

## SEXUAL HARASSMENT OF STUDENTS

The policy of this school district forbids discrimination against, or harassment of any student on the basis of sex. The Turkey Ford Board of Education will not tolerate sexual harassment by any of its employees or students. This policy applies to all students and employees including non-employee volunteers whose work is subject to the control of school personnel. Policy DA applies to sexual harassment of employees.

1. Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:
  - a. An employee of the school district conditioning the provision of an aid, benefit, or service of the school district on a student's participation in unwelcome sexual conduct. This is referred to as quid pro quo sexual harassment;
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student equal access to the school district's educational program or activity; or
  - c. Sexual assault, dating violence, domestic violence or stalking as defined by federal law.

For the purpose of this policy, examples of sexual harassment include, but are not limited to:

Verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.

Demeaning comments about a girl's ability to excel in a class historically considered a "boy's" subject, privately talking to a student about sexual matters, hugging or touching a student inappropriately may constitute sexual harassment.

Writing graffiti that names a student or otherwise identifies a student is potentially slanderous and constitutes sexual harassment. Graffiti of any kind will not be tolerated on school property. The superintendent is directed to cause any graffiti or unauthorized writings to be removed immediately. Use of e-mail, the internet, or technology may constitute sexual harassment as much as use of in-person, postal mail, handwritten or other communication.

Any of the aforementioned conduct that effectively deprives a student of equal access to educational opportunities or benefits provided by the school.

### 2. Specific Prohibitions

#### A. Administrators and Supervisors

1. It is sexual harassment for an administrator, supervisor, support employee, or teacher to use his or her authority to solicit sexual favors or attention from students.
2. Administrators, supervisors, support personnel, or teachers who either engage in sexual harassment of students or tolerate such conduct by other employees shall be subject to sanctions, as described below.

**SEXUAL HARASSMENT OF STUDENTS (Cont.)**

3. ~~The school district is not concerned with~~ The "off-duty" conduct of school personnel that unless the conduct has or will have a negative impact on the educational process of the school or constitutes an illegal or inappropriate relationship with a student may subject the employee to disciplinary action which could include termination of employment. Any romantic or sexual affiliation between school personnel and students, including students who have reached the age of majority (18), during school hours will have a negative impact on the educational process and shall constitute a violation of school policy. Such violations may result in suspension of the student and suspension or termination for the employee. Any sexual affiliation between teachers and students under the age of 20 constitutes a crime under Oklahoma law and will most likely result in the suspension of certification by the State of Oklahoma.
3. Notice of this policy and grievance procedure, including how to file or report sexual harassment and how the district will respond shall be provided to applicants for admission and employment, students, parents or legal guardians, and unions or professional organizations holding agreements with the school district.
4. Reporting Allegations of Sexual Harassment, Investigation, and Sanctions
  - A. It is the express policy of the board of education to encourage student victims of sexual harassment to come forward with such claims. ~~This may be done through the Sexual Discrimination Grievance policy. The Office of Civil Rights relies on school administrators' judgment and common sense in meeting the requirements of the federal law.~~
    1. Students who feel that administrators, supervisors, support personnel, teachers, or other students are subjecting them to sexual harassment are encouraged to report these conditions, or have their parents report these conditions, to the appropriate administrator or teacher. If the student's immediate administrator or teacher is the alleged offending person, the report will be made to the next higher level of administration or supervision or to any responsible adult person. The employee to whom the report was made will provide notice of the report to the Title IX coordinator. The Title IX coordinator may then sign the complaint and/or should then provide the appropriate paperwork to the student or parent/guardian so that the student (complainant) may file a formal complaint with the Title IX coordinator by mail, e-mail or as directed by the Title IX coordinator.
    2. Every attempt will be made to maintain confidentiality; however, absolute confidentiality cannot be guaranteed because of due process concerns that arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
  - B. Upon notice from an employee that a student or parent/guardian has reported possible sexual harassment, the Title IX coordinator will promptly contact the student (alleged victim) to discuss the availability of supportive measures, consider the student's wishes with regard to supportive measures, and explain the process that will be involved with a formal complaint. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.

**SEXUAL HARASSMENT OF STUDENTS (Cont.)****5. Grievance Procedure.**

- A. Equitable Treatment. Both the alleged victim (complainant) and the alleged respondent (respondent) will be treated equitably by the school district.
- B. Objective Evaluation of Evidence. All evidence both inculpatory and exculpatory will be evaluated objectively. Credibility determinations will not be made based upon the party's status as complainant, respondent, or witness.
- C. Conflict of Interest. Any person serving as the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate the process shall not have a conflict of interest against complainants and respondents generally or against the particular complainant and respondent.
- D. Presumption. There will be a presumption that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.
- E. Timeliness. The grievance process will proceed in a timely manner. Any delay in the process for good cause such as law enforcement involvement, absence of a party, witness or advisor, translation, or accommodation needs will be documented, and written notice provided to both parties explaining the reason for the delay.
- F. Possible outcomes. A description or listing of possible disciplinary outcomes and remedies that may be implemented following a determination of responsibility must be provided to both parties.
- G. Standard of Review. The school district will utilize (a preponderance of the evidence standard) or (a clear and convincing evidence standard) to determine responsibility. \*\*\* The standard selected by the school district will need to be the same standard that is applied to all formal complaints including those against employees.
- H. Privileged Information. The school district will not require, allow or use evidence or questions that constitute or seek legally privileged information, unless the privilege is waived.

**6. Written Notice.** Upon receipt of a formal complaint, the school district will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. The written notice must include:

- A. Notice of the grievance process, including any informal resolution process;
- B. Notice of the allegations, including sufficient details to allow the respondent to prepare a response;
- C. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- D. Notice of the parties' right to have an advisor and to inspect and review evidence. The advisor may but is not required to be an attorney.

**SEXUAL HARASSMENT OF STUDENTS (Cont.)**

- E. Notice of any provision in the student discipline code that prohibits knowingly making false statements or providing false information in the grievance process.

If in the course of an investigation, the school district obtains additional information about the respondent or complainant that was not included in the original written notice, notice of the additional allegations must be provided in writing to both parties.

7. Investigation of the Allegations. The school district will designate an investigator to conduct a thorough investigation of allegations. Contact information for the investigator will be provided to both the complainant and the respondent.

- A. The burden of proof and of gathering evidence remains on the school district.
- B. An equal opportunity will be provided to both parties to present witnesses and evidence during the investigation.
- C. Neither the complainant or respondent will be prohibited from discussing the allegations or gathering and presenting evidence to the investigator.
- D. Both parties will have the opportunity to have others present during interviews or related proceedings. This may include an advisor who may but is not required to be an attorney.
- E. Written notice of the date, time, participants, purpose and location of any investigate interview, hearing, or other meeting shall be provided to the party who is invited or expected to attend.
- F. Both parties and their advisors, if any, will be provided an opportunity to review all evidence that is directly related to the allegations in the formal complaint. This would include any evidence on which the school district does not intend to rely and any exculpatory or inculpatory evidence from any source. Such evidence must be provided prior to the completion of the final investigation report and in time to give the parties at least ten (10) days to prepare a written response, which the investigator must consider prior to completing the investigation report.
- G. A written investigation report will be provided that summarizes the relevant evidence. This report will be provided to the parties and their advisors, if any, for their review and written response at least ten (10) days before a hearing or determination of responsibility.

8. Hearing. The Title IX coordinator will determine whether a live hearing is necessary on a case-by-case basis if both parties request or consent to such a hearing (the live hearing component is optional for K-12 schools). Regardless of whether a live hearing is held, or a written hearing is conducted, each party will have ten (10) days from the receipt of the investigation report to submit written, relevant questions that the party wants asked of another party or witness. Both parties will be provided with the answers and follow up questions. Federal law determines when questions regarding a complainant's prior sexual behavior or sexual predisposition are considered relevant in a hearing provided by a school district.

**SEXUAL HARASSMENT OF STUDENTS (Cont.)**

9. Determination of Responsibility. A decisionmaker, who is not the Title IX coordinator or the investigator, will apply (a preponderance of the evidence standard) or (a clear and convincing evidence standard) to determine responsibility, and will issue a written determination of responsibility that:

- A. Identifies the allegations that potentially constitute sexual harassment;
- B. Describes the school district's procedural steps taken from the receipt of the complaint to the determination;
- C. Includes findings of fact to support the determination;
- D. Includes conclusions regarding applicants of the discipline code to the facts;
- E. Includes a statement of, and rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the school's educational programs or activities will be provided to the complainant; and
- F. The procedures and permissible basis for appeals.

10. Appeals. Within ten (10) days of a determination of responsibility, dismissal of a complaint or any allegations therein either party may appeal for one of the following reasons:

- A. A procedural error affected the outcome.
- B. New evidence that was not reasonably available at the time of the determination and could affect the outcome;
- C. Conflicts of interest on the part of the Title IX coordinator, investigator or decision maker that affected the outcome.

If an appeal is made, the school district will provide written notice to both parties of the appeal. Both parties will be provided an equal opportunity to submit a written statement in support of or challenging the determination within ten (10) days of the written notice to both parties of the appeal being filed. The appeal will be heard by an appeal decision maker who is not the Title IX coordinator, the investigator or the original decisionmaker. The appeal decisionmaker cannot have a conflict of interest or bias against complainants and respondents generally or the particular complainant and respondent. The appeal decisionmaker will receive training as mandated by law. The decision of the appeal decisionmaker will be final and nonappealable. The written decision of the appeal decisionmaker will be provided within ten (10) days of the deadline for written statements supporting or challenging the initial determination. The written decision will be provided simultaneously to both parties.

10. Recordkeeping. The school district will keep records related to reports of alleged sexual harassment for a minimum of seven (7) years. Records maintained will include investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken including supportive measures. Records will document in each instance that the school district's response was not indifferent and that measures were taken to restore or preserve equal access to educational programs or activities. If the school does not offer supportive measures in response to a report, the records should document why the response was not clearly unreasonable under the known circumstance.

**SEXUAL HARASSMENT OF STUDENTS (Cont.)**

The district will also post the training materials used to train Title IX coordinators, investigators, and decisionmakers on the district website at: \_\_\_\_\_ . These materials will also be available to the public.

11. Retaliation. The board of education prohibits retaliation by the school district or any employees of the school district against any person for the purpose of interfering with Title IX rights or because the person has participated or refused to participate in any manner in a proceeding under Title IX regulations. Complaints of retaliation will be addressed under the district's grievance process.

Charging a person with a discipline violation or code of conduct violation based on a person's knowingly making a materially false statement in bad faith in an investigation is not retaliation.

- ~~\_\_\_\_\_ C. Any employee found to have engaged in sexual harassment of students shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.~~
- ~~\_\_\_\_\_ D. Any student found to have engaged in sexual harassment of other students shall be subject to sanctions, including, but not limited to warning, suspension or other appropriate punishment subject to applicable procedural and due process requirements.~~
- ~~\_\_\_\_\_ E. A copy of this Sexual Harassment policy will be provided to students and parents each year.~~
- ~~\_\_\_\_\_ F. Special effort will be made to apprise district administrators, teachers, and counselors of their obligation to receive student complaints of sexual harassment, document such complaints, and forward them to the grievance committee.~~

**REFERENCE: Title VII of the Civil Rights Act of 1964  
42 U.S.C. §2000e-2  
29 C.F.R. §1604.1, et seq.  
U.S. Department of Education of Education, OCR, Title IX Regulations Addressing Sexual Harassment.**

**NONDISCRIMINATION**

The Turkey Ford Board of Education is committed to a policy of nondiscrimination in relation to race, color, religion, sex, age, national origin, alienage, handicap, or veteran status. This policy will prevail in all matters concerning staff, events, students, the public, employment, admissions, financial aid, educational programs and services, facilities access, and individuals, companies, and firms with whom the board does business. Racial discrimination shall include racial slurs or other demeaning remarks concerning another person's race, ancestry, or country of origin and directed toward an employee, a student or a visitor.

The board directs the superintendent of schools to prepare necessary rules, regulations, and procedures to insure that all local, state, and federal laws, regulations, and guidelines are followed.

The following statement will be included in all course announcements, bulletins disseminated to all students, materials used for recruiting or describing programs and training, application or enrollment forms, brochures, and catalogs:

"The Turkey Ford Board of Education does not discriminate on the basis of disability, race, color, religion, national origin, sex, age, or veteran status."

When an open forum is created whereby non-curricular groups are allowed to meet on school premises Boy Scouts and other designated youth groups will have equal access.

Inquiries concerning application of this policy may be referred to the Superintendent who is the Title IX/504/ADA Compliance Coordinator.

Turkey Ford School  
District

23900 S. 670 Rd.  
Street Address

(918) 786-4902  
Telephone

Wyandotte, OK 74370  
City, State, Zip

**REFERENCE:** Oklahoma Constitution, Article 1, Section 6  
 Title 6, Title 7, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972  
 Executive Order 11246, as amended by Executive Order 11375  
 Equal Pay Act, as amended by the Education Amendments of 1972  
 Rehabilitation Act of 1973, §504  
 Education for All Handicapped Children Act 1975  
 Immigration Reform and Control Act of 1986  
 Americans With Disabilities Act of 1990, 42 U.S.C. §12101  
 Individuals With Disabilities Education Act, 20 USC §1400, et seq.

**Equal Opportunity Employer** – Turkey Ford is an equal opportunity employer, and is committed to the concept of equal educational opportunity for all students.

**Public Law 94-142** – The Turkey Ford School District provides a free and appropriate public education to all students with diagnosed educational disabilities. The appropriate special education and related services are provided locally or through contractual arrangements for students who have been evaluated and identified in accordance with Public Law 94-142.

**Family Education Rights and Privacy Act of 1974** – grants parents or guardians the following rights:

1. To review official school records and data directly related to a student within a 45 day period after written request is made, and review the content of the records and question inaccurate, misleading or otherwise inappropriate data.
2. To give or withhold consent before personally identifiable records are released to certain persons or agencies.
3. To be notified when records directly relating to the child are subpoenaed by a court of law.
4. To withhold the following information from being released as public information: Student name, address, date and place of birth, participation in officially recognized activities and awards received.
5. To communicate with the United States Department of Human Services if a parent or guardian believes their rights have been violated.

#### **Notice of Non- Discrimination**

Turkey Ford School does not discriminate on the basis of race, color, national origin, sex disability, age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Turkey Ford Elementary does not tolerate discrimination or harassment of any kind, including antisemitism. We are committed to providing a safe, respectful, and inclusive environment for all students, staff and community members.

The following person has been designated to handle inquires regarding the non-discrimination policies:

Julia Howard/Superintendent  
23900 S. 670 Rd.  
Wyandotte, Ok.74370  
918-786-4902

- **Receive notice and an opportunity to opt a student out of-**
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except or hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- **Inspect, upon request and before administration or use-**
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students<sup>7</sup> for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

The School District will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The School District will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. The School District will also directly notify parents and eligible students annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in;

- Collection disclosure or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

**Parent/eligible students who believe their rights have been violated may file a complaint with:**

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

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23900 S. 670 Rd., Wyandotte, OK 74370  
(918) 786-4902

**DISCRIMINATION COMPLAINT FORM**

TO: Title IX/504/ADA Coordinator - High School Principal  
Alternate Coordinator - Middle School Principal

FROM: Name of Grievant \_\_\_\_\_  
Address/Telephone # \_\_\_\_\_

DATE OF ALLEGED VIOLATION: \_\_\_\_\_

NATURE OF ALLEGED VIOLATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAMES OF PERSONS RESPONSIBLE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REQUESTED ACTION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Complaint Filed With Coordinator: \_\_\_\_\_

Please use reverse of this form or attach additional sheets if necessary.

(Complaint must be submitted within 30 days of alleged violation.)

<b>TURKEY FORD SCHOOL</b>		<b>DAAC</b>
<i>Adoption Date: 9/17/2019</i>		
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## FEDERAL PROGRAMS COMPLAINT RESOLUTION

Any parent, individual, or organization with a complaint that the district is violating a federal statute or regulation with regard to a federal program at Turkey Ford Public Schools may make the complaint known to the superintendent of schools in written form by filling out part I of the form, "Investigation Report on the Administration of Federal Program Activities." Within 30 days of receipt of the complaint, Turkey Ford Public Schools will conduct an investigation of the allegations. The investigation shall include opportunities for the complainant or the complainant's representative to present evidence and question witnesses. Subsequent to the investigation, a report of findings will be filed with the State Department of Education and the complainant.

If the complaint has not been resolved to the satisfaction of the complainant, a hearing shall be conducted by the Board of Education within 30 days of receipt of written request for such a hearing. The hearing shall include opportunities for the complainant or complainant's representative to present evidence and question witnesses.

The complainant has the right to appeal the decision of the Turkey Ford Public Schools to the State Department of Education, Compensatory Education Section, Oklahoma City, Oklahoma 73105.

A complaint made directly to the State Department of Education (SDE) without previously being filed with this school district will be reviewed by the SDE to determine if an investigation is warranted by the SDE because of the seriousness of the complaint or if the complaint shall be returned to the complainant to be filed with this school district. Complaints forwarded to this district shall be investigated within 30 days of receipt of the complaint by this district.

**Legal reference: 34 C.F.R. § 299.10**