

Wickliffe Public School		DAA
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NONDISCRIMINATION

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

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

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

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

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

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

Wickliffe Public Schools
District

11176 E 420
Street Address

918-434-5559

Salina, OK 74365

REFERENCE Oklahoma Constitution, Article 1, Section 6
 Title 6, Title 7, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972
 Executive Order 11246, as amended by Executive Order 11375 Equal Pay Act, as amended by the Education
 Amendments of 1972 Rehabilitation Act of 1973, 9504 Education for All Handicapped Children Act of 1975
 Immigration Reform and Control Act of 1986 Americans With Disabilities Act of 1990, 42 U.S.C. §12101
 Individuals with Disabilities Education Act, 20 USC 81400, et seq.

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TITLE IX AND SCHOOL SPONSORED SPORTS

It is the policy of the Wickliffe Board of Education that the superintendent shall serve as Title IX coordinator for this school district. The superintendent shall direct the implementation of regulations as they pertain to the equitable scheduling of athletic practice and game times. In accordance with the Oklahoma Secondary Schools Activities Association (OSSAA) recommended time limits per period:

Each individual school shall develop starting times for the regular season that reflects these time limitations. A rotation method will allow boys' and girls' teams to alternate time slots for all practice sessions and events.

Starting times for basketball, baseball, softball, football, soccer, tennis, golf, and any other athletic event sponsored by the school shall be scheduled for both boys' and girls' teams on a rotating basis.

Practice times will be scheduled on a rotating basis between boys' and girls' teams. Practice facilities will be made available to boys' and girls' teams on a rotating basis.

In order to maintain student schedules, a yearly schedule may be maintained with rotation changes in each new year.

These schedules must be submitted to the superintendent prior to conference scheduling and must comply with all requirements for practice and scheduling of athletic events listed in Title IX of the Education Amendments of 1972.

Congress enacted Title IX of the Education Amendments in 1972. This Federal law prohibits discrimination on the basis of sex in any education program or activity when the School District is a recipient of federal financial assistance, regardless of whether federal funds are received in connection with athletics. The District is committed to the prevention and avoidance of gender discrimination in connection with school sponsored extracurricular activities, including school sponsored sports. To ensure compliance by the District's athletic program with the mandates of Title IX the board requires:

- Annual notification to all staff members regarding the District's commitment to non-discrimination to all of its programs and activities, including school sponsored sports;
- Publication of the grievance procedure applicable to complaints of discrimination in the student handbook and on the school's website with identification of the District's Title IX Coordinator, to enable parents or students to notify the board administration of any instances of perceived discrimination in the district's programs or activities, including sports;
- The conduct of a student interest survey no less than every three (3) years to ensure the sports offered by the District are responsive to student interest;
- Annual review of the District's sports-related facilities to ensure that the district does not discriminate on the basis of gender in the planning, construction or assignment of facilities for practice or competition;

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TITLE IX AND SCHOOL SPONSORED SPORTS (Cont.)

- Annual training of all administrative and athletic staff (and other staff as appropriate) regarding their respective responsibilities for providing programs free of discrimination and reporting perceived discrimination;
- Overseeing expenditures for school sponsored sports to ensure that monies spent neither discriminate nor perpetuate past discrimination with respect to coaches salaries, equipment, supplies, facilities or in other areas in which expenditures are made; and,
- Non-discriminatory treatment of athletes in all areas of participation in the District's sports program including, but not limited to: travel, uniforms, use of facilities, scheduling of games, equipment, supplies, spirit support, and coaching assignments.

**REFERENCE: Title IX, Education Amendment of 1972, 20 U.S.C. §1681, et seq.
U. S. Const. Am. XIV, §1 (1868), 42 U.S.C. §1983**

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Sexual Harassment of Students

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

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

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

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

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

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

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

2. Specific Prohibitions

1. Administration

- 1.1. It is sexual harassment for an administrator, supervisor, support employee, or teacher to use his or her authority to solicit sexual favors or attention from students.

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- 1.2. Administrators, supervisors, support personnel, or teachers who engage in sexual harassment of students or tolerates such conduct by other employees shall be subject to sanctions as described below.
- 1.3. The "off-duty" conduct of school personnel that has or will have a negative impact on the educational process of the school or constitutes an illegal or inappropriate relationship with a student may subject the employee to disciplinary action which could include termination of employment. Any romantic or sexual affiliation between school personnel and students including students who have reached the age of majority (18), during school hours will have a negative impact on the educational process and shall constitute a violation of school policy. Such violations may result in suspension of the student and suspension or termination of the employee. Any sexual affiliation between teachers and students under the age of 20 constitutes a crime under Oklahoma law and will most likely result in the suspension of certification by the State of Oklahoma.
3. Notice of this policy and grievance procedure, including how to file or report sexual harassment and how the district will respond shall be provided to applicants for admission and employment, students, parents, or legal guardians.
4. Reporting Allegations of Sexual Harassment
 1. It is the express policy if the board of education to encourage student victims of sexual harassment to come forward with such claims
 - 1.1. Students who feel that administrators, supervisors, support personnel, teachers, or other students are subjecting them to sexual harassment are encouraged to report these conditions, or have their parents report these conditions, to the appropriate administrator or teacher. If the student's immediate administrator or teacher is the alleged perpetrator, the report will be made to the next higher level of administration or supervision or to any responsible adult person. The employee to whom the report was made will provide notice of the report to the Title IX coordinator. The Title IX coordinator should then provide the appropriate paperwork to the student or parent/guardian so that the student (complainant) may file a formal complaint with the Title IX coordinator by mail, email, or as directed by the Title IX coordinator.
 - 1.2. Every attempt will be made to maintain confidentiality; however, absolute confidentiality cannot be guaranteed because of due process concerns arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of the charges of sexual harassment.
 2. Upon notice from an employee that a student or parent/guardian has reported possible sexual harassment, the Title IX coordinator will promptly contact the student (alleged victim) to discuss availability of the supportive measures, consider the student's wishes with regard to supportive measures, and explain the process that will be involved with a formal complaint.
5. Grievance Procedure
 1. Equitable Treatment. Both the alleged victim (complainant) and the alleged respondent (respondent) will be treated equitably by the school district.

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2. **Objective Evaluation of Evidence.** All evidence both inculpatory and exculpatory will be evaluated objectively. Credibility determinations will not be made based upon the party's status as complainant, respondent, or witness.
 3. **Conflict of Interest.** Any person serving as the Title IX coordinator, investigator, decision-maker, or any other person designated to facilitate the process shall not have a conflict of interest against complainants and respondents generally or against the particular complainant or respondent.
 4. **Presumption.** There will be a presumption that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.
 5. **Timeliness.** The grievance process will proceed in a timely manner. Any delay in the process for good cause such as law enforcement involvement, absence of a party, witness or advisor, translation, or accommodation needs will be documented, and written notice provided to both parties explaining the reason for the delay.
 6. **Possible outcomes.** A description or listing of possible disciplinary outcomes and remedies that may be implemented following a determination of responsibility must be provided for both parties.
 7. **Standard of Review.** The school district will utilize (a preponderance of the evidence standard) or (a clear and convincing evidence standard) to determine possible responsibility. *** The standard selected by the school district will need to be the same standard that is applied to all formal complaints including those against employees.
 8. **Privileged Information.** The school district will not require, allow or use evidence or questions that constitute or seek legally privileged information, unless the privilege is waived.
6. **Written Notice.** Upon receipt of a formal complaint, the school district will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. The written notice must include:
- A. Notice of the grievance process, including any informal resolution process;
 - B. Notice of the allegation, including sufficient details to allow the respondent to prepare a response;
 - C. A statement that the respondent is presumed not responsible for the conduct and that the responsibility will be determined at the conclusion of the grievance process;
 - D. Notice of the parties' right to have an advisor and to inspect and review evidence. The advisor may, but is not required to be an attorney.
 - E. Notice of any provision in the student discipline that prohibits knowingly making false statements or providing false information in the grievance process.
- If in the course of an investigation, the school district obtains additional information about the respondent or complainant that was not included in the original notice, notice of the additional allegations must be provided in writing to both parties.
7. **Investigation of the Allegations.** The school district will designate an investigator to conduct a thorough investigation of allegations. Contact information for the investigator will be provided to both the complainant and the respondent.
- A. The burden of proof and of gathering evidence remains on the school district.
 - B. An equal opportunity will be provided to both parties to present witnesses and evidence during the investigation.
 - C. Neither the complainant or the respondent will be prohibited from discussing the allegations or gathering and presenting evidence to the investigator.
 - D. Both parties will have the opportunity to have others present during the interview or related proceedings. This may include an advisor who may but is not required to be an attorney.

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- E. Written notice of the date, time, participants, purpose and location of any interview, hearing, or other meeting shall be provided to the party who is invited or expected to attend.
- F. Both parties and their advisors, if any, will be provided an opportunity to review all evidence that is directly related to the allegations in the formal complaint. This would include any evidence on which the school district does not intend to rely and any exculpatory evidence from any source. Such evidence must be provided prior to the completion of the final investigation report and in time to give the parties at least ten (10) days to prepare a written response, which the investigator must consider prior to completing the investigation report.
- G. A written investigation report will be provided that summarizes the relevant evidence. This report will be provided to the parties and their advisors, if any, for their review and written response at least ten (10) days before a hearing or determination of responsibility.

8. **Hearing.** The Title IX coordinator will determine whether a live hearing is necessary on a case-by-case basis if both parties request or consent to such a hearing (the live hearing is optional for K-12 Schools). Regardless of whether a live hearing is held, or a written hearing is conducted, each party will have ten (10) days from the receipt of the investigation report to submit written, relevant questions. Federal law determine when questions regarding a complainant's prior sexual predisposition are considered relevant in a hearing provided by a school district.

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

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

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

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

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

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

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

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

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SEXUAL HARASSMENT INCIDENT REPORT FORM

Date: _____ Time: _____ Room/Location: _____

Student(s) Initiating Alleged Sexual Harassment:

_____ Grade: _____ Class: _____

_____ Grade: _____ Class: _____

Student(s) Affected:

_____ Grade: _____ Class: _____

_____ Grade: _____ Class: _____

Check all spaces below that apply. Adult stated or identified inappropriate behaviors as:

- Name Calling
- Stalking
- Inappropriate Gesturing
- Staring/Leering
- Writing/Graffiti
- Threatening
- Taunting/Ridiculing
- Inappropriate Touching
- Other _____

- Spitting
- Demeaning Comments
- Stealing
- Damaging Property
- Shoving/Pushing
- Hitting/Kicking
- Flashing a Weapon
- Intimidation/Extortion

Describe the incident:

Witnesses Present: _____

Physical evidence: Graffiti _____ Notes _____ E-mail _____ Web sites _____ Video/audio tape _____
Other _____

Staff signature _____

Parent(s) contacted: Date _____ Time _____

Administrative response taken:

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WRITTEN NOTICE TO KNOWN PARTIES REGARDING ALLEGATIONS OF SEXUAL HARASSMENT

On the ____ day of ____, 20____, the district received formal notification of an allegation of sexual harassment. The respondent is presumed not responsible for the conduct. Responsibility will be determined at the conclusion of the grievance process. Both parties are entitled to have an advisor and to review and inspect evidence. The district's student discipline policies prohibit making false statements or providing false information in the grievance process. Both parties will be treated equally during the investigation and process to resolve the allegations. The district's grievance procedure is located at policy FB, a copy of which is attached to this correspondence, and includes the following steps:

1. Informal resolution. If the parties' consent, informal resolution procedures may be utilized to resolve the allegation.
2. Notice and Summary of Allegations. (Sufficient details must be included here to allow the respondent to prepare a response).
3. Investigation of Allegations. The school district has designated _____ to act in the role of the investigator. Contact information is as follows: (insert contact information).
4. Interviews. Interviews may be scheduled in accordance with school district policy.
5. Evidence. Both parties will have the right to review all evidence that is directly related to the allegations in the complaint.
6. Report. A written investigation report will be provided to both parties at least ten days prior to a hearing or determination of responsibility.
7. Hearing. The Title IX coordinator will determine on a case by case basis as to whether the hearing will be a live hearing or whether it will be a written hearing.
8. Determination of Responsibility. A decisionmaker, who is not the Title IX coordinator or the investigator, will apply (a preponderance of the evidence or a clear and convincing evidence standard) to determine responsibility and will issue a written determination.
9. Appeals. An appeal may be filed by either party in accordance with district policy.

Records of this allegation will be maintained for a minimum of seven (7) years.

At this time, the respondent may prepare a written response before an initial interview. The interview is tentatively scheduled for _____ and will be held at _____. If you have any questions, please contact me at _____.

Sincerely,

Title IX Coordinator

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WRITTEN REPORT

On the ___ day of ____, 20__ an allegation of sexual harassment was provided to the school district. The allegations were as follows (insert allegations in summary format). I conducted an investigation into the allegations as follows (summarize investigation and include evidence).

This document is formal notice to both parties of the evidence.

Sincerely,

Investigator

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