserve a party's access to the education activity or program, or as allowed by law.

Supportive measures may include removing a respondent from District's education program or activity on an emergency basis, as permitted by law.

Confidentiality of Records:

All records, complaints, notes, documents, and statements made during or relating to allegations of discrimination shall be maintained on a confidential basis by the District Title IX Coordinator or Site Title IX Coordinator, and no information concerning any complaint shall be documented in an employee's personnel file. However, in the event official proceedings relating to such allegations are initiated by a party or the District, such records may become public as provided by law. Information pertaining to complaints shall be maintained for seven (7) years after resolution of the Complaint.

Disciplinary Sanction and Remedies:

Following a determination that sex-based harassment occurred, District may impose disciplinary sanctions as provided in Board policy.