

# OSBA Model Sample Policy

Code: AC  
Adopted:

## Nondiscrimination and Civil Rights

{Required policy. 34 CFR § 106.45 requires grievance procedures for complaints of sex discrimination. OAR 581-021-0655(3) requires policy regarding civil rights coordinators.}

The district does not discriminate on any basis listed below and prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual’s perceived or actual race<sup>1</sup>, color, religion, sex<sup>2</sup>, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which patrons can communicate their concerns to the administration and the Board.

~~[The Board designates the [insert position title(s)] as the district’s civil rights coordinator.] [The Board directs the superintendent to designate the district’s civil rights coordinator and make contact information available to staff, students and parents.]{<sup>3</sup>}~~

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district’s administrative office and available on the home page of the district’s website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating,

---

<sup>1</sup> Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. “Race” also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 ~~(as amended by House Bill 2935 (2021))~~.

<sup>2</sup> 34 CFR § 106.10 provides “discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”

<sup>3</sup> ~~{For additional information regarding civil rights coordinators and their responsibilities, see ORS 332.505(2).}~~

threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

The district will document and track:

1. All reports of discrimination received by the district and all responses to those reports issued by the district, including any investigations completed and remedies provided; and
2. The training completed by each civil rights coordinator.

### **Civil Rights Coordinator**

[The [insert position title(s)] is the district's civil rights coordinator.]

The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:
  - a. The notice of nondiscrimination<sup>4</sup> required by OAR 581-021-0045; and
  - b. The district written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
5. Provide guidance to district staff on civil rights issues in the district;
6. Respond to questions and concerns about civil rights in the district;
7. Coordinate efforts to prevent civil rights violations from occurring in the district; and
8. <sup>{5}</sup>[Satisfy the training requirements in OAR 581-021-0660 (2)-(3)] [Satisfy the following training requirements:

---

<sup>4</sup> The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

<sup>5</sup> {OAR 581-021-0655(3)(a) requires the district adopt a policy including the requirements in OAR 581-021-0660, including the training requirements referenced and listed here. The district can meet this requirement by choosing either of the two bracketed options.}

- a. Upon initial designation, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education (ODE):
- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
  - (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
  - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
  - (4) Identifying discrimination and reports of discrimination;
  - (5) Responding to reports of discrimination;
  - (6) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest;
  - (7) Preventing discrimination in public school programs and activities;
  - (8) Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities;
  - (9) Tracking and documenting reports of discrimination.
- b. In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by ODE:
- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
  - (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
  - (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
  - (4) Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.<sup>6</sup>

END OF POLICY

---

<sup>6</sup> Training must first be completed by June 30, 2025.

---

**Legal Reference(s):**

<a href="#">ORS 174.100</a>	<a href="#">ORS 659A.006</a>	<del><a href="#">OAR 581-002-0001—002-0005</a></del>
<a href="#">ORS 192.630</a>	<a href="#">ORS 659A.009</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 326.051(1)(e)</a>	<a href="#">ORS 659A.029</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">ORS 332.505</a>	<a href="#">ORS 659A.030</a>	<a href="#">OAR 581-021-0047</a>
<a href="#">ORS 408.230</a>	<a href="#">ORS 659A.040</a>	<a href="#">OAR 581-021-0650 - 0665</a>
<a href="#">ORS 659.805</a>	<a href="#">ORS 659A.103 - 659A.145</a>	<a href="#">OAR 581-022-2310</a>
<a href="#">ORS 659.815</a>	<a href="#">ORS 659A.230 - 659A.233</a>	<a href="#">OAR 581-022-2370</a>
<a href="#">ORS 659.850 - 659.860</a>	<a href="#">ORS 659A.236</a>	<a href="#">OAR 581-075-0001 - 075-0005</a>
<a href="#">ORS 659.865</a>	<a href="#">ORS 659A.309</a>	<a href="#">OAR 581-075-0901</a>
<a href="#">ORS 659A.001</a>	<a href="#">ORS 659A.321</a>	<a href="#">OAR 839-003</a>
<a href="#">ORS 659A.003</a>	<a href="#">ORS 659A.409</a>	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act ~~of 1990~~/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2020~~2024).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

~~Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).~~

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

# OSBA Model Sample Administrative Regulation

Code: AC-AR(1)

Adopted/Revised/Reviewed:

## Discrimination or Civil Rights Complaint Procedure

{Required administrative regulation. OAR 581-022-2370 requires districts to have complaint procedures, including for complaints of discrimination. Federal law also requires discrimination, including sex discrimination, complaint procedures. Districts are required to designate civil rights coordinators who have a responsibility to “oversee investigations of complaints alleging discrimination.” Districts are also required to have Title IX Coordinators. The district should consider the coordinators’ roles in the complaint process and adjust the procedures as appropriate.}

Any person, including students, staff, visitors and third parties, may file a complaint.

[The district may have additional responsibilities addressing reports and complaints, including but not limited to, those found in the following policies and their associated administrative regulations:

1. AC-AR(2) - Sex-Based Discrimination under Title IX;
2. ACA - Americans with Disabilities Act;
3. ACB - Every Student Belongs;
4. GBEA - Workplace Harassment;
5. GBM - Staff Complaints;
6. GBMA - Whistleblower;
7. GBN/JBA - Sexual Harassment;
8. GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying – Staff;
9. GBNA/JHFF - Reporting of Suspected Sexual Conduct with Students;
10. GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements;
11. IIA - Instructional Materials\*\*;
12. JFCF - [Hazing, ]Harassment, Intimidation, Bullying, [Menacing, ]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student\*\*; and
13. KL - Public Complaints.]

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: Complaints of sex-based discrimination received by the district, in addition to the procedures outlined below, must follow additional requirements in AC-AR(2) - Sex-Based Discrimination Complaints.

{<sup>1</sup>} Complaints may be oral or in writing and ~~must~~ may be filed with the [principal] or civil rights coordinator. Any staff member that receives an oral or written complaint shall report the complaint to the [principal]. If a complaint is filed with the civil rights coordinator, the civil rights coordinator will forward it to the [principal]. If a complaint is filed with the [principal], the [principal] will notify the civil rights coordinator of the complaint. The civil rights

<sup>1</sup> {For district information. The district must include a timeline at each step. If a written decision is not issued within 30 days at any step, or 90 days overall, the complainant can appeal the complaint directly to the Oregon Department of Education. (OAR 581-075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025))}

coordinator will oversee the investigation<sup>{2}</sup> conducted by the [principal or designee] and ensure the investigation is resolved.

The [principal] shall ensure that any required notices are provided.<sup>3</sup>

The [principal] shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within [10] school days of receipt of the complaint.

Step 2: If the complainant wishes to appeal the decision of the [principal], the complainant may submit a written appeal to the superintendent [or designee] within [five] school days after receipt of the [principal]'s response to the complaint.

The superintendent [or designee] shall review the [principal]'s decision within [five] school days and may meet with all parties involved. The superintendent [or designee] will review the merits of the complaint and the [principal]'s decision. The superintendent [or designee] will respond in writing to the complainant within [10] school days.

Step 3<sup>{4}</sup>: If the complainant is not satisfied with the decision of the superintendent [or designee], a written appeal may be filed with the Board within [five] school days of receipt of the superintendent's [or designee's] response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative [at the next regular or special Board meeting] [at a Board meeting]. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within [30] days of receipt of the appeal by the Board.

If the [principal] is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent [or designee]. The superintendent will notify the civil rights coordinator.

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair. [The Board may refer the investigation to a third party.] The Board chair will direct notification to the civil rights coordinator.

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be submitted to the Board chair and may be referred to district counsel. The Board chair will direct notification to the civil rights coordinator.

---

<sup>2</sup> {The investigator can be someone other than the civil rights coordinator or principal.}

<sup>3</sup> See the following for notice requirements:

1. Administrative regulation ACB-AR - Bias Incident Complaint Procedures
2. Administrative regulation AC-AR(2) - Sex-Based Discrimination Under Title IX
3. Board policy GBN/JBA - Sexual Harassment

<sup>4</sup> {Individuals tasked with making decisions regarding complaints for types of discrimination may be required to be trained prior to making those decisions. See July 2022 Dear Colleague letter.}



Complaints against the Board chair may start at Step 3 and be referred directly to the ~~[district counsel]~~ [Board vice chair]. The [Board vice chair] will direct notification to the civil rights coordinator.

All complaints, including those starting at Step 2 or later, will meet all legal requirements. The civil rights coordinator will oversee these requirements.

<sup>{5}</sup> The timelines established in each step of this procedure may be extended ~~upon mutual consent of the district and the complainant in writing[, but will not be longer than 30 days from the date of the submission of the complaint at any step]~~ by [the district for good cause. Any extension will be communicated to the parties and include a reason for the delay] [mutual agreement between the district and complainant]. ~~The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.~~

The complainant, if a person who resides in the district[, ] [or] a parent or guardian of a student who attends school in the district[ or a student,] is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step (unless the district and complainant have agreed in writing to a different time period for that step) or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal<sup>6</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

### **Charter Schools of which the District Board is a Sponsor**

[The district Board, [through its charter agreement with [name of charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), or OAR 581-021-0655 (Duty to Designate a Civil Rights Coordinator) or 581-021-0660 (Duties of and Training Requirements for Civil Rights Coordinator). A complainant may appeal and will submit to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025.)

OR

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will not review an appeal of a decision reached by the Board of the [name of public charter school] on a complaint alleging a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), or OAR 581-021-0655 (Duty to Designate a Civil Rights Coordinator) or 581-021-0660 (Duties of and Training Requirements for Civil Rights Coordinator), for which the

<sup>5</sup> {If the extension of timelines is by mutual agreement, the ability of the complainant to appeal to the Deputy Superintendent of Public Instruction at 30 or 90 days is stalled until the end of the agreed upon extension.}

<sup>6</sup> An appeal must meet the criteria found in OAR 581-~~002-0005~~(1)(a)075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

district Board has jurisdiction, and recognizes a decision reached by the Board of [name of public charter school] as the district Board’s final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).]



**DISCRIMINATION OR CIVIL RIGHTS COMPLAINT FORM**

*Any person, including students, staff, visitors and third parties, may file a complaint.*

Name of Person Filing Complaint \_\_\_\_\_ Date \_\_\_\_\_ School or Activity \_\_\_\_\_

Student/Parent  Employee  Job applicant  Other  \_\_\_\_\_

Type of discrimination or harassment:

- Race
- Color
- Religion
- Sex
- National or ethnic origin
- Gender identity
- Other \_\_\_\_\_
- Mental or physical disability
- Marital status
- Familial status
- Economic status
- Veterans' status
- Age
- Sexual orientation
- Pregnancy
- Discriminatory use of a Native American mascot

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.)

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

Who should we talk to and what evidence should we consider? \_\_\_\_\_

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

Suggested solution/resolution/outcome: \_\_\_\_\_

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

This complaint form should be mailed or submitted to the [principal].

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

# OSBA Model Sample Administrative Regulation

Code: AC-AR(2)  
Revised/Reviewed:

## Sex-Based Discrimination Under Title IX

{This administrative regulation (AR) is intended to provide guidance to district administrators when handling Title IX-related issues. These requirements here are in addition to requirements in other applicable complaint procedures.}

### Definitions

“Discrimination on the basis of sex” includes discrimination on the basis of sex-stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

“Complainant” means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the district’s education program or activity at the time of the alleged discrimination.

“Complaint” means an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination.

{<sup>1</sup>}[“Consent” means the knowing, voluntary and clear agreement by all parties to participate in the specific act.]

“Parental status” means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

1. A biological parent;
2. An adoptive parent;
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with response to such a person;
7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

---

<sup>1</sup> {This definition of consent is based on the definition of “without consent” in ORS 342.704, applying to sexual harassment. The district can choose to use a different definition.}

“Peer retaliation” means retaliation by a student against another student.

“Pregnancy or related conditions” means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

“Sex-based harassment” is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on bases described in 34 CFR § 106.10, that is:

1. Quid pro quo harassment. An employee, agent, or other person authorized by the district to provide an aid, benefit, or service under the district’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the district’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following:
  - a. The degree to which the conduct affected the complainant’s ability to access the district’s education program or activity;
  - b. The type, frequency, and duration of the conduct;
  - c. The parties’ age, roles within the district’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - d. The location of the conduct and the context in which the conduct occurred; and
  - e. Other sex-based harassment in the district’s education program or activity; or
3. Specific offenses including sexual assault, dating violence, domestic violence, and stalking.<sup>2</sup>

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party’s access to the district’s education program or activity, including measures that are designed to protect the safety of the parties or the district’s educational environment; or
2. Provide support during the district’s grievance procedures under 34 CFR § 106.45, and if applicable 34 CFR § 106.46, or during the informal resolution process under 34 CFR § 106.44(k).

---

<sup>2</sup> See 34 CFR § 106.2, *Sex-based harassment* (3) *Specific offenses* for definitions.

## Notice of Nondiscrimination

The district will provide notice of nondiscrimination to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment and all unions and professional organizations holding collective bargaining or professional agreements with the district. This notice will be continuously available on the district website, be posted in multiple locations, be made available in the languages of the communities served by the district, and be disseminated annually to staff, students, and families in an accessible manner.<sup>3</sup> This includes, but is not limited to, each handbook, catalog, announcement, bulletin, and application form that the district makes available to persons entitled to the notice.<sup>{4}</sup>

[<sup>{5}</sup>Sample notice:

The district does not discriminate on the basis of age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, and gender identity.

The district prohibits sex discrimination in any education program or activity it operates, as required by Title IX and its regulations, including admission and employment.

Inquiries about Title IX may be referred to the district's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

The following have been designated by the district:  
*[Include Title IX Coordinator(s), Civil Rights Coordinator(s), Section 504 of the Rehabilitation Act of 1973 Coordinator, and Title II of the Americans with Disabilities Act of 1990 Coordinator with name or title, work address, email address and phone number.]*

The district's nondiscrimination policy and grievance procedures can be located at [include link to location(s) on website or otherwise describe location(s)].

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to [include link to location(s) on website or otherwise describe location(s)].

The following may also be used in district publications:

The district prohibits sex discrimination in any education program or activity it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at [insert website address].]

---

<sup>3</sup> This reflects the requirements for the Title IX notice (34 CFR § 106.8(c)(1)) and Oregon law OAR 581-021-0045(4).

<sup>4</sup> {If necessary, due to the format or size of any publication, the district may instead include in those publications a statement that the district prohibits sex discrimination in any education program or activity it operates, and individuals may report concerns or questions to the Title IX Coordinator and provide the location of the notice on the district's website.}

<sup>5</sup> {Including this notice language in this administrative regulation does not meet the notice requirements. This language is provided as sample language that can be communicated in other ways to meet the notice requirements.}

## Training Requirements

The district will ensure the following individuals receive training related to their duties under Title IX promptly upon hiring or change of position which alters their duties under Title IX or this administrative regulation, and annually thereafter. The training must not rely on sex stereotypes.

1. All employees must be trained on:
  - a. The district's obligation to address sex discrimination in its education program or activity;
  - b. The scope of conduct that constitutes sex discrimination under Title IX and regulation, including the definition of sex-based harassment; and
  - c. All applicable notification and information requirements.
2. All investigators, decisionmakers, and other persons<sup>6</sup> who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures must be trained on the following topics to the extent related to their responsibilities:
  - a. The district's obligations under 34 CFR § 106.44 (District's response to sex discrimination);
  - b. The district's grievance procedures;
  - c. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
  - d. The meaning and application of the term 'relevant' in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under law.
3. All facilitators<sup>7</sup> of an informal resolution process must be trained on the rules and practices associated with the district's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias;
4. The Title IX Coordinator and any designees must be trained on their specific legal responsibilities<sup>8</sup>, the district's recordkeeping system related requirements, and any other training necessary to coordinate the district's compliance with Title IX.

The district will make all training materials available upon request for inspection by members of the public.

## Title IX Coordinator Duties

The Title IX Coordinator is responsible for coordinating the district's compliance with its obligations under Title IX.

---

<sup>6</sup> This requirement is in addition to the requirements in 1. above for all employees. This requirement may include board members.

<sup>7</sup> This requirement is in addition to the requirements in 1. above for all employees.

<sup>8</sup> See 34 CFR §§ 106.40(b)(3) and 106.44(f) and (g).

When notified of conduct that reasonably may constitute sex discrimination under Title IX, the Title IX Coordinator must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

1. Treat the complainant and respondent equitably;
2. Offer and coordinate supporting measures for complainant and respondent, as appropriate;
3. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct of the grievance procedures (including informal resolutions process as appropriate);
4. If a complaint is made, notify the respondent of the grievance procedures (including informal resolutions process as appropriate);
5. In response to a complaint, initiate the grievance procedures;
6. In the absence of a complaint or the withdrawal of any or all of the allegation in the complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination<sup>9</sup>. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the district from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint;
7. If initiating a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and
8. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the district's education program or activity.

### **Additional Requirements under Title IX**

---

<sup>9</sup> To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint were not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the district;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedure.

If the district has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, the district must respond promptly and effectively. Each district employee<sup>10</sup> must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.<sup>11</sup>

The district will treat complainants and respondents equitably.<sup>12</sup>

The district requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.<sup>13</sup>

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.<sup>14</sup>

The district will follow timelines in AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. Timelines may be amended in accordance with that procedure.<sup>15</sup>

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

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members of the student’s Individualized Education Program (IEP) team or the group of persons responsible for the student’s placement decision as required by law.<sup>16</sup>

Records related to complaints, notifications and trainings will be kept in accordance with 34 CFR § 106.8(f).<sup>17</sup>

The Title IX Coordinator must monitor the district’s education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

---

<sup>10</sup> Does not apply to confidential employees, as defined in 34 CFR § 106.2.

<sup>11</sup> This requirement does not apply to an employee who has personally be subject to conduct that reasonably may constitute sex discrimination under Title IX.

<sup>12</sup> 34 CFR § 106.45(b)(1).

<sup>13</sup> 34 CFR § 106.45(b)(2).

<sup>14</sup> 34 CFR § 106.45(b)(3).

<sup>15</sup> 34 CFR § 106.45(b)(4).

<sup>16</sup> 34 CFR § 106.8(e).

<sup>17</sup> Records documenting the information resolution process, the grievance procedures, any resulting outcome, records documenting the actions the district took to meet obligations under this regulation and training materials must be kept for a minimum of seven years.



## Complaint and Grievance Procedures<sup>18</sup>

The district has adopted complaint procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. These procedures can be found in AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

The following persons have a right to make a complaint about sex discrimination, including complaints of sex-based harassment, requesting that the district investigate and make a determination about alleged discrimination under Title IX:

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

A person is entitled to make a complaint of sex-based harassment under Title IX only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with requirements of 34 CFR § 106.44(f)(1)(v).

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

1. Any student or employee of the district; or
2. Any person other than a student or employee who was participating or attempting to participate in the district’s educational program or activity at the time of the alleged sex discrimination.

Individuals may be able to file complaints under different laws and procedures.

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

---

<sup>18</sup> See 34 CFR §§ 106.8(b)(2) and 106.45.

## **Notice of Allegations**

Upon initiation of the district's Title IX grievance procedures, the district will notify the parties in writing of the following:

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

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

## **Investigation**

Using established investigative procedures, the district will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the district—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

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

1. The district will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the district provides a description of the evidence, the district will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon request of the party;

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

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

The district will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

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

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

### **Determination whether Sex Discrimination Occurred**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district will:

1. Use the [{}<sup>19</sup>]preponderance of the evidence] standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred;

---

<sup>19</sup> {If the district uses the clear and convincing evidence standard in all comparable proceedings, the district can choose to use the clear and convincing evidence standard.}

2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.
5. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
6. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

### **Dismissal of Complaints**

The district may dismiss a complaint of sex discrimination if:

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

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

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

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

If the dismissal is appealed, the district will:

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

When a complaint is dismissed, the district will, at a minimum:

1. Offer supportive measures to the complainant as appropriate;<sup>20</sup>
2. If the respondent has been notified of the allegations, offer supportive measure to the respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the district's education program or activity.<sup>21</sup>

### **Appeal of Determinations**

---

<sup>20</sup> See 34 CFR § 106.44(g).

<sup>21</sup> See 34 CFR § 106.44(f).

Appeals may be filed in accordance with AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

### **Informal Resolutions**

In lieu of resolving a complaint through the district's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The district does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local laws.<sup>22</sup>

### **Supportive Measures**

The district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the district's education program or activity or provide support during the district's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include [DESCRIBE RANGE THAT COMPLIES WITH 34 CFR § 106.44(g) HERE].

### **Disciplinary Sanctions and Remedies**

Following a determination that sex-based harassment occurred, the district may impose disciplinary sanctions, which may include [LIST OR DESCRIBE RANGE]. The district may also provide remedies, which may include [LIST OR DESCRIBE RANGE].

---

<sup>22</sup> See 34 CFR § 106.44(k)

# Mapleton School District 32

Code: CCB  
Adopted:  
Orig. Code: CCB

## Line and Staff Relations

The Board expects the superintendent to establish a clear understanding of working relationships in the school system with all staff.

Lines of direct authority will be those approved by the Board and shown on the district organization chart.

The superintendent may reorganize lines of authority and revise the organizational chart subject to Board approval of major changes and/or the elimination or creation of positions. The Board expects the superintendent to keep the administrative structure current with the needs for supervision and accountability throughout the school system.

Staff members will be expected to refer matters requiring administrative action to the administrator to whom they report. That administrator will refer such matters to the next higher administrative authority, when necessary. All staff will inform their immediate supervisor of their activities by whatever means the supervisor considers appropriate.

Lines of authority should not restrict the cooperative working relationship of all staff members in developing the best possible district programs and services. In addition, this policy does not restrict protected labor relations communications of bargaining unit members. The established lines of authority represent direction of authority and responsibility. When the staff work together, the lines represent a two-way flow of ideas to improve the programs and operations in the district.

END OF POLICY

---

### Legal Reference(s):

[ORS 332.505](#)

[OAR 581-022-2405](#)

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).



# Mapleton School District 32

Code: CHCA  
Adopted:  
Orig. Code: CHCA

## Handbooks

In order that pertinent Board policies, administrative regulations, school rules and procedures may be known by all staff members, patrons, students and parents affected; district administrators and principals are granted authority to issue staff and student/parent handbooks.

The contents of all handbooks must conform with districtwide board policies and administrative regulations. The publication shall bear the name of the district or one of its schools. The Board expects all handbooks to be approved by the superintendent or designee before publication.

The superintendent will make all published handbooks available to the Board for informational purposes.

END OF POLICY

---

### Legal Reference(s):

[ORS 332.107](#)