

**MERCER COUNTY SCHOOLS  
Policy Comment(s) / Suggestion(s)**

**Policy: G-39**

**Sexual Harassment and Discrimination Grievance Process**

**Individual / Organization:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Comment(s) / Suggestion(s)**

**Please write your comments below in the sections that apply to the policy.**

**Use additional paper if necessary.**

**1.0 Purpose**

**Agree (reason)**

**Disagree (reason)**

This policy is being changed to comply with changes in federal law.		
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**2.0 Definitions**

**Agree (reason)**

**Disagree (reason)**

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**3.0 Procedures**

**Agree (reason)**

**Disagree (reason)**

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**General Comments**

**Agree (reason)**

**Disagree (reason)**

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Return comments **NO LATER THAN January 24, 2021** to:

Dr. Kristal Filipek - Director, Human Resources

Mercer County Schools

1403 Honaker Avenue

Princeton, WV 24740

## SEXUAL HARASSMENT AND DISCRIMINATION GRIEVANCE PROCESS

### 1.0 Purpose

- 1.1 Title IX of the Education Amendments of 1972 prohibits sex discrimination in educational programs or activities receiving Federal financial assistance. In 2020 the United States Department of Education released new Title IX regulations that prescribe how school districts are required to respond to sexual assault allegations. The purpose of this procedure is to provide a way for employees, students and third parties to report allegation of sexual discrimination or harassment and how Mercer County Schools will reach a resolution of the allegation through an investigation.

### 2.0 Definitions

- 2.1 **Actual Knowledge** - notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any Mercer County Schools official who has authority to institute corrective measures on behalf of Mercer County Schools, or to any school employee.
- 2.2 **Advisor** - a parent, guardian, or anyone person chosen by the Complainant or the Respondent to represent them and their interest throughout the grievance procedure.
- 2.3 **Complainant** - an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- 2.4 **Dating Violence** - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 2.5 **Decision Maker** - a Mercer County Schools Assistant Superintendent or Superintendent.
- 2.6 **Deliberate Indifference** - a conscious or reckless disregard of the consequences of one's acts or omissions. Deliberate indifference is more than negligence.
- 2.7 **Disparate Treatment Based on Gender** - any difference in treatment based on gender unless that is a legitimate nondiscriminatory reason for the difference in treatment.
- 2.8 **Domestic Violence** - felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim.

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- 2.9 **Education Program or Activity** - locations, events, or circumstances over which Mercer County Schools exercised substantial control over both the Respondent and the context in which the sexual harassment occurs.
- 2.10 **Exculpatory Evidence** - evidence that shows a person's non-involvement in an act or evidence that can show innocence.
- 2.11 **Formal Complaint** - a document filed by a Complainant or parent on their behalf or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting an investigation of the allegation of sexual harassment.
- 2.12 **Inculpatory Evidence** - evidence that shows a person's involvement in an act or evidence that can show guilt.
- 2.13 **Informal Resolution Process** - means an alternative to a full investigation and adjudication of a formal complaint that can happen with the voluntary consent of both the Complainant and Respondent where the allegation does not involve an employee sexually harassing a student.
- 2.14 **Preponderance of the Evidence** - evidence that shows the action alleged is more probable to have occurred than to not have occurred.
- 2.15 **Respondent** - an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- 2.16 **Sex discrimination** - when a person, because of his or her sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. Sex discrimination includes, but is not limited to, disparate treatment based on gender, sexual harassment, sexual violence and sexual assault.
- 2.17 **Sexual Assault** - any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes rape, fondling, incest, and statutory rape.
- 2.18 **Sexual Harassment** - conduct on the basis of sex that satisfies one or more of the following:
  - 2.18.1 Quid pro quo which is an employee of Mercer County Schools conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct

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- 2.18.2 Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity
- 2.18.3 Sexual assault, dating violence, domestic violence, or stalking, as defined in law and in this policy.
- 2.19 **Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.
  - 2.19.1 Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through a third parties action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - 2.19.2 Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- 2.20 **Supportive Measures** - non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment.
- 2.21 **Title IX Team** – a team consisting of the Title IX Coordinator, school-based Title IX representatives, school administrators and counselors, Assistant Superintendents, or the Superintendent.

### 3.0 Procedures

#### 3.1 Reporting Sexual Misconduct, Including Sexual Assault and Sexual Harassment

- 3.1.1 Any person may report sexual discrimination or sexual harassment, regardless of whether or not the person reporting is the person alleged to be the victim of the conduct, 24 hours a day by contacting the Title IX Coordinator in the following ways:

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By mail at 1403 Honaker Avenue, Princeton, WV 24740  
By e-mail at aaliff@k12.wv.us  
By phone at 304-487-1551  
Or by reporting to any school employee

A record of each report shall be completed immediately by the person receiving the report and shared with the appropriate personnel.

- 3.1.2 **Employee Reporting Obligation** - Any Mercer County Schools employee who after gaining actual knowledge of sexual harassment has an obligation to report immediately to the County's Title IX Coordinator or to their building principal or immediate supervisor as soon as possible, but not later than twenty-four (24) hours after witnessing or becoming aware. Failure to do so may result in disciplinary action against the employee for deliberate indifference, up to and including termination of employment. If it is not possible to contact the building principal in a timely fashion, the school employee shall report the incident to the Title IX Coordinator or another administrator as soon as possible.
- 3.1.3 **Time Frames for Reporting** – Mercer County Schools strongly encourages a Complainant or third party to promptly report a complaint of sexual assault or harassment. While there is no time limit in invoking this policy in responding to complaints of alleged sexual harassment, a complaint should be submitted as soon as possible after the event takes place in order to maximize Mercer County Schools ability to respond promptly and equitably. MCS may not be able to fully investigate a formal complaint against an individual who is no longer affiliated with the county. Under those circumstances, the county will still consider whether it can offer supportive measures to the Complainant or proceed under another applicable law, policy, procedure, handbook provision, or rule. In all cases, MCS will conduct a prompt and equitable investigation of allegations of sexual misconduct. Generally, the county will attempt to complete the investigation and make a determination regarding responsibility within sixty (60) calendar days of receipt of a formal complaint. However, the MCS may alter or extend this time with notice to both parties. The time it takes to complete the resolution of a sexual harassment complaint may vary based on the complexity of the investigation and the severity and extent of the alleged conduct, as well as on whether there is a parallel criminal investigation, or if school breaks occur during the process.

### 3.2 Process for Responding to Reports of Sexual Harassment

- 3.2.1 Initial Meeting with the Complainant upon receipt of any report of sexual harassment occurring in Mercer County Schools educational programs or activities, the Title IX Coordinator or designee will schedule a meeting with the Complainant

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in order to provide the Complainant a general understanding of this Policy and to identify forms of supportive measures available to the Complainant with or without the filing of a formal complaint, and to explain the process for filing a formal complaint. The intake meeting may also involve a discussion of any specific supportive measures that may be appropriate.

At the initial intake meeting with the Complainant, the Title IX Coordinator or designee will seek to determine how the Complainant wishes to proceed. The Complainant may opt for: (1) informal resolution; (2) formal resolution; or (3) not proceeding. Supportive measures may still be offered whether or not the Complainant chooses any of these options.

If the Complainant wishes to proceed with either informal or formal resolution, a written document must be filed by the Complainant or signed by the Title IX coordinator alleging harassment against a Respondent (the “formal complaint”). Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not the Complainant or otherwise a party to a complaint proceeding under this Policy.

- 3.2.2 **Informal Resolution** - a Complainant who does not wish to pursue formal resolution may request a less formal proceeding, known as “Informal Resolution”. Informal resolution is available to the parties any time prior to a determination of responsibility being issued. Informal resolution is a voluntary process that requires the written consent of the Complainant and Respondent. Mercer County Schools will not require the parties to participate in the Informal Resolution process as a condition of enrollment, employment, or of any other right discussed by MCS. Informal Resolution will **never** be used to resolve allegations involving an employee sexually harassing a student.

The Title IX Coordinator or designee will provide the parties with a written notice setting forth the allegations. The requirements of the informal resolution process set forth in this Policy, allow any party to withdraw from the informal process and proceed with the formal grievance process at any time prior to agreeing to a resolution.

Upon receipt of written consent from the parties to participate in informal resolution, the Title IX Coordinator or designee will consult separately with the Complainant and Respondent and gather additional relevant information as necessary. The Title IX Coordinator or designee may also put in place any appropriate supportive measures to protect the educational and work environment of the parties.

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The Title IX Coordinator or designee will work with parties to determine a mutually acceptable resolution to the complaint. This resolution will be put in writing and signed by the Complainant and the Respondent. Once signed, the written resolution becomes final and neither party can initiate the formal grievance process for the allegations in the formal complaint. The written resolution is not subject to appeal.

Either party may, at any time prior to signing an informal resolution agreement, elect to end the informal resolution process and initiate formal resolution instead.

In order to promote honest, direct, communication, information disclosed during informal resolution will remain confidential, except where disclosure may be required by law or authorized in connection with duties on behalf of Mercer County Schools.

- 3.2.3 **Formal Resolution** - upon submission of a formal complaint, the Complainant may elect to pursue a formal resolution, which is described more specifically in this section.
- 3.2.4 **Consolidation of Complaints** - Mercer County Schools may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances.
- 3.2.5 **Required Notices of Investigation** - If a Complainant elects to pursue a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:
- the identities of the parties involved in the incident;
  - the conduct alleged;
  - the date and location of the incident;
  - Respondent's entitlement to a presumption of innocence;
  - the parties' rights to have an advisor of their choice at the party's expense, who may be an attorney;
  - the parties' rights to review and comment on investigative evidence; and
  - the effect of making materially false statements in bad faith during this process.

If, during the course of investigation, MCS determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

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Notice of Interviews, Hearings, or Other Meetings - The Title IX Coordinator or designee shall provide to Complainant and Respondent a written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

3.2.6 **Dismissal** - Mercer County Schools shall dismiss any formal complaint made under this Policy if at any time it determines that it lacks jurisdiction under Title IX because the conduct alleged in the formal complaint:

- Would not constitute sexual harassment as defined in this policy, even if proved,
- Did not occur in the county's education program or activity; or
- Did not occur against a person in the United States.

MCS, in its sole discretion, may dismiss any formal complaint under this Policy if at any time:

- The Complainant notifies the Title IX Coordinator or designee in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- The Respondent is no longer enrolled in or employed by Mercer County Schools; or
- Specific circumstances exist that prevent the MCS from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. Examples include, but are not limited to, a significant passage of time from the date of the allegation(s) in the complaint to the date the complaint is filed that makes investigation impracticable, or where the Complainant has stopped participating in the process.

Dismissal of a complaint from proceeding under this Policy does not preclude MCS from offering supportive measures to any party or from proceeding under any other applicable policy, procedure, rule, or handbook provision applicable to students and/or employees of the MCS.

Upon dismissal of any formal complaint under this section, written notice of this dismissal and the reason(s) therefor will be provided simultaneously to Complainant and Respondent.

3.2.7 **Investigation** - The Title IX Coordinator shall designate an Investigator to conduct an investigation into any formal complaint. The Investigator must be appropriately trained in conducting Title IX investigations, unbiased, and have no conflict of

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interest in the present case. The Investigator serves as a neutral fact-finder, and shall interview both parties, relevant witnesses, and gather and review evidence relevant to the outcome of the complaint.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with Mercer County Schools and not with the parties. Both parties will have an equal opportunity to present witnesses and other evidence (both inculpatory and exculpatory) to the Investigator. Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment or retaliation against any party or otherwise violate applicable law, rule, or regulation.

The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations based solely on a person's status as Complainant, Respondent, or Witness.

The Investigator will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege, with that party's voluntary, written consent.

Prior to completion of the Investigative Report, the Investigator will provide each party with copies of any evidence obtained by the Investigator that is directly related to the allegations in the complaint. Both parties will have ten (10) calendar days to submit a written response to the evidence to the Investigator. By accepting receipt of this information, the parties and their representatives, if any, agree that the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX grievance process is prohibited and may result in appropriate discipline in accordance with county policy.

- 3.2.8 **Investigative Report** - After conducting the investigation, the Investigator will complete an investigative report that summarizes all relevant evidence, including statements and interviews with the parties and any witnesses, and any documents, records, photographs, recordings, or other evidence obtained by the investigator.

The investigative report will be distributed simultaneously to both of the parties at least ten (10) calendar days prior to a Determination of Responsibility being made.

- 3.2.9 **Determination of Responsibility** - the Decision-Maker is responsible for determining whether the conduct alleged in the complaint constitutes a violation of this Policy and any other applicable county policies, procedures, handbook provisions, or rules. The Decision-Maker shall not be the Title IX Coordinator or

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Investigator, and must be impartial and unbiased, have no conflict of interest in the particular case, and have training required by Title IX and this policy.

After receipt of the investigative report and prior to reaching a decision, each party shall be permitted to submit to the Decision-Maker relevant questions to be asked of the other party and/or any witnesses, including those challenging the credibility of the party or witness. The Decision-Maker shall review the questions with the party or witness to whom the questions are directed, but shall not ask any questions that are irrelevant or improperly inquire about the Complainant's sexual predisposition or past sexual conduct (other than where the incidents occurred between the Complainant and Respondent and are asked for purposes of demonstrating consent, where applicable). The Decision-Maker will provide a written explanation to the party of why any question was excluded. The Decision-Maker shall provide the responses of the party or witness in writing to both parties. The parties shall be provided with an opportunity for limited additional follow-up questioning. If any party or witness does not cooperate with responding to these questions, the Decision-Maker will not rely on any statement of that party or witness in reaching a determination of responsibility. The Decision-maker cannot draw an inference about responsibility based solely on a party's or witness's refusal to answer questions.

- 3.2.10 **Standard of Proof and Determination** - The determination of whether or not a violation of this Policy occurred will be made on the preponderance of the evidence, or whether it is more likely than not that the Respondent violated this Policy.
- 3.2.11 **Sanction** - Sanctions and remedies will be determined on a case-by-case basis by the Decision-Maker, where authorized to do so. Where applicable federal or state law, Board policy, contract, handbook provision, or other rule gives authority for issuing of a particular sanction to a different central office decision-making body (e.g., school board, IEP team) the Decision-Maker will recommend sanctions to that decision-making body or official, or the Board for further action.

Sanctions may include, but are not limited to required training, a written warning, suspension or expulsion of a student, or suspension or termination of an employee's employment with Mercer County Schools. The Decision-Maker may impose or recommend any sanction that it finds to be fair and proportionate to the violation and in accordance with Board Policy.

Remedies may include, but are not limited to, offers of counseling, training, changes or modifications to class or work schedules or assignments, provision of additional supervision, and other actions as deemed appropriate under the circumstances present in the case. The Title IX Coordinator or designee shall be responsible for implementing any proposed remedies.

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3.2.12 **Written Determination Regarding Responsibility** - The Decision-Maker will issue a written determination regarding responsibility, which shall be determined by a preponderance of the evidence. The written determination will include:

- Identification of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held (if applicable);
- Findings of fact;
- Conclusions regarding the application of this Policy and any other relevant county policy, procedure, handbook provision, or rule to the facts;
- A statement of and rationale for the Decision-Maker(s) determination regarding responsibility for each allegation;
- A statement of and rationale for any disciplinary sanctions that will be imposed on Respondent, if applicable;
- A statement of and rationale for any remedies the county will provide to restore or preserve Complainant's access to the educational program or activity, if applicable; and
- A statement of the county's appeal policy and procedures.

The Decision-Maker will provide the written determination to the parties simultaneously. The written determination shall be final, subject to the parties' right to appeal in Section 3.2.13 below.

3.2.13 **Appeals** - Within five (5) calendar days of delivery of the written determination to them, either party may appeal the dismissal of a formal complaint, or the Decision-Maker's written determination and/or any sanction imposed by the Decision-Maker to the Superintendent or her/his designee. Such appeals will be in writing and will be delivered to Superintendent or her/his designee. The Superintendent or her/his designee will determine if the written determination will be stayed pending the outcome of the appellate decision. Appeals will be limited to any of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the written determination was issued that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias that affected the outcome of the matter.

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The Superintendent or her/his designee will notify both parties in writing if an appeal is received alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written determination. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.

Except as required to explain the basis of new information, an appeal will be limited to a review of the written record of the investigation, the written determination, and the parties' written statements on appeal.

The Superintendent or her/his designee may affirm, reverse, or modify the written determination and/or sanctions imposed, or may remand to the Investigator or Decision-Maker for further action. A written appeal decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefore. The written appeal decision of the Superintendent or her/his designee is the final decision of MCS, and no further appeals are permitted under this Policy.

### **3.3 Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality**

3.3.1 If the Complainant does not wish to pursue formal or informal resolution and/or requests that his or her report remain confidential, the Title IX Coordinator or designee will inform the Complainant that Mercer County Schools ability to respond to the alleged sexual harassment may be limited. The Title IX Coordinator or designee may weigh the Complainant's request against the following factors:

- The seriousness of the alleged sexual misconduct,
- Whether there have been other complainants of sexual misconduct against the same Respondent, and
- The Respondent's right to receive information about the allegations, including the name of the complainant.

The Title IX Coordinator or designee will only initiate a formal complaint under these procedures against the wishes of the Complainant where required by federal or state law, regulation, or rule, or where doing so is not clearly unreasonable based on known circumstances. The Title IX Coordinator or designee will inform the Complainant if the MCS cannot ensure confidentiality. Even if the MCS cannot take disciplinary action against the Respondent because the Complainant insists on confidentiality or that the complaint not be resolved, MCS reserves the authority to implement supportive measures or other appropriate actions to promote a safe learning environment for the complainant and/or Mercer County Schools.

### **3.4 Advisors**

3.4.1 Complainants and Respondents have equivalent rights to be accompanied at any

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stage of the process by an advisor of their choice, who may be a parent or guardian, union representative (where applicable), other support person, or an attorney at the party's sole expense. Advisors may not answer questions on behalf of any party or otherwise participate in any interview or meeting, other than to confer with the party they are supporting/representing.

### **3.5 Supportive Measures**

- 3.5.1 MCS may implement supportive measures to preserve or restore the Complainant's access to the county's education program or activity. Supportive measures will be individualized, provided at no cost to the parties, and are non-disciplinary in nature.

Supportive measures may include, but are not limited to:

- Counseling,
- Extension of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Mutual restrictions on contact between the parties,
- Leaves of absence,
- Increased security and monitoring,
- Increased supervision and/or escort services, and/or
- Other similar measures.

MCS may temporarily remove a student accused of violation of this policy on an emergency basis, following an individualized safety and risk analysis that finds an immediate threat to the physical safety of any individual. Any student so removed will be provided with notice and an opportunity to challenge this action immediately following the removal, and any other rights conferred by law. Emergency removals must be consistent with other applicable laws. MCS, in its sole discretion, may place an employee accused of violating this policy on administrative leave pending the outcome of the informal or formal complaint process.

### **3.6 Resources and Services for Students and Employees**

- 3.6.1 There are resources available to individuals regardless of whether or not they choose to report a violation of this Policy to the MCS or local law enforcement. Any person may obtain information about services and supports offered to students and employees by contacting Mercer County Schools Title IX Coordinator.

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### **4.0 Administration**

#### **4.1 Record Keeping**

4.1.a Mercer County Schools must maintain all records of investigation under this policy for a period of seven years. Mercer County Schools must also maintain all materials used to train Title IX Team members and make the materials available on its website and upon request.

#### **4.2 Confidentiality**

4.2.a Mercer County Schools must keep confidential the identity of an individual who has made a report or complaint of sex discrimination or harassment, or any individual who has been reported to be the perpetrator of sex discrimination or harassment, and any witness except as to carry out the purposes of any investigation or proceeding.

4.2.b Notwithstanding anything to the contrary in this policy, while a Complainant has the right to all documents in the investigation and the written determination, the disciplinary action shall not be disclosed to a Complainant to the extent such disclosure is prohibited by the Family Educational Rights and Privacy Act (FERPA) or other applicable laws, regulations, rules, constitutional requirements, or orders.

#### **4.3 Retaliation**

4.3.a No person shall, for the purpose of interfering with any right or privilege secured by Title IX, intimidate, threaten, coerce, or discriminate against any individual who is the victim of or who reports alleged sexual harassment or testifies, assists, or participates in an investigation, proceeding, or hearing related to a sexual harassment complaint. Should retaliation occur, they shall promptly report the actions to principal, Title IX Team member, or Title IX Coordinator. Persons found guilty of retaliation shall be subject to discipline.

#### **4.4 Reporting to the WVDE**

4.4.a If the accused employee retires or resigns pending the investigation, following notice of a disciplinary hearing, or during the course of a disciplinary hearing, a letter advising that the employee did not conclude the disciplinary hearing will be sent to the West Virginia State Superintendent of Schools, accompanied by a copy of the disciplinary notice, and all evidence gathered. The letter sent to the West

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Virginia State Superintendent of Schools, the disciplinary notice, and report of allegations will be placed in the employee's personnel file. Such information shall remain in an employee's file unless the Board is specifically ordered to remove such by an administrative body or court of competent jurisdiction such as the West Virginia Education and School Employees Grievance Board, Circuit Court, or West Virginia Supreme Court of Appeals.

- 4.4.a.1 The Superintendent will report any conviction of a felony, hearing determination or admission by the employee of "immorality" or "willful neglect of duty" to the State Superintendent of Schools.

### **4.5 Training**

- 4.5.1 This policy shall be reviewed annually by all Mercer County Schools staff.
- 4.5.2 Mercer County Schools shall require each employee to annually attend at least one hour of training regarding the sexual harassment and its prevention.
- 4.5.3 Mercer County Schools shall require at least one age appropriate instructional period regarding sexual harassment and its prevention to be taught annually.

Source:

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)  
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
34 C.F.R. Part 106  
Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)  
OCR's Revised Sexual Harassment Guidance (2001)

Date(s):