

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. If any part of a school district or college receives any Federal funds for any purpose, all of the operations of the district are covered by Title IX.

Title IX protects students, employees, applicants for employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at recipient institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient's educational programs and activities.

In 2020 the United States Department of Education released new Title IX regulations that changed the way school districts are required to respond to sexual harassment allegations. The Preston County Board of Education adopts this policy to comply with the new regulations.

This policy applies to, sexual harassment by a student to another student; a student to an employee; an employee to a student; employee to employee, a third party to a student; a student to a third party; a male to a male; a female to a female; a male to a female; and a female to a male.

The Superintendent of schools shall appoint a Title IX Coordinator who will be the district's primary resource for identifying sex discrimination, including sexual harassment and s/he shall have full authority to implement the provisions of this policy.

#### **Notification Policy**

The Preston County Board of Education shall notify applicants for employment, students, parents or legal guardians of elementary and secondary school students, employees, and professional organizations holding professional agreements with the school district that:

- ❖ the school district does not discriminate on the basis of sex in the education program or activity that it operates, and
- ❖ that it is required by Title IX and its regulations not to discriminate in such a manner.

Inquiries about the application of Title IX in the Preston County Schools may be referred to the Title IX Coordinator, to the Assistant Secretary of the Department of Education, or both.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, 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 nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

By mail: 731 Preston Drive, Kingwood, WV 26537-1551  
By e-mail: criley1@mail.kana.k12.wv.us  
By phone: 304-329-0580  
Or by reporting to any school employee.

The contact information for the Title IX Coordinator and the school system's policy shall be posted on the county's website and in each handbook published within the school system.

## The Title IX Team

The Preston County Schools Title IX Team shall consist of the following:

- ❖ Title IX Coordinator;
- ❖ Title IX Representative in each school (Who shall be the school principal);
- ❖ Investigator(s);
- ❖ School Counselors; and
- ❖ Decision Makers (Superintendent and Assistant Superintendents).

**Note: The Title IX Coordinator, Investigator and Decision Maker must be three separate and independent individuals.**

### R-2-21-1 Definitions

- ❖ **"Actual Knowledge"** means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any Preston County Schools official who has authority to institute corrective measures on behalf of the district or to any school employee. A formal complaint is not required in order for a school district to have actual knowledge of sexual harassment or allegations of sexual harassment
- ❖ **"Advisor"** means a parent, guardian, or anyone person chosen by the Complainant or the Respondent to represent them and their interest throughout the grievance procedure.
- ❖ **"Complainant"** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- ❖ **"Decision Maker"** means the Superintendent of schools or an Assistant Superintendent.
- ❖ **"Deliberate Indifference"** means the conscious or reckless disregard of the consequences of one's acts or omissions. Deliberate indifference is more than negligence.
- ❖ **"Exculpatory Evidence"** means evidence that shows a person non-involvement in an act or evidence that can show innocence.
- ❖ **"Formal Complaint"** means 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.
- ❖ **"Inculpatory Evidence"** means evidence that shows a person's involvement in an act or evidence that can show guilt.
- ❖ **"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.
- ❖ **"Preponderance of the Evidence"** means that the evidence shows that the action alleged is more probable to have occurred than to not have occurred.
- ❖ **"Respondent"** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- ❖ **"Sex discrimination"** means 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.
- ❖ **"Sexual Assault"** means 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.

- ❖ **"Sexual Harassment"** means conduct on the basis of sex that satisfies one or more of the following:
  - "Quid pro quo" which is an employee of the district conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
  - 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; or
  - "Sexual assault", "dating violence", "domestic violence", or "stalking", as defined in law and in this policy.
- ❖ **"Supportive Measures"** means 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.

#### **R-2-21-2 Title IX Coordinator Expectations and Duties**

The Title IX Coordinator should understand how the district's policies and procedures work and be prepared to fulfill the following expectations and duties:

- ❖ Train students and staff on the Title IX grievance procedures, reporting suspected sexual harassment and any other procedures used for investigating reports of sexual violence
- ❖ Identify and address any patterns or systemic problems
- ❖ Cooperate with law enforcement and crisis center
- ❖ Be mindful of school culture and climate and collect and analyze data on school climate as appropriate
- ❖ Be available to meet with students as needed
- ❖ Avoid Conflicts of Interest
  - Title IX Coordinator should be independent
  - Report directly to Superintendent
  - Have no job responsibilities that create conflict even beyond that described in the regulations (e.g. making discipline decisions, general counsel, superintendent, principal, or athletics director)
- ❖ The Title IX Coordinator must coordinate responses to all allegations of sex discrimination. This includes:
  - Implementing supportive measures
  - Monitoring outcomes
  - Identifying and addressing any patterns
  - Assessing effects on the district climate
- ❖ Other Specific duties of the Title IX Coordinator include, but are not limited to:
  - The Title IX Coordinator shall publish and disseminate a notice of this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public, together with either a copy of this policy or a statement how to obtain a copy of this policy. A copy of this policy will be distributed to all buildings and facilities within the district, and included or referenced in all student or employee handbooks and posted on the Preston County Schools' website.

- The Title IX Coordinator, together with other appropriate district officials, are responsible to help monitor the implementation of nondiscrimination procedures in the following areas:
  - Curriculum and Materials—Monitoring curriculum guides, textbooks and supplemental materials for discriminatory bias.
  - Training—Provision of training for students and staff to identify and alleviate problems of discrimination and unlawful harassment. Provision of training to all building principals to investigate complaints under this policy.
  - Student Access—Monitor programs, activities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
  - District Support—Monitor school programs to assure that male and female programs which are similar receive similar support when it comes to staffing, compensation, facilities, equipment and related matters.
  - Student Evaluation—Monitor tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
  - Employment Relations—Assist with the development of position qualifications, job descriptions and essential job functions; recruitment materials and practices; Procedures for screening, interviewing and hiring; promotions; and disciplinary actions, up to and including terminations.

### **R-2-21-3 Employee Expectations and Duties**

Each employee shall be responsible to maintain learning and working environment free from all forms of unlawful discrimination and harassment, and to report all incidents of unlawful discrimination or harassment promptly in a manner that is not deliberately indifferent, which s/he observes or is informed about to the building principal, school based Title IX representative, or the Title IX coordinator.

Employees are strictly prohibited from dating, attempting to cultivate a romantic relationship or becoming involved in an inappropriate relationship with students, regardless of the student's age or consent. This prohibition shall be in force as long as the student is considered a student within the school system, including during the summer break, holidays and other times away from school, and also shall apply to all graduated students for 12 months after the student's graduation.

### **R-2-21-4 Student Responsibilities**

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an environment free from all forms of unlawful discrimination and harassment, and to report all incidents of unlawful discrimination or harassment which they observe, or are informed about, to any school employee or to a member of the Title IX Team.

### **R-2-21-5 Procedures for Reporting Complaints**

A complaint under this policy should be filed as soon as possible after the time of occurrence and within 180 days of the alleged violation(s) of Title IX. Failure of a complainant or appellant to comply with any time limitation in the complaint procedure may result in dismissal of the complaint and/or denial of the appeal

All Complaints of sexual harassment should be made in writing on the Preston County Schools Title IX Formal Complaint Form, which may be obtained from the Title IX Coordinator, school principal, or the county website. The complainant may attach a written narrative explaining the nature of the complaint to the form. The complaint form or narrative shall contain information that describes the conduct that has

violated prohibitions against sex discrimination, including sexual harassment and sexual violence, and identify with reasonable particularity the respondent(s) and any witnesses to the alleged conduct.

Any district employee who either reasonably believes a student has been discriminated against based on sex or who receives a complaint of sex discrimination, harassment or violence from a student must immediately submit the Title IX Formal Complaint Form to the school principal or supervisor. This reporting obligation is in addition to a school employee's reporting obligations to appropriate officials pursuant to law and county policies regarding child abuse and neglect when the employee has a reasonable belief that a student is being sexually abused or subjected to other forms of abuse and neglect prohibited by law.

The school principal or the Title IX Coordinator shall promptly contact the alleged victim of the sexual harassment and discuss the following:

- ❖ Supportive measures available to immediately relieve any ongoing issues and the alleged victim's wishes with respect to supportive measures,
- ❖ The availability of supportive measures with or without the filing of a formal complaint, and
- ❖ The process for filing the formal complaint.
- ❖ The school principal or the Title IX Coordinator shall document his/her conversation with the complainant and the allegations presented on the Title IX Formal Complaint Form and inform the complainant's parent or guardian of the complaint.
- ❖ Based on the allegation, the school principal or Title IX Coordinator will determine if there was a possible instance of sexual harassment, at which point the complainant/complainant's parents or guardian may decide to pursue a formal investigation. The Title IX Coordinator can also decide to pursue a formal complaint regardless of complainant/complainant's parents or guardian's consent if the circumstances are such that it would not be unreasonable to pursue without consent.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the school principal or Title IX Coordinator shall ask for such details in an oral interview. In the event the complainant is a student with disabilities, s/he will carefully review the reporting student's IEP or 504 Plan to determine what specific accommodations that child should have to aid in their reporting.

#### **R-2-21-6 Procedures for Filing a Formal Complaint**

Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known:

- ❖ Notice of the school district's grievance process that complies with this section, including any informal resolution process;
- ❖ Details of the allegations, parties involved, date, location of alleged conduct, and that the respondent is not presumed responsible until a determination regarding responsibility is made at the conclusion of the grievance process
- ❖ The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence
- ❖ A request for a meeting with the parties and advisors if they have one, to discuss the allegations.
- ❖ Date, time, location, participants, and purpose of all meetings with sufficient time to prepare to participate.
- ❖ The Title IX Coordinator will start investigating under the formal complaint process using the Title IX Formal Complaint Form.
- ❖ REMEMBER, complainants and respondents must be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures

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

The school district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

- ❖ a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- ❖ the respondent is no longer enrolled or employed by the school district; or
- ❖ Specific circumstances prevent the school district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. –Upon a dismissal, the school district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties

Notice detailing dismissal will be sent to all parties.

### **R-2-21-7 Informal Resolution Policy and Procedure .**

An Informal Resolution Process may be facilitated at any time after the formal complaint is filed and prior to the determination regarding responsibility. This process takes the form of an informal mediation and does not involve a full investigation and adjudication.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the process with respect to the formal complaint.

An impartial qualified individual shall be the mediator for this process. This individual shall not be anyone who was involved in the formal complaint process.

An informal resolution process is available to any complainant who has filed a formal complaint, provided that the respondent voluntarily agrees to the process with written consent.

This process is not available to resolve allegations that an employee of the Preston County Schools sexually harassed a student.

Informal resolutions may not be required as a condition of enrollment/employment.

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### **R-2-21-8 Formal Complaint Investigation Process**

The Title IX Coordinator shall initially review the written, formal complaint to determine whether the matter falls within the scope of these procedures. Within five (5) days after the complaint submission date, the Title IX Coordinator shall initiate an investigation of the matters alleged, or inform the complainant in writing that the matters alleged in the complaint are not within the jurisdiction or authority of the district to investigate and that the district will not carry out any further investigation.

If the matter does not involve allegations of discrimination within the scope of these procedures, the Title IX Coordinator shall forward the matter to the proper district administrative authority for review or refer the matter to local police authorities as appropriate

### **Investigation**

The Title IX Coordinator shall oversee a reliable and impartial investigation of the complaint which will be conducted by an investigator designated by him/her.

Both parties must be provided with a WRITTEN explanation of the allegations with "sufficient details known at the time and with sufficient time (10 days) to prepare a response before any initial interview.

Guidelines for conducting the investigation include, but are not limited to:

- ❖ The burden of proof and the burden of gathering evidence rests on the school district and not on the parties;
- ❖ If needed, the Title IX Coordinator will ask for written consent to access medical or counseling records;
- ❖ Throughout this process the school district cannot restrict the ability of either party to discuss the allegations or to gather/present relevant evidence;
- ❖ All parties will have an equal opportunity to present witnesses and any inculpatory or exculpatory evidence;
- ❖ Provide the parties with the same opportunities to have others present during the process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent; however, the school district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
- ❖ The Investigator shall maintain documentation of all proceedings, which may include written findings of facts, transcripts, notes, or audio recordings;
- ❖ Prior to completion of the investigative report, the school district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
- ❖ The Investigator will create an investigative report that summarizes relevant evidence and send that report to all parties, including advisors, in electronic or hard copy format. Parties may review and provide any written responses they may have within 10 calendar days of receiving the investigative report;
- ❖ After the parties have had access to the Investigative Report for at least 10 calendar days, the Title IX Coordinator will take all gathered evidence, the investigative report, and all responses to the report, to the decision maker to reach a determination regarding responsibility;
- ❖ The Title IX Coordinator will offer any additional supportive measures to the complainant and respondent; and
- ❖ For all processes, timelines may be delayed for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

#### **R-2-21-9 Formal Complaint Decision Process**

After the parties have had access to the Investigative Report for at least 10 calendar days, the Title IX Coordinator will take all gathered evidence, the investigative report, and all responses to the report, to the Decision Maker to reach a determination regarding responsibility;

The Decision Maker shall notify both the complainant and respondent in writing within forty-five (45) days from the complaint submission date of the results of the investigation. )

The Decision Maker shall consider the totality of the evidence and determine whether the preponderance of the evidence establishes that the alleged discrimination occurred (i.e., it is more likely than not that discrimination/sexual harassment/sexual violence occurred).

The Written Determination Must 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 fact supporting the determination;
- ❖ Conclusions regarding the application of the school district's policies regarding expected student behavior to the facts;
- ❖ A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's education program or activity will be provided by the school district to the complainant; and
- ❖ The school district's procedures and permissible bases for the complainant and respondent to appeal.

The written determination must be provided to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination or 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.

The Title IX Coordinator shall be responsible for effective implementation of any remedies.

#### **R-2-21-10 Appeals from the Formal Complaint Process**

Both parties must be offered an appeal from a determination regarding responsibility, and from a school district's dismissal of a formal complaint or any allegations therein. Appeals must be in writing and sent to the Superintendent.

An appeal may be made on the following bases:

- ❖ Procedural irregularity that affected the outcome of the matter;
- ❖ New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- ❖ The Title IX Coordinator, investigator(s), or decision-maker(s) 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.
- ❖ A school district may offer an appeal equally to both parties on additional bases.

As to all appeals, the school district must:

- ❖ Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- ❖ Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- ❖ Ensure that the decision-maker(s) for the appeal complies with the standards set forth for the bases for the appeal;
- ❖ Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- ❖ Issue a written decision describing the result of the appeal and the rationale for the result; and
- ❖ Provide the written decision simultaneously to both parties.

#### **R-2-21-11 Student Disciplinary Corrective Action**

Employees and students may be disciplined if it is determined through this procedure that discriminatory action, treatment, harassment or retaliation for complaining, has occurred in violation of federal or state laws or district policies. The Title IX Coordinator shall confer with the appropriate administrators to initiate disciplinary proceedings against the respondent.



## **Students**

Disciplinary actions and procedures shall be consistent with SBP 4373 Expected Behavior in Safe and Supportive Schools, Board policies and district procedures, and other applicable state and federal laws, rules, regulations, and constitutional requirements.

If the recommended disciplinary consequences involve either a long-term suspension or expulsion, the student is entitled to pursue the hearing and appeal rights pursuant to SBP 4373.

## **Employees**

If the written report of the Decision Maker or an appeal resolution results in a finding that the respondent committed a violation of the Preston County Schools' Code of Conduct or any laws or regulations applicable to the respondent, corrective action shall be rendered in accordance with existing district policies to ensure a substantial likelihood that such conduct ceases and will not recur, and to remedy any effects of the violation for which the district is responsible

If the disciplinary consequence involves suspension or termination, the employee's hearing and appeal rights will be governed by West Virginia law and District policies.

Employee and student behavior that rises to the level of possible criminal behavior may be referred to the appropriate legal authorities for review.

### **R-2-21-12 Recordkeeping**

A school district must maintain for a period of seven (7) years records of:

- ❖ Each sexual harassment investigation including
  - any determination regarding responsibility
  - any audio or audiovisual recording or transcript
  - any disciplinary sanctions imposed on the respondent, and
  - any remedies provided to the complainant designed to restore or preserve equal access to the school district's education program or activity.
- ❖ Any appeal and the result therefrom;
- ❖ Any informal resolution and the result therefrom; and
- ❖ All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.
  - A school district must make these training materials publicly available on its website, or if the school district does not maintain a website the school district must make these materials available upon request for inspection by members of the public.

For each response required under § 106.44, a school district must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

In each instance, the school district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the school district's education program or activity.

If a school district does not provide a complainant with supportive measures, then the school district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The documentation of certain bases or measures does not limit the school district in the future from providing additional explanations or detailing additional measures taken.

### **R-2-21-13 Confidentiality**

The school district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

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 disclose 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.

### **R-2-21-14 Retaliation .**

No school district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliate

### **R-2-21-15 Policy Training**

This policy shall be reviewed annually by the Superintendent and staff.

Each employee shall annually attend at least one hour of training regarding the sexual harassment and its prevention

All schools shall require at least one appropriate instruction period regarding sexual harassment and its prevention to be taught annually.

### **R-2-21-16 False Complaints**

If an investigation reveals that an employee or student making the complaint has falsely (and in bad faith or out of malice) accused another employee or student of harassment as defined in this policy, the complaint shall be dismissed and the complaining individual shall be subject to discipline.

Students, filing of false charges or for acts of reprisal the disciplinary action shall be in accordance with SBP 4373 Acceptable Behavior in Safe and Supportive Schools.

For school employees, filing of false charges shall constitute a violation of the Employee Code of Conduct and may subject the employee to disciplinary action in accordance with File: 8-24 Employee Suspension and Dismissal and R 8-24-2 Due Process Rights of School Personnel

Parents and/or other members of the public who falsely (and in bad faith or out of malice) accuse an employee or student of harassment as defined in this policy, are advised that they may be subject to civil action in the court system and may be referred to the appropriate law enforcement agency for possible criminal action.

**R-2-21-17 Relationship of These Procedures and Timelines to Law Enforcement Activities**

Nothing in these procedures should in any way be deemed to discourage the complainant from reporting acts subject to these Procedures, including acts of sexual violence, to local law enforcement. In the event that the complainant files a criminal complaint, the Title IX Coordinator should not wait for the conclusion of a criminal investigation or criminal proceeding to begin the district's own Title IX investigation.

Although the District may need to delay temporarily the fact-finding portion of a Title IX investigation while local law enforcement officials are gathering evidence, it is important for the Title IX Coordinator to understand that during this brief delay in the Title IX investigation, the district must take interim measures to protect the complainant in the educational setting. The district should also continue to update the parties on the status of the investigation and inform the parties when the district resumes its Title IX investigation

The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The Title IX Coordinator should consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the class, transportation, or extra-curricular activities; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

**PRESTON COUNTY SCHOOLS' TITLE IX FORMAL COMPLAINT FORM**

**PURPOSE:** The purpose of the Title IX grievance procedures is to secure, at the lowest possible level, prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX of the Education Amendments of 1972 ("Title IX") and violation of district policies that prohibit these types of discrimination. These procedures apply **only** to complaints alleging discrimination prohibited by Title IX (including sexual harassment and sexual violence).

**INSTRUCTIONS:** Individuals alleging Title IX discrimination and requesting review are required to complete this form and submit it to the appropriate administration as soon as possible and within 180 days of the alleged violation(s) after the occurrence of the alleged discrimination:

**Title IX Complaints:**

crileyl@mail.kana.k12.wv.us

**Name of Complainant:** \_\_\_\_\_

**Complainant's Address:** \_\_\_\_\_  
Street City/State Zip

**Complainant's Phone Number:** \_\_\_\_\_

**1. School/Office:** \_\_\_\_\_ **Grade (If Applicable)** \_\_\_\_\_

**2. Nature of Grievance:** Please describe the action you believe may be sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX and identify with reasonable particularity any person(s) you believe may be responsible. Please attach additional sheets, if necessary.

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

**3. When did the actions described above occur?** \_\_\_\_\_

\_\_\_\_\_

**4. Are there any witnesses to this matter? (Please circle)** Yes No

If yes, please identify the witnesses:

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

**5. Did you discuss this matter with any of the witnesses identified in Item 4?**

(Please circle)      Yes                  No

If yes, please identify:

Person(s) to whom you have spoken:

_____	_____	_____
Name	Date	Method of Communication
_____	_____	_____
Name	Date	Method of Communication
_____	_____	_____
Name	Date	Method of Communication

**6. Have you spoken to any administrator(s) or other district employee(s) about this matter?**

(Please circle) Yes No

If yes, please identify:

Person(s) to whom you have spoken:

_____	_____	_____
Name	Date	Method of Communication
_____	_____	_____
Name	Date	Method of Communication
_____	_____	_____
Name	Date	Method of Communication

**7. Please describe the result of the discussion(s) identified in Item 6:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PLEASE ATTACH ANY STATEMENTS, NAMES OF WITNESSES, REPORTS, OR OTHER DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR COMPLAINT.**

I certify that the foregoing information is true and correct:

_____	_____	_____
Print Name	Signature	Date