

**NONDISCRIMINATION**

There will be no discrimination in the district because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information in its programs, services, activities and employment. The district also provides equal access to the Boy Scouts of America and other designated youth groups. The following people have been designated to handle inquiries regarding the district's non-discrimination policies:

Section 504/Title II of the Americans with Disabilities Act Coordinator (disability)

Brian Hummingbird, High School Principal  
Jeramy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Title VI of the Civil Rights Act Coordinator (race, color and national origin)

Brian Hummingbird, High School Principal  
Jeramy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Title IX Coordinator (sex, pregnancy, gender, gender expression or identity)

Brian Hummingbird, High School Principal  
Jeramy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Age Act Coordinator (age)

Brian Hummingbird, High School Principal  
Jeramy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools

1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Any individual who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Brian Hummingbird, High School Principal  
Jeramy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Outside Assistance may be obtained from:

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](mailto:OCR.KansasCity@ed.gov)

**GRIEVANCE PROCEDURE FOR  
FILING, PROCESSING AND RESOLVING COMPLAINTS ALLEGING  
DISCRIMINATION, HARASSMENT, AND RETALIATION**

Definitions

**Complaint:** A written or verbal complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

**Grievant:** Any person enrolled in or employed by the district or a parent, guardian, or member of the public who submits a complaint alleging discrimination based on race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a student's complaint would be.

**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.

**Section 504/Title II Coordinators (for questions or complaints based on disability)**

Brian Hummingbird, High School Principal  
Jeremy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

**Title VI Coordinators (for questions or complaints based on race, color and national origin)**

Brian Hummingbird, High School Principal  
Jeremy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal

Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Title IX Coordinators (for questions or complaints based on sex, pregnancy, gender, gender expression or identity)

Brian Hummingbird, High School Principal  
Jeremy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Age Act Coordinators (for questions or complaints based on age)

Brian Hummingbird, High School Principal  
Jeremy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

Any individual who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Brian Hummingbird, High School Principal  
Jeremy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
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**Respondent:** The person alleged to be responsible for the alleged discrimination 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 district's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

### **Pre-Filing Procedures**

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the building principal or the District's Title IX, ADA, Title VI and VII or 504 Coordinator, as applicable, and reasonable effort should be made at this level to resolve the problem or complaint.

## Informal Resolutions

If the District Coordinator believes informal resolution is appropriate for a disclosed problem or a filed complaint, he or she will notify the complaining party of the availability of informal resolution. Participation in informal resolution is not required by the District and informal resolution will not require that the allegation be resolved directly with an alleged harasser without the District Coordinator. Informal resolution will not be permitted in instances where there is an alleged instanced of sexual assault. If both the complaining party and the alleged harasser voluntarily agree to informal resolution after allegations are fully disclosed and both parties are informed of their right to proceed with a grievance, the district may initiate informal proceedings to resolve the problem or compliant. Either party may terminate informal proceedings at any time in favor of proceeding with a grievance. All timeframes under the grievance procedure will toll while the problem or complaint is pending informal resolution.

## Filing, Investigation, Hearing and Review Procedures

The Grievant submits a written or verbal complaint to the Coordinator, as applicable, stating the basis, nature and date of the alleged discrimination, harassment or retaliation, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment. Complaint forms are available from the offices of the district's Coordinators.

The Coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the Grievant and any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

The Coordinator will not delay the investigation of the discrimination complaint, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the Coordinator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the district's grievance policy.

As to complaints of discrimination by students, parents or guardians and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If a Grievant wishes to remain anonymous, the Coordinator will advise him or her that such confidentiality may limit the district's ability to fully respond to the complaint. If a Grievant asks to remain anonymous, the Coordinator will still proceed with the investigation.

To minimize risks to the integrity of the investigation, the District prohibits individuals—including witnesses and/or parents or guardians—from posting, sharing or publicizing information regarding the investigation or the underlying events. This prohibition expressly includes releasing information via social media. Provided, however, neither the district nor the Coordinator will restrict the ability of either the Grievant or Respondent to discuss the

investigation with legal representation, law enforcement, and/or, if Grievant or Respondent is a student, his or her parents or guardians.

Within 5 days after completing the investigation, the applicable coordinator will issue a written decision to the Grievant and Respondent. The report will include (a) a summary of facts, (b) an analysis of the appropriate legal standards applied to the facts, and (c) findings regarding whether the alleged discrimination occurred. If a finding is made that discrimination occurred, the Coordinator's report shall also contain (a) recommended interim and permanent steps, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the grievant and other, necessary to eliminate the discrimination, prevent its reoccurrence, and remedy its effects, as well as (b) the resources, including medical and counseling resources, that are available to students and witnesses. The decision will be based on a preponderance of evidence standard (i.e., it is more likely than not that the alleged discrimination occurred).

If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within 5 days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within 5 days after receiving the appeal request, the applicable Coordinator will refer the matter to the superintendent for a hearing. The Grievant and Respondent will be afforded similar rights (i.e., timely access to information that will be used at the hearing, opportunity to present his or her side of the story, presentation of character witnesses, review of party statements). If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent and the superintendent. Advanced written notice of the hearing will be provided to both the Grievant and Respondent so as to provide each reasonable time to prepare for such hearing. The hearing will be conducted within 10 days after the Coordinator refers the matter to the superintendent for hearing.

The superintendent will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented. In circumstances involving allegations of sexual harassment, the Coordinator may determine that it is appropriate and reasonable to separate the individual who is allegedly being sexually harassed from the alleged harasser in the hearing.

Within 5 days after completing the investigation the superintendent will issue a written decision to the Grievant and Respondent.

If the Grievant or Respondent is not happy with the decision, he or she must notify the superintendent, in writing, within 5 days, and request an appeal to the board of education. The written appeal shall contain a specific statement explaining the basis of the appeal.

The superintendent will notify the board of education, in writing, within 5 days after receiving the appeal. The clerk will place the appeal on a board agenda within 30 days from the date of notification to the board of education.

The board will act as an appellate body by reviewing the decisions and the oral and written evidence presented below and making a decision. At the board meeting, the board may

ask for oral or written evidence from the parties and any other individual it deems relevant. The clerk will make arrangements to audiotape any oral evidence presented. Within 5 days of the meeting, the board will issue a final decision in writing to all parties involved.

### General Provisions

Duty of District Employees to Report Alleged Discrimination: District employees, supervisors and administrators are required to immediately report any complaints, reports, observations, or other alleged information of alleged discrimination, including harassment and retaliation, to the designated coordinator, even if that district employee is investigating the alleged discrimination as part of the district's student or employee disciplinary process, and provide the Complainant with information for filing a complaint form if requested, and contact information for the district's designated coordinator. If the district is using its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the district's standards for a prompt and equitable grievance procedure.

Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than 120 days.

Access to Regulations: Upon request, the Coordinator shall provide copies of any regulations prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

Representation: The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

Corrective Action: After all facts and circumstances are reviewed, the district shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a student, and education, training, counseling, transfer, suspension and/or termination of an employee.

Retaliation: The district prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the district's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The district will take steps to prevent the alleged perpetrator or anyone else at the district from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the district will take strong responsive action.

**Basis of Decision:** At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

**Section 504 Due Process Procedures:** For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact:

Brian Hummingbird, High School Principal  
Jeramy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

**Notice:** The district will notify all students, parents or guardians, members of the public and employees of the name, office and telephone number of each Coordinator and this Grievance Procedure in writing via school publications and/or postings at each school site to which employees or students are assigned.

**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](mailto:OCR.KansasCity@ed.gov)

**DISCRIMINATION GRIEVANCE COMPLAINT FORM**

Name and Address of Charging Party (Grievant):

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Date: \_\_\_\_\_

Phone numbers where Grievant may be reached:

Home: \_\_\_\_\_ Office: \_\_\_\_\_

Cell: \_\_\_\_\_ Other: \_\_\_\_\_

Statement of grievance (please provide as detailed a statement as is possible and attach supplemental pages so that we may have a complete understanding of your concerns):

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Please identify any documents or other materials which support your grievance. If documents or materials are in your possession, please attach copies to this grievance. If documents are not in your possession, please indicate where they are located.

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Please identify what action or relief you are seeking as a result of this grievance.

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\_\_\_\_\_  
Signature of Grievant

If, as a result of a disability, you need assistance in completing this form, please contact the district's ADA Coordinator, or superintendent, for assistance or accommodation.

## **DISCRIMINATION, HARASSMENT, AND RETALIATION**

The school district is committed to providing all students and employees with a safe and respectful school environment. Both state and federal law specifically prohibit harassment of or by employees and students in connection with the district.

The district prohibits discrimination, harassment or retaliation based on real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. This prohibition applies to students, employees and board members in any aspect of the district's programs, including during school hours, extracurricular activities, school sponsored events, or outside of school hours if the conduct affects the education or working environment.

In accordance with OKLA. STAT. tit. 70 § 24-163, the district uses the International Holocaust Remembrance Alliance's Working Definition of Antisemitism, as adopted May 26, 2016, to evaluate harassment and discrimination against Jews.

### Definitions

**"Employee"** for purposes of this policy, includes all district employees, board members and volunteers.

**"Student"** refers to any person who is enrolled in any district school or program.

**"Discrimination"** means unfair treatment which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of discrimination include, but are not limited to: Refusing to consider a person for a position or declining to enroll a student in a program based on legally discriminatory factors. Harassment can be a specific form of legally prohibited discrimination.

**"Harassment"** means repetitive, unwelcome conduct which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of harassment include, but are not limited to: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse; intimidation (physical, verbal or psychological); impeding or blocking a person's movement; unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities. Demeaning comments

about a student's ability to excel in a class historically considered a "boy's" or a "girl's" subject may also constitute harassment.

**"Sexual harassment"** is a type of harassment which includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which:

- is made an explicit or implicit term or condition of an employee's employment or a student's ability to obtain an education; or
- is used as a basis for decisions impacting either an employee's employment or a student's education; or
- has the purpose or effect of unreasonably or substantially interfering with an employee's work performance or a student's educational performance, or creating an intimidating, hostile, or offensive environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between minor students and employees will always be considered unwelcome. Sexual harassment also includes conduct such as rape, sexual assault, stalking, and any other form of sexual violence.

Sexual harassment may occur between persons of the same gender or sex.

Nothing in this policy precludes legitimate, nonsexual physical contact to avoid physical harm to persons or property.

**"Retaliation"** is any negative conduct which is taken in response to an individual's complaint of harassment or discrimination, or participation in any investigation of a harassment or discrimination complaint.

### Reporting

Students who have been harassed or discriminated against, or who witness such conduct, are encouraged to report the offensive conduct to any teacher, counselor, administrator, or board member.

Employees who witness, suspect or receive a report of harassment or discrimination must immediately report the incident to the superintendent or a board member – even if that report must be made after hours to the superintendent or board members home or cell phone.

Any employee who receives a harassment, discrimination or retaliation report will immediately refer the matter to the superintendent or the Title IX coordinator, unless the superintendent or Title IX coordinator is the alleged malfeasant. In such circumstances, the complaint will be referred to the board president or the district's legal counsel. To ensure impartiality, no person who is the subject of a complaint shall conduct any investigation into the improper conduct.

If possible, reports should be made in person and/or in writing, and be signed by the reporting party. However, in order to encourage full, complete and immediate reporting, any person may report such incidents anonymously in writing by mailing the report to the personal attention of either the superintendent or a board member. All reports should state:

- the name of the alleged harasser;
- the person(s) being harassed;
- the nature, context and extent of the prohibited activity;
- the dates of the prohibited activity, and;
- any other information necessary to a full report and investigation of the matter.

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act. Individuals may simultaneously report an allegation of this type of misconduct to school officials and to the United States Equal Employment Opportunity Commission, the Oklahoma Human Rights Commission, or local law enforcement.

In compliance with OKLA. STAT. tit. 70 § 24-163(D)(1), the district shall electronically report all incidents and complaints of antisemitic discrimination and harassment to the Oklahoma Department of Education's Title VI Coordinator.

#### Administrative Response

The district will promptly, thoroughly and impartially investigate all reports of harassment and discrimination. This process will, at a minimum, include:

- A statement from the individual who was allegedly harassed;
- Appropriate and reasonable steps to separate and protect both the alleged victim and alleged harasser pending conclusion of the investigation and necessary remedial action;
- Reasonable updates to the alleged victim of the investigation's progress, subject to federal and state laws and regulations;
- Interviews with the alleged harasser, alleged victim and witnesses; and
- Review of relevant documents, including district files and records.

The district will review all relevant facts and take into account the totality of the circumstances - including the nature, extent, context and gravity of the activities. At the conclusion of this process, the superintendent, in conjunction with the Title IX coordinator, will issue findings based on the preponderance of the evidence and take appropriate measures, including but not limited to: education, information on available outside resources, training and counseling, transfer, suspension, and any other appropriate remedy under the circumstances. Employees may also be terminated for engaging in harassment, discrimination or retaliation.

Confidentiality shall be maintained during and after the investigation to the extent reasonably possible. However, public disclosure of personal or confidential employee

information may be made during the course of any suspension, dismissal, non-renewal hearing or resulting litigation.

### Penalties

Penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Any employee or student engaging in harassment, discrimination or retaliation will be subject to any and all disciplinary action allowed by school policy and Oklahoma law.

Reference: OKLA. STAT. tit. 70, § 24-162 (2025); OKLA. STAT. tit. 70, § 24-163 (2025).

## **DISABILITY ACCOMMODATIONS**

It is the policy of the board of education to take reasonable steps to accommodate our patrons and students with disabilities.

Employment opportunities will not be withheld from any qualified person solely because of a known disability. The school district will make reasonable accommodations to the known physical or mental limitations of a qualified person, unless it can be shown that the accommodation would impose an undue hardship on the operation of this school district.

For the purposes of this policy, the term "reasonable accommodation" may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, re-assignment to a vacant position, acquisition or modification of equipment, modifications or examinations and training, the provision of qualified readers and other similar and reasonable accommodation.

### Plan for Assessing Undue Hardship

The district is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. Undue hardship is defined by the Americans with Disabilities Act ("ADA") as an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

The district will evaluate and determine whether a particular accommodation will impose an undue hardship on a case-by-case basis. The factors to be considered are as follows:

1. The nature and cost of the accommodation needed.
2. The financial resources of the facility making the accommodation, the number of employees at the facility, and the effect on expenses and resources of the facility.
3. The overall financial resources, size, number of employees, and type and location of facilities of the entity covered by the ADA.
4. The operation of the district including the structure and functions of the work force, geographic separateness, and administrative or fiscal relationship of the facility involved in making the accommodation to the larger entity.
5. The impact of the accommodation on the operation of the facility that is making the accommodation.

Each of the related factors will be considered in determining whether an accommodation will pose an undue hardship. The ADA compliance officer will investigate the

accommodations under consideration and will issue a report examining the accommodations in view of the factors listed.

## **SERVICE ANIMALS**

### Purpose

The purpose of this policy is to establish procedures for the use of service animals in the district, including school buildings, school vehicles and other school property.

### Policy

The district acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal in its facilities and programs and intends to comply with all state and federal laws, rules and regulations regarding the use of service animals by district employees, students and visitors with disabilities.

The district does **not** allow the following types of animals in its facilities and programs unless specifically authorized by the district's board of education:

1. "Emotional support animal" meaning an animal selected to reside with an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability; and
2. "Therapy animal" meaning a personal pet who is certified to make therapeutic visits with a trained volunteer to places including, but not limited to, nursing facilities, schools and hospitals to bring therapeutic benefit, comfort and cheer to others.

The district will post in a conspicuous location outside the entrances of each of its facilities a sign stating which animals or types of animals are prohibited in its facilities and programs. The sign must also state that service animals are permitted.

### Definitions

"Service animal" is defined by the Americans with Disabilities Act (ADA) as any service dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animals are limited to the animals defined under the ADA and do not include any other species of animal, wild or domestic, trained or untrained. Service animals do not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

"Employee" is defined as a person who is employed by the district on a part or full-time basis, with or without compensation, and elected or appointed members of the district's board of education.

“Student” means a child who is currently enrolled at the district and includes the parents and guardians of a child who is (a) under the age of 18, or (b) otherwise unable to manage their own affairs.

“Visitor” means an individual other than an employee or student who is present in areas of district property that have been made available by the district to the general public and/or specified members of the public, including, but not limited to family members of students/employees and individuals attending a public event held on school district property.

“Service animal trainer” means an individual who is affiliated with a recognized service animal training organization and who is engaged in the training a dog to do work or perform tasks as a service animal at the time such individual is present on district property.

“Service animal in training” means a dog that is in the process of being trained by a service animal trainer to perform work or tasks that would qualify the dog as a service animal under this policy at the time the dog is present on district property.

#### Procedures/Requirements for Employees and Students

The use of service animals by employees and students with disabilities is subject to the following procedures and requirements:

- A. The employee or student will submit a notification of the intent to use a service animal to the district’s Superintendent. The notification will identify whether the service animal is required because of the person’s disability, and, if so, identify and describe the manner in which the service animal will meet the individual’s particular need(s).
- B. Notifications for the use of service animals on district property by an employee or student will, whenever possible, be made at least one week prior to the proposed use of the service animal.
- C. As part of the district’s consideration of the use of a service animal, the district may require certification of proper vaccinations verified by a veterinarian.
- D. The district’s review of use of a service animal may include consideration of a student’s IEP or Section 504 records. The district may also request a meeting with the employee or student.
- E. The use of a service animal on district property may be subject to a plan that introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the district. The district’s approval of the use of a service animal on district property is subject to periodic review, revision, or revocation by district administration.
- F. It is the responsibility of the employee or student who uses a service animal pursuant to this policy to serve as the handler or arrange for a third party handler to provide proper handling of the service animal. Any cost incurred

to handle the service animal will be the responsibility of the employee or student who uses the service animal.

- G. Service animals will be allowed in district vehicles when:
1. The inclusion of the service animal is documented as required on district transportation forms; and
  2. The service animal is under the control of the handler at all times, including entering and exiting the vehicle.

#### Procedures/Requirements for Visitors

The use of service animals by visitors with disabilities is subject to the following procedures and requirements:

- A. When a visitor seeks to bring a service animal onto school property, staff may ask the visitor to provide the following information in order to confirm that the animal qualifies as a service animal under this policy:
1. Whether the visitor's animal is a service animal required because of a disability.
  2. The work or task the visitor's animal has been trained to perform.

Staff shall not question visitors regarding their use of a service animal except as set forth above. Staff shall not inquire as to the nature of the visitor's disability, request documentation regarding a visitor's service animal, or request that the service animal demonstrate the work/task it has been trained to perform.

- B. Except as provided in this policy, visitors with disabilities shall be permitted to be accompanied by their service animals in all areas of school facilities where similarly situated non-disabled visitors are permitted to be present.
- C. Visitors shall not be allowed to bring a service animal into an area of school property where the presence of the service animal would pose a risk to the health or safety of others.
- D. When a visitor requires accommodations to be made to district policies, practices or procedure to allow a service animal to accompany the visitor on school property, the visitor must, whenever possible, provide prior written notice to Superintendent no later than one (1) week before the service animal will be present on district property.

#### Procedures/Requirements for Service Animal Trainers

The use of district facilities for service animal training activities is governed by the following procedures and requirements:

- A. A service animal trainer shall be permitted to bring a service animal in training onto district property for the purpose of training the dog to perform such work or tasks at such times when other similarly situated members of the general public are permitted to be present on district property.

- B. When present on school property, a service animal trainer shall be permitted to bring a service animal in training to those areas of school facilities where similarly situated members of the public are permitted to be present.
- C. Service animal trainers shall not be allowed to bring a service animal in training into an area of district property where the presence of the animal would pose a risk to the health or safety of others.
- D. Service animal trainers may be required to provide appropriate documentation showing that the service animal trainer is affiliated with a recognized service animal training organization prior to engaging in training activities on district property.
- E. If a service animal trainer seeks to bring a service animal in training onto district property during an event which members of the public are charged a fee to attend, the service animal trainer may be required to pay the same fee as other similarly situated members of the public, but shall not be required to pay any additional fees or charges due to the presence of the service animal in training.
- F. Except as provided in this policy or pursuant to a written agreement between the district and a service animal training organization which has been approved by the Board of Education, no individual shall be permitted to bring animals which are being trained as service animals onto district property.

#### Control and Supervision of Service Animals and Service Animals in Training

- A. The owner/handler of a service animal or service animal in training must be in full control of the animal at all times.
- B. Service animals and service animals in training must always be on a leash or other form of restraint mechanism, unless impracticable or unfeasible due to the disability of the employee, student or visitor.
- C. The responsibility for the care and supervision of the service animal/service animal in training rests solely on the employee, student, visitor or service animal trainer. The district is not responsible for providing any staff member to walk the animal or provide any other care or assistance to the animal. Issues related to the care and supervision of service animals and/or service animals in training will be addressed on a case-by-case basis in the discretion of the building administrator.
- D. Pursuant to federal law, the district retains discretion to exclude or remove a service animal or service animal in training from district property and/or transportation if:
  - 1. The service animal or service animal in training is out of control and/or the animal's handler does not effectively control its behavior;
  - 2. The service animal or service animal in training is not housebroken;

3. The service animal or service animal in training poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or,
4. Permitting the service animal or service animal in training would fundamentally alter the nature of the service, program, or activity.

### Miniature Horses

- A. The district will make reasonable modifications in policies, practices, or procedures to accommodate a miniature horse that qualifies as a service animal under this policy and the ADA, but doing so may not be possible in all circumstances.
- B. In determining whether it is feasible to allow a student, employee or visitor to be accompanied by a miniature horse that qualifies as a service animal in a specific district facility, the district will consider:
  1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
  2. Whether the handler has sufficient control of the miniature horse;
  3. Whether the miniature horse is housebroken; and
  4. Whether the miniature horse's presence in the specific facility compromises legitimate safety requirements that are necessary for safe operation.

### Liability

An employee, student, visitor or service animal trainer accompanied by a service animal or service animal in training will be responsible for any damage to district or personal property and any injuries to individuals caused by the animal. Individuals who use a service animal or service animal in training on district property will hold the district harmless and indemnify the district from any such damages.

### Appeals and Grievances

Any person dissatisfied with a decision concerning a service animal or service animal in training can file a grievance, using the district's grievance procedures.

### Requirements for Service Animals and Service Animals in Training

**Vaccination:** Service animals and service animals in training must be immunized against diseases common to that type of animal. [Okla. Admin. Code 310:599-3-9.1] All vaccinations must be current. Dogs must wear a rabies vaccination tag.

**Licensing:** All service animals and service animals in training must be licensed as may be required by state and/or local law.

**Identification:** It is recommended, but not required, that service animals and/or service animals in training have proper identification.

**Owner ID and Other Tags:** Dogs may be required to wear a current dog license and rabies-vaccination tag, unless the dog is permanently and uniquely identified with a microchip implant or tattoo.

**Collar:** A service dog used by a person who is deaf or hard-of-hearing must wear an orange identifying collar. [OKLA. STAT. tit. 7, § 19.1(C)]

**Cleanup Rule:** The handler of the service animal/service animal in training, whether it be the employee, student or a third party, must clean up after the animal defecates or urinates, as well as follow any municipal ordinance applicable thereto.

**Grooming:** All service animals and service animals in training must be treated for, and kept free of, fleas and ticks. All service animals and service animals in training must be kept clean and groomed to avoid shedding and dander.

Reference: 28 C.F.R. Part 36; OKLA. STAT. tit. 4, § 801; OKLA. STAT. tit. 7, § 19.1

**PROHIBITION ON RACE AND SEX DISCRIMINATION  
IN CURRICULUM AND INSTRUCTION**

Race and Sex Discrimination Prohibited

The district does not engage in and prohibits discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex. The district does not and shall not engage in race or sex-based discriminatory acts through utilizing these methods which can result in treating individuals differently on the basis of race or sex or can result in the creation of a hostile environment.

As an accredited State of Oklahoma public school, the district is required to teach students history, social studies, English language arts, biology, and other subject matter areas consistent with the Oklahoma Academic Standards as adopted and approved by the State Board of Education and Oklahoma Legislature. In the performance of this obligation, no teacher, administrator, or other employee of the district shall require, or make part of a course, the following concepts or principles (the "Prohibited Concepts"):

- One race or sex is inherently superior to another race or sex.
- An individual, by virtue of his or her sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
- Members of one race or sex cannot and should not attempt to treat others without respect due to race or sex.
- An individual's moral character is necessarily determined by his or her race or sex.
- An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
- An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.
- Meritocracy or traits, such as a hard work ethic, (a) are racist or sexist, or (b) were created by members of a particular race to oppress members of another race.

Importantly, none of the Prohibited Concepts shall prevent the teaching of principles that align to the Oklahoma Academic Standards.

## Further Prohibitions to Ensure Compliance

Additionally, the district does not and shall not:

- Provide, contract to provide, or sponsor any course<sup>1</sup> that includes, incorporates, or is based on any of the Prohibited Concepts.
- Use any public or private funds, property, or other assets or resources to engage in race or sex-based discrimination, including the Prohibited Concepts.
- Adopt programs or utilize textbooks, instructional material, curriculum, classroom assignments, orientation, interventions, or counseling that include, incorporate, or are based on the Prohibited Concepts.
- Execute contracts or agreements with internal or external entities, persons, companies, or businesses to provide services, training, professional development, or any other assistance that includes, incorporates, or is based on the Prohibited Concepts.
- Receive or apply to receive monies, including state, federal or private funds, that require, as a condition of receipt, the adoption of courses, policies, curriculum, or any other instructional material that includes, incorporates, or is based on the Prohibited Concepts.
- Adopt diversity, equity, or inclusion plans that incorporate Prohibited Concepts. Diversity officers are prohibited from providing any service or performing duties that include, incorporate, or are based on discriminatory practices identified in the Prohibited Concepts.
- Mandate diversity training that includes, incorporates, or is based on discriminatory practices identified in the Prohibited Concepts. This includes providing such training to employees, contractors, staff members, parents, students, or any other individual or group.
- Adopt policies, including grading or admissions policies, or provide any other benefit or service that applies to students or any school employee differently on the basis of race or sex, unless specifically permitted by Title IX of the Education Amendments of 1972. Except as permitted by Title IX in specific circumstances, this prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups.
- Require students to complete surveys, or use the results from surveys, to teach discriminatory concepts identified in this policy.
- Join any group or association that requires, as a condition of membership, teachers, administrators or other employees of a school district, charter school, or virtual charter school to teach, provide instruction, or offer a course that includes, incorporates, or is based on discriminatory practices identified in this policy and violate state law.

## Parent Right to View and Inspect Instructional Materials

Parents and legal guardians of students shall have the right to inspect curriculum, all instructional materials used by the district as part of the educational curriculum, classroom assignments, and lesson plans to ensure compliance with this Policy. This right of inspection is subject to any applicable limitations contained in existing law, including Oklahoma's Open Records Act (OKLA. STAT. tit. 51, §§ 24A.1-24A.32). Consistent with 25 O.S. § 2002, the

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<sup>1</sup> For the purposes of this policy, "course" means any forum where instruction or activities tied to the instruction are provided, including courses, training, seminars, professional development, lectures, sessions, coaching, tutoring, or any other class.

district shall not interfere with or infringe upon the fundamental rights of parents to determine their child's education.

### Reporting and Complaint Procedure

Any parent, student, teacher, district employee, or member of the public may file a Complaint alleging a violation of this Policy, which addresses the provisions of OKLA. STAT. tit. 70, § 24-157, and regulations regarding it adopted by the State Department of Education. To be accepted for investigation, the Complaint must:

- (1) be submitted in writing;
- (2) be dated;
- (3) contain the handwritten or electronic signature of the complainant;
- (4) identify the date(s) the alleged discriminatory act occurred; and
- (5) explain the alleged violation(s) / discriminatory conduct and how Section 24-157 or an administrative regulation thereto has been violated.
- (6) Identify witnesses the district may interview, if applicable, provided the district will not dismiss a complaint for failure to identify witnesses.

The district has designated the following individual(s) to receive reports of alleged violation(s) / discriminatory conduct (referred to as the Section 24-157 Coordinator”):

Brian Hummingbird, High School Principal  
Jeramy Branchcomb, Middle School Principal  
Alan Gordon, Elementary School, Principal  
Warner Public Schools  
1012 5<sup>th</sup> Avenue  
Warner, OK 74469-9701  
918-463-5171

The Section 24-157 Lead or Deputy Coordinator shall, within ten (10) days of receipt of the Complaint, notify the complainant that the Complaint has been received, whether it is legally sufficient (i.e., contains the mandatory information set forth above) and whether it will be investigated. The district shall ensure the employee(s) responsible for receiving and investigating complaints are unbiased and free from any conflicts of interest.

### Investigation and Determination of Complaint

Within forty-five (45) days of receipt of a Complaint accepted for investigation, the Section 24-157 Lead or Deputy Coordinator will be responsible for ensuring that the district investigates and makes a determination as to whether a violation has occurred. The complainant will be notified of the district's determination of the Complaint, as well as the district's findings of whether a violation occurred.

### Options for Filing Complaint

In lieu of filing a Complaint with the district, a complainant may file a Complaint directly with the State Department of Education. A complainant may not file a Complaint simultaneously with the district and State Department of Education. Additionally, a complainant who believes that the district has incorrectly refused to investigate a Complaint or has evidence that the district has reached an incorrect determination may file a

Complaint with the State Department of Education upon conclusion of the district-based complaint process.

With regard to Complaints made to the district, the Section 24-157 Lead or Deputy Coordinator is required to report each Complaint to the State Department of Education within ten (10) days of resolution of the Complaint.

#### Anti-Retaliation

No individual shall be retaliated against for (1) filing a Complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related to it with the district or the State Department of Education, or (2) exercising any right or privilege conferred by Section 24-157 or any regulation related to it (3) exercising any right or privilege secured by a law referenced in Section 24-157 or any regulation related to it . The district shall be prohibited from retaliating against any student, parent, district employee or any other individual for filing a complaint of exercising any right conferred by or referenced in Section 24-157 or any regulation related to it. Any school employee who retaliates against a complainant shall be subject to disciplinary action by the district, in accordance with district employee disciplinary policies, and the State Department of Education and State Board of Education. The State Department of Education shall be authorized to investigate complaints or retaliation filed pursuant to Section 24-157 or any regulation related to it.

#### Whistleblower Protection

Any teacher who files a complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related to it with the district or the State Board of Education, or otherwise discloses information the teacher reasonably believes evidences a violation of Section 24-157 or any regulation related thereto shall be entitled to the Whistleblower Protections in applicable laws, including those at OKLA. STAT. tit. 70, § 6-101.6b.

#### False Reporting

Any teacher or other school employee who willfully, knowingly and without probable cause makes a false complaint alleging a violation / discriminatory conduct prohibited by Section 24-157 or any regulation related thereto with the district or the State Board of Education shall be subject to disciplinary action in accord with the district's employee conduct policies and by the State Department of Education and State Board of Education.

#### Complaints by School Staff

Any school employee who is discriminated against by the district in the form of race or sex-based harassment, bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex in violation Section 24-157, may file an employment discrimination complaint with the Oklahoma Attorney General's Office of Civil Rights Enforcement.

References: OKLA. STAT. tit. 70, § 24-157  
OKLA. ADMIN. CODE § 210: 10-1-23

## **TITLE IX—SEX DISCRIMINATION AND SEXUAL HARASSMENT**

### **Introduction and Policy**

Title IX prohibits discrimination on the basis of sex in education programs and activities that receives federal financial assistance. Title IX applies to employees and students. The policy establishes procedures for reporting sex discrimination, sexual harassment, and related retaliation, provides the grievance process procedure for a Title IX formal complaint for sexual harassment, sets forth supportive measures for a complainant and, as appropriate, a respondent, and a range of possible sanctions should a respondent be found responsible for sexual harassment.

The district condemns discrimination in its education programs and activities based on sex. Any district employee with actual knowledge of conduct that constitutes sex discrimination and/or sexual harassment is directed to notify the Title IX Coordinator as soon as possible.

### **Scope of the Policy**

This policy applies to individuals working or participating in the district's education programs and activities in locations where the district exercises substantial control over both the respondent and the context in which discrimination or harassment occurred. Title IX may apply to any of the district's education programs or activities in the United States, whether such programs or activities occur on-campus or off-campus, including online instruction, admissions, recruiting, financial aid, academic programs, student services, counseling and guidance, discipline, class assignment, grading, recreation, athletics, and employment. Reports of violations of this policy may be made in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. **Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator.**

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the district's Title IX Coordinator.

### **Definitions**

- A. **Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or to any district employee. This standard is not met when the only official of the district with actual knowledge is the respondent.
- B. **Advisor:** A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a district faculty or staff member, a friend, or an attorney.

- C. Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- D. Title IX Coordinator(s): Employee(s) of the district who has/have primary responsibility for overseeing the process of coordinating the district's compliance efforts, receiving complaints, conducting investigations, imposing sanctions, facilitating appeals, and providing education and training associated with this policy. The Title IX Coordinator(s) will further monitor the district's education programs and activities for barriers to reporting information about conduct that constitutes sex discrimination and take steps reasonably calculated to address such barriers. The Coordinator should not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that may affect the outcome of the grievance process.
- E. Deputy Coordinator: If desired by the district, this is a district employee designated by the Title IX Coordinator or the district to serve as the Coordinator where appropriate and to assist with the duties of the Title IX Coordinator. The Deputy Coordinator should not have a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that may affect the outcome of the grievance process.
- F. Formal complaint: A written 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(s) of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient detail to satisfy the basic elements of a Title IX claim under this policy. 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.
- G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- H. Sex Discrimination: Sex discrimination includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education, employment, or school-related benefits, on account of sex or gender (including on the basis of a student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom). This may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex even if those acts do not involve conduct of a sexual nature.
- I. Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:
  - a. 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 ("quid pro quo");
  - b. 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 ("hostile environment");or

- c. Sexual assault, dating violence, domestic violence, or stalking as defined by federal law.

Whether conduct creates a hostile environment is a fact-based inquiry that includes, but is not limited to, the following:

- The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties' ages, roles within the district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred; and
  - other sexual harassment in the district's education program or activity.
- J. Supportive measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Examples of Supportive Measures:

- Counseling
  - Extension of deadlines and other course-related adjustments
  - Campus escort services
  - Restrictions on contact applied to one or more parties
  - Leaves of absence
  - Increased security measures and monitoring of district premises
  - Training and education programs related to sexual harassment
- K. Title IX Hearing Officer (decisionmaker): The individual may be a district administrator, legal counsel, or a specially trained officer but cannot be the Coordinator or Investigator. The primary responsibility of the Hearing Officer is to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. The Hearing Officer should not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that may affect the outcome of the grievance process.
- L. Title IX Investigators: An individual charged with collecting statements and any evidence directly related to any allegations, as directed by the Title IX Coordinator. Investigators may include but not be limited to district administration. The Investigator should not have a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that may affect the outcome of the grievance process.
- M. Working days: Days on which the district administration's office is open.

## **Reporting**

All forms of sex discrimination, including sexual harassment, may be reported to the Title IX Coordinator, any Deputy Title Coordinator, any district employee, or to law enforcement, no matter the severity. A report of sex discrimination and/or sexual harassment should be made as soon as possible but may be made at any time, regardless of length of time between alleged sex discrimination and/or sexual harassment, and the decision to report it. However, a delay in reporting may compromise subsequent investigation. The district will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance process, provided that the steps do not restrict the ability of the parties to obtain and present evidence, consult with family members or other advisors, or otherwise prepare for or participate in the grievance procedures;

Although anyone may report sexual harassment, only alleged victims of sexual harassment or their parent or guardian may file a formal complaint.

No employee or student may discourage an individual from reporting alleged sex discrimination, including sexual harassment.

**All district employees are mandatory reporters and are required to immediately report to the Title IX Coordinator any allegations of sexual harassment.** Failure to do so may result in disciplinary action up to and including termination of employment.

## **Pre-Investigation / Initial Response**

Unless the Title IX Coordinator reasonably determines the conduct alleged could not constitute sex discrimination and/or sexual harassment, after receiving notice allegations involving purported sex discrimination and/or sexual harassment, the Title IX Coordinator will promptly contact the complainant, if known or identifiable, to notify them of receipt of the allegations of sex discrimination and/or sexual harassment.

The district will treat complainant and respondent equitably and offer supportive measures as appropriate. For complainants, this means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge before or after the filing of a formal complaint or where no formal complaint has been filed. For a respondent, this means at a minimum following the grievance procedure for sexual harassment before the imposition of disciplinary sanctions or other actions that are not supportive measures.

The district will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sexual harassment has been reported.

**Emergency Removal.** In some instances, the district may implement an emergency removal of a student when an individualized safety and risk analysis indicates that an immediate threat exists to the physical health or safety of an individual arising from the allegations of sexual harassment. A party subject to an emergency removal shall have an opportunity to challenge the decision immediately following the removal. By no means does this provision 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.** A non-student employee may be placed on administrative leave during the pendency of the grievance process. By no means does this provision modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Periodic updates on the status of the investigation will be provided to both the complainant and respondent.

### **Sex Discrimination without Harassment**

If the allegations involve conduct that could constitute sex discrimination but not sexual harassment, the Title IX Coordinator will initiate an investigation in compliance with district policy.

### **Sexual Harassment**

If the allegations involve conduct that could constitute sexual harassment, the Coordinator will contact the complainant to confidentially discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes regarding whether the district investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

### **Written Notice of Complaint**

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to all known parties in sufficient time and with sufficient detail to give the respondent time to prepare a response before an initial interview. Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations of sexual harassment, including sufficient details (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known);
- 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 (who may be, but is not required to be, an attorney) and to inspect and review evidence;
- e. A statement that retaliation by the parties or district is prohibited;
- f. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of the evidence; and
- g. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct of students or a violation of performance and conduct standards for employees.

### **Dismissal of a Formal Complaint**

The district must investigate the allegations in a formal complaint.

**Mandatory Dismissal.** A formal complaint must be dismissed when it is determined the conduct alleged in the formal complaint: 1) would not constitute sexual harassment as defined herein even if proved; 2) did not occur in the district's program or activity; or 3) did not occur against a person within the United States.

**Permissive Dismissal.** A formal complaint may be dismissed if, during the investigation or hearing, 1) a complainant notifies the Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed by the district; or 3) specific circumstances prevent the district from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon either a mandatory or permissive dismissal, the district will promptly notify the complainant of the basis for the dismissal and provide the procedures to appeal the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also promptly notify the respondent of the dismissal, the basis for the dismissal and the complainant's opportunity to appeal. Notification of dismissal should be in writing and delivered simultaneously to the parties.

Dismissal of a formal complaint does not prevent the district from addressing allegations or taking action under another district policy, including but not limited to a different provision of the district code(s) of conduct.

### **Investigation**

An investigator will be designated to investigate the allegations contained in the formal complaint or which are developed in the course of the investigation. In the event the district decides to investigate allegations about the complainant or respondent that are not included in the written notice, the district must provide notice of additional allegations to the parties and given them a reasonable opportunity to respond in writing to the new information or evidence.

The burden of gathering evidence and burden of proof must remain on the district—not on the parties. The following evidence will not be considered by the district and excluded as impermissible:

- Evidence that is protected under a privilege as recognized by federal or state law 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 the district obtains that party's or witness's voluntary, written consent for use in the district's grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless the 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 sexual 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 sexual harassment or preclude determination that sexual harassment occurred.

The Investigator will endeavor to complete the investigation within 60 days. This timeline can be affected by one or both parties' right to have at least 10 days to review and respond to evidence and the draft investigative report or other good cause such as the unavailability of parties, party advisors, witnesses and evidence, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

In the investigation process, the Investigator will:

- Provide a party who is invited or expected, 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.
- Meet personally with the complainant (unless extraordinary circumstances prevent a personal meeting).
- Meet personally with the respondent (unless extraordinary circumstances prevent a personal meeting).
- Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made.
- Provide an equal opportunity for the parties to present fact witnesses and other relevant evidence that is not otherwise impermissible.
- Not restrict either party's ability to discuss the allegations or to gather and present evidence.
- Provide the parties with the same opportunities to have others present during interviews or related proceedings to have others present during interviews or related proceedings, including an advisor.
- Collect any physical evidence.
- Meet personally with any witnesses (unless extraordinary circumstances prevent a personal meeting with one or more witnesses).
- Review any documentary evidence.
- Prepare a written report of the investigation that fairly summarizes the relevant evidence.

### **Party Review of Evidence and Report.**

Parties and advisors will have an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory), including evidence upon which the district does not intend to rely in reaching a determination, and will be given at least **10 calendar days** prior to the completion of the final investigation to meaningfully respond.

Parties and advisors will have the opportunity to review the investigative report and to issue a written response at least **10 calendar days** before a hearing or determination of responsibility.

### **Hearing**

Absent extraordinary circumstances, a non-live hearing will be held. After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Hearing Officer must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with

the answers, and allow for additional, limited follow up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the complainants prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concerns specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent. The Hearing Officer must explain to the party proposing questions any decision to exclude a question as not relevant.

### **Determination**

Within five working days of the conclusion of the hearing, the Hearing Officer will issue a written determination regarding responsibility, applying the preponderance of evidence standard (whether it is more likely than not a violation occurred), to the parties simultaneously by mailing the determination by certified mail or other agreed form of notice. Preponderance of evidence requires significantly less proof than beyond a reasonable doubt, which is required for a criminal prosecution.

The written determination will include:

- Identification of the allegations potentially constituting sexual harassment;
- 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, and hearings held;
- Findings of facts supporting the determination for each individual allegation;
- Conclusions regarding the application of the district's code of conduct to the facts;
- A statement of, and rational 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 preserve equal access to the district's education program or activity will be provided to the complainant;
- The district's procedures and permissible basis or bases for the complainant and respondent to appeal.

The determination becomes final either on the date that the district provides the parties the written determination of the result of the 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.

### **Appeal Procedures**

A complainant or respondent may appeal the determination for any of the following reasons:

- Procedural irregularity that affected the outcome.
- New evidence that was not reasonably available at the time the determination or dismissal was made that could affect the outcome of the matter.
- The Coordinator, Investigator, or Hearing Officer 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.

Appeals must be submitted in writing to the Superintendent within five (5) working days of receiving the decision and reference the reason(s) for the appeal as identified above with supporting argument(s). Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

When an appeal is filed, the district will notify the non-appealing party in writing.

The Superintendent, or designee if Superintendent was Hearing Officer, Investigator, or Coordinator, will review the record of the original hearing, including documentary evidence and give each party a reasonable, equal opportunity to submit a written statement in support of or challenging, the outcome.

It is the Superintendent's (or designee's) discretion to affirm, overturn, or modify the determination. The Superintendent/designee may convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original Hearing Officer for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing was "insufficient" to justify a decision, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded for either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original Hearing Officer, either or both parties may appeal the Hearing Officer's decision to the Superintendent/designees and the procedures set out above shall control the appeal.

**Appeal Decision.** The final decision will be communicated in writing by the Superintendent to both parties describing the result of the appeal and the rationale for the result. The decision will be communicated to both parties simultaneously within ten (10) working days of receiving the appeal request.

The decision of the Superintendent or designee on appeal shall be final.

### **Informal Resolution**

An informal resolution to a complaint is available in some circumstances. Informal resolutions are unavailable unless a formal complaint of sexual harassment is filed. Informal resolutions may be entered into any time prior to determining whether sexual harassment occurred. Informal resolution may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the informal resolution conference. Participation in informal resolution is never mandatory and will only take place with the full written consent of both parties involved. The district may, in its sole discretion, decline to offer an informal resolution in certain circumstances.

Before informal resolution may be commenced written notice to the parties must be provided, disclosing the allegations and the requirements of the informal resolution process including when an informal complaint would preclude the parties from resuming a formal complaint arising from the same allegations.

No appeal is available from an informal resolution, but at any time prior to agreeing to a resolution, any party has a right to withdraw from the formal resolution process and resume the grievance process. and any consequences resulting from participating in the informal resolution process including the records that will be maintained or could be shared. Further,

if the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

### **Outcomes**

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a violation of this policy, the complaint will be dismissed.

If it is determined under the preponderance of evidence standard that a respondent is responsible for sexual harassment under the jurisdiction of this policy, the Title IX Coordinator will 1) coordinate remedies to complainant and other persons identified having had equal access limited by the discrimination; 2) coordinate disciplinary sanctions on the respondent including notification to complainant; and 3) take other appropriate, prompt and effective steps to ensure sex harassment does not continue or reoccur.

The following sanctions may be considered where a respondent is found responsible for sexual harassment. The sanctions below are not intended to be exclusive; actions may be imposed singularly or in combination when a violation of this policy is found.

### **Student Respondent.**

- **Restriction** – A limitation on privileges for a period of time and may include but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the district, or denial of participation in extracurricular activities.
- **Service Project** – Community service or an education class or project beneficial to the individual and campus or community.
- **Probation** – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with the district and that further violations of district policies will subject the student to suspension from school.  
**Suspension** – If warranted by the severity of the incident, removal from classes and other privileges or activities for a definite period of time not to exceed the remainder of the semester in which the incident occurred and the following semester and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from the district are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by Superintendent or designee. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record.
- **Long-term Suspension** – Suspension of student for an indefinite period not to exceed the maximum period permitted by law, typically reserved for a sexual violence/assault finding. The conditions for readmission, if any, shall be stated in the hearing outcome letter. In addition, a student, though readmitted to the school by operation of law, may be denied the opportunity to participate in extracurricular activities for as long as the student is enrolled in the district. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record. Removal should be reserved and used only in cases involving the most severe instances of misconduct.

## **Employee Respondent.**

Employees found to have violated this policy will be subject to sanctions up to and including dismissal from employment.

## **Retaliation**

Retaliation against an individual for reporting or participating in the Title IX grievance process is strictly prohibited. Retaliation in this context means intimidation, threats, coercion or discrimination for the purpose of interfering with any right or privilege secured by Title IX. Retaliatory conduct includes filing a charge against an individual for code of conduct violations that arise out of the same facts or circumstances or a report or formal complaint of sexual harassment if done so in bad faith. Complaints alleging retaliation may be filed pursuant to the grievance process included herein, and sanctions may be imposed against an individual determined responsible for retaliation in accordance with this policy.

Nothing in this definition or this policy precludes the district from requiring an employee to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.

## **Designees**

The designation of a district official responsible for prescribed actions under this policy shall automatically include the official's designee in instances where an official is unable, unavailable or it appears that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy.

## **Availability of other Complaint Procedures**

In addition to seeking criminal charges through local law enforcement, members of the district community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Office for Civil Rights:  
Kansas City Field Office: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov), (816) 268-0550;  
Washington D.C.: [OCR@ed.gov](mailto:OCR@ed.gov) 1-800-421-3481

Equal Employment Opportunity Commission:  
Oklahoma City Field Office: 1-800-669-4000;  
Washington D.C.: 1-800-669-4000, [Eeoc.gov/contact](http://Eeoc.gov/contact)

**Distribution**

The district shall: prominently display on its website the required contact information for the Title IX Coordinator; post training materials used to train Title IX Coordinators and related Title IX Officials, Investigators, and Hearing Officers on its website; and notify applicants for employment, parents or legal guardians of elementary and secondary school students, and employee organizations—of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.