



PIONEER UNION ELEMENTARY SCHOOL DISTRICT  
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## **Grievance Procedures for Complaints of Sex Discrimination**

Pioneer Union Elementary School District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Pioneer Union Elementary School District investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes:
  - a student or employee of Pioneer Union Elementary School District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of Pioneer Union Elementary School District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Pioneer Union Elementary School District education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Pioneer Union Elementary School District’s Title IX Coordinator.

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

- Any student or employee Pioneer Union Elementary School District; or
- Any person other than a student or employee who was participating or attempting to participate in Pioneer Union Elementary School District education program or activity at the time of the alleged sex discrimination.

Pioneer Union Elementary School District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When

more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

**Basic Requirements of Title IX Grievance Procedures:**

Pioneer Union Elementary School District will treat complainants and respondents equitably.

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

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

Pioneer Union Elementary School District has established the following timeframes for the major stages of the grievance procedures: Evaluation of Complaint, ten business days; Investigation, sixty business days from evaluation of complaint and decision to investigate; Determination, ten business days from conclusion of the investigation; Appeal, ten business days from written notice of determination

Pioneer Union Elementary School District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

- The Title IX coordinator shall evaluate the issues, need, and/or justification for an extension of timeframes of the grievance procedures.
- Should the Title IX coordinator determine an extension to the grievance procedures is necessary to ensure thorough and equitable grievance process notice shall be sent to the parties.
- The notice shall include the time extension needed.

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

Pioneer Union Elementary School District will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory

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

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

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Pioneer Union Elementary School District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### **Notice of Allegations:**

Upon initiation of Pioneer Union Elementary School District's Title IX grievance procedures, Pioneer Union Elementary School District will notify the parties of the following:

- Pioneer Union Elementary School District's Title IX grievance procedures and any informal resolution process,
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If Pioneer Union Elementary School District provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

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

**Dismissal of a Complaint:**

Pioneer Union Elementary School District may dismiss a complaint of sex discrimination if:

- Pioneer Union Elementary School District is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Pioneer Union Elementary School District's education program or activity and is not employed by Pioneer Union Elementary School District;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Pioneer Union Elementary School District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Pioneer Union Elementary School District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Pioneer Union Elementary School District will make reasonable efforts to clarify the allegations with the complainant.

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

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

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Pioneer Union Elementary School District will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, Pioneer Union Elementary School District will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Pioneer Union Elementary School District education program or activity.

**Investigation:**

Pioneer Union Elementary School District will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Pioneer Union Elementary School District, not on the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

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

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

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

- Pioneer Union Elementary School District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate

description of this evidence. If the Pioneer Union Elementary School District provides a description of the evidence: The Pioneer Union Elementary School District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.;

- Pioneer Union Elementary School District will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Pioneer Union Elementary School District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

### **Questioning the Parties and Witnesses:**

Pioneer Union Elementary School District will ensure the decisionmaker is able to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

### **Determination Whether Sex Discrimination Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Pioneer Union Elementary School District will:

- Use the preponderance of the evidence or, if applicable, clear and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to a complainant and other people Pioneer Union Elementary School District identifies as having had equal access to Pioneer Union Elementary School District's education program or activity limited or denied by sex discrimination;

- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Pioneer Union Elementary School District's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

**Informal Resolution, if offered:**

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

**Supportive Measures:**

Pioneer Union Elementary School District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to Pioneer Union Elementary School District's education program or activity or provide support during Pioneer Union Elementary School District's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include include, but are not limited to, counseling; extensions of deadlines and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules; mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment.