

UINTAH RIVER HIGH SCHOOL

Title IX Policy Against Sexual Harassment

Purpose

The Board of Directors of Uintah River High School is committed to providing equal educational opportunities and a safe learning and workplace environment free from discrimination, including sexual harassment and retaliation. The school prohibits sex discrimination in all educational programs and activities and ensures equal access and opportunity for all students.

The school will promptly and fairly investigate and respond to all allegations and complaints of sexual harassment and retaliation. During the investigation process, the school will provide equitable treatment to complainants and respondents, ensure objective evaluation of all relevant evidence, and designate investigators and decision makers who are free from bias or conflict of interest. Following an investigation where it is determined that sexual harassment has occurred, the school will take prompt, appropriate disciplinary, corrective, and remedial measures necessary to ensure a safe and equitable learning and workplace environment for all school community members.

This policy outlines procedures for reporting and investigating complaints, as well as a designated Title IX coordinator and a grievance process.

Title IX Overview

Title IX of the Education Amendments of 1972 states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, including state and local educational agencies. Educational programs and activities that receive federal funds from the Department of Education must operate in a nondiscriminatory manner.

Title IX also states that a recipient of Federal financial assistance, including state and local educational agencies, may not retaliate against any person for opposing an unlawful educational practice or policy, or because a person made charges, testified, or participated in any complaint action under Title IX.

All public schools, including charter schools, must have a designated Title IX coordinator with that coordinator's contact information prominently posted in visible areas of the schools, including handbooks, and on the school's website to ensure protections for students discriminated against based on their sex.

All public schools, including charter schools, must comply with the requirements for the grievance process under Title IX when a sexual harassment allegation is reported or received. This grievance process aims to emphasize the importance of treating parties equitably in the specific context of Title IX sexual harassment.

Definitions

Actual Knowledge: means notice of sexual harassment or allegations of sexual harassment to any employee of the school, except that this standard is not met when the only official with actual knowledge is the respondent (where the respondent is an employee). Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. Complaints will be addressed whenever the school has actual knowledge of the allegation.

Administrative Leave: means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of an investigation or grievance process.

Consent: means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is undertaken due to the influence of fear, fraud, forcible compulsion, threats, and/or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent is a defense to all types of sexual harassment when otherwise legally allowed.

Complainant: means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Deliberate Indifference: means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

Emergency Removal: means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes the school from removing a respondent from the school's education program or activity on an emergency basis, provided that the school follows all procedures required by Utah law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following removal.

Formal Complaint: means a document filed by a complainant (or the complainant's parent or guardian if the complainant is a student) or signed by the Title IX Coordinator alleging sexual harassment and requesting that the school investigate the allegation of sexual harassment.

Respondent: means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment: Title IX defines sexual harassment as unwelcome conduct of a sexual nature that is based on sex or gender such as unwelcome sexual advances; requests for sexual favors; verbal, nonverbal, or physical conduct of a sexual nature; sex discrimination; threats of violence; and/or physical assault. The conduct can be verbal, physical, or nonverbal. Sexual harassment can include sexual advances, requests for sexual favors, and other conduct that creates a hostile environment.

Sexual Harassment Categories

Title IX identifies three separate categories of conduct that would constitute “sexual harassment.”

- Quid Pro Quo Harassment: A situation in which an individual asks for sexual favors of some kind in exchange for special treatment or in avoidance of negative treatment. This harassment occurs if a faculty member, staff member, or student employee with supervisory or evaluative authority over a student directly or indirectly requires that student to submit to sexual conduct in order to participate in an educational opportunity or requires sexual conduct as the basis for an educational decision.
- Unwelcome Conduct: Conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the recipient’s education program or activity (hostile environment harassment); or
- Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), dating violence as defined in 24 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30).
- 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 recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment.
 - Supportive measures may include counseling extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absences, increased security and monitoring of certain areas of the school building and grounds, and other similar measures.

- The school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures.
- The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Compliance with Other or Competing Laws

Compliance with Other or Competing Laws

While the school has the obligation to prevent and respond to sexual harassment of students and employees under Title IX, the school must also comply with other requirements governing sex discrimination and sexual harassment under federal law, such as Title VII of the Civil Rights Act for employees, and state laws, including mandatory reporting laws and criminal laws regarding abuse of minors.

Consideration of Laws Triggered by a Title IX Complaint

Title IX explicitly states that its regulations preempt conflicting state laws. However, there may be overlapping or conflicting state laws that may be triggered upon a Title IX complaint. In such cases, the school will consult experienced counsel for advice about its compliance obligations under all applicable laws and agreements and how to coordinate the school's response to sexual harassment, particularly if other requirements may be inconsistent with Title IX regulations.

Application of Title IX Policy Against Sexual Harassment

Jurisdiction Requirement

To apply to Title IX, the sexual harassment must have occurred in the school's education program or activity and the complainant must have been participating in or attempting to participate in an education program or activity at the school at the time the complaint is filed. The complainant must also have been in the United States when the conduct occurred.

Required Investigation

The school will investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to have occurred in the school's programs and activities, including locations, events, and/or circumstances in which the school exercises substantial control, in accordance with this policy and in a way that is not deliberately indifferent.

Expansive Definition of Sexual Harassment

The school recognizes that the Title IX definition of “sexual harassment” above does not capture all the conduct that could amount to sexual harassment under school policy and other state and federal laws. Therefore, the school prohibits both “sexual harassment” as defined above and all other sexually harassing conduct that may fall outside of that definition to include other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to students or employees.

Authority to Address Any and All Sexual Harassment

While Title IX regulations define sexual harassment and limit the conduct that must be addressed under Title IX, these regulations also make clear that the school may address sexual harassment that falls outside Title IX, such as any sexually harassing conduct that is against state law, the school’s policies, or codes of conduct; and that the school may implement appropriate remedial and/or disciplinary action in accordance with state law and the school’s policies.

Requirement to Address Sexual Harassment Constituting Child Abuse

Incidents of sexual harassment may constitute child abuse under state law and may also violate criminal laws. The school will comply with all legal requirements governing that reporting of suspected cases of child abuse and criminal violations to the appropriate authorities, including the County Sheriff’s Office and the Division of Child and Family Services.

Complaint and Reporting Requirement and Process

Requirement to Report

Any person who believes that a student, teacher, administrator, other school personnel, staff, or third party has engaged in conduct prohibited by this policy, whether such conduct has been indirect or has been directed at the individual making the report, or directed at some other person entitled to protection, must report the alleged, prohibited conduct as soon as possible to the Title IX Coordinator. Allegations of sex-based discrimination include sexual harassment, sexual violence, and gender-based harassment by a school employee or volunteer, another student at the school, or a third party.

Requirement to Notify the Title IX Coordinator

The contact information for the Title IX Coordinator is readily available on the school’s website. Reports may also be made in person at the school to the Title IX Coordinator. Upon receiving actual notice of alleged sexual harassment, all non-student members of the school community must notify the Title IX Coordinator as soon as practicable, but no

later than 24 hours after becoming aware of the incident. Failure to comply with this mandatory reporting requirement may lead to disciplinary action.

Initial Report Allowed to Any School Employee

Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different school employee than the one designated in this policy. Any employee who receives a report of alleged, prohibited conduct must report the alleged, prohibited conduct as soon as possible to the Title IX Coordinator.

Method of Filing Complaint

Formal complaints of sex-based discrimination, including sexual harassment, sexual violence, and gender-based harassment by a school employee or volunteer, another student at the school, or a third party, may be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or telephone at any time, including during non-business hours.

Formal Complaint in Writing on Discrimination or Harassment Complaint Form

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, an Administrator, or the Title IX Coordinator. This information will be initially recorded on or transferred to a discrimination or harassment complaint form maintained by the school. Whether the complaint is reduced to writing by a student, parent, staff member, volunteer, or other community member, the written complaint should include the following:

- The name of the complainant;
- The name of the alleged victim (if different);
- The name of the respondent;
- The location at the school or other location where the alleged discriminatory action occurred;
- The basis for the complaint;
- Witnesses (if any); and
- The corrective action the complainant is seeking.

Title IX Coordinator or Administrator Complaint Procedure

Initial Actions Upon Receipt of Complaint

Upon receiving a complaint of an alleged sexual harassment, the Title IX Coordinator must contact the complainant within two (2) days of receiving the complaint and do the following:

- Promptly offer and discuss supportive measures with the complainant;
- Consider the complainant's wishes with respect to supportive measures;

- Explain that supportive measures may be received with or without filing a formal complaint;
- Explain the process of filing a formal complaint and determine whether the complainant wishes to file a formal complaint; and,
- Explain to the complainant the purpose of filing a formal complaint.

Documenting Supportive Measures

The Title IX Coordinator must document in writing the supportive measures offered or provided, or why no supportive measures were offered or provided. Complainants must be offered supportive measures even if they do not file a formal complaint.

When No Formal Complaint is Filed

If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to initiate a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead the school to conclude that a non-deliberately indifferent response to actual knowledge of the Title IX sexual harassment could reasonably require the school to investigate and potentially sanction a respondent.

Authority of the Title IX Coordinator to Override

A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference. If a formal complaint is not made, the school may still investigate the report of sexual harassment in accordance with its Non-Discrimination Policy, taking the complainant's wishes into consideration.

Statute of Limitation for Complaints

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of the school. Additionally, the school has the discretion to dismiss a formal complaint where the passage of time would result in the school's inability to gather evidence sufficient to reach a determination regarding responsibility, or when the school loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by the school).

Conditions for Procedural Dismissal

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur at the school or in the school's education program or activity, or did not occur against a person in the United States,

then the school must dismiss the formal complaint under these procedures. The school is not prohibited from investigating the complaint under other policies and procedures. In the case of dismissal, the school will send a written notice of the dismissal.

Communication of Process to Complainant and Respondent

Formal Communication Process

Upon receiving a formal complaint of sexual harassment, the school will provide the complainant and the respondent with a written notice of the allegations, the grievance process, the appeal process, available supportive measures, and possible disciplinary sanctions and remedies. The written notice will also include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

Notice of the Right to an Advisor and Other Requirements

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 who may inspect and review evidence. The notice must also inform the parties that the school's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Requirement for Additional Written Notices

If additional allegations are added during the course of the investigation, additional written notice must be provided.

Informal Resolution

Option for Informal Resolution

Where appropriate, and only after a formal complaint has been filed and written notice has been issued, the Title IX Coordinator may consider offering the parties an option for informal resolution such as mediation. Participation in an informal resolution process may only occur where both parties give voluntary, informed, written consent to attempt informal resolution, and where either party has the right to withdraw from the informal process at any time. Where both parties agree to engage in an informal resolution process, the Title IX Coordinator will designate a facilitator who does not have a conflict of interest and/or bias for or against complainants or respondents, and who has received proper training.

Voluntary Nature of Informal Resolution

Informal resolution is entirely voluntary. Parties may elect to pursue formal procedures and decline informal resolution at any step in the process, even if the process of

informal resolution has already begun. If either party is not satisfied with the resolution from the informal process, or if the parties do not choose informal resolution, then the formal complaint procedure may be initiated (as described below).

No Informal Option for Employee-on-Student Sexual Harassment

The informal resolution option is not available for reports of employee-on-student sexual harassment. In the case of reports of employee-on-student sexual harassment, a formal investigation is required following state law and the school's policies governing employee conduct.

Investigation

Process of Title IX Investigation

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person. All formal complaints require a full investigation in accordance with the Title IX grievance process. The school may determine to hire external investigators, decision makers, and mediators to conduct the processes outlined in this policy

Timeframe of Process and Cause for Delay

For formal complaints of sexual harassment, the investigator will conduct and complete a thorough and impartial investigation into the reported conduct within a reasonably prompt timeframe and with delays for good cause only.

- Good faith efforts will be made to complete the investigation within fifteen (15) school days of the initiation of the formal complaint, except for good cause, as documented in the investigation file.
- Where feasible, the full formal process will be completed within a ninety (90) day timeframe from the date a formal complaint is filed with the school.
- When there is a delay of the grievance process for good cause, the Title IX Coordinator will provide written notice of the delay and the reason for the delay to the complainant and respondent.
- Good causes may include, but are not limited to, considerations such as:
 - The absence of a party;
 - The absence of a party's advisor;
 - The absence of a witness;
 - Concurrent law enforcement activity; or,
 - The need for language assistance or accommodation of disabilities.

Grievance Process and Gathering Evidence

Although the school has the burden of gathering evidence during an investigation, parties may also gather and present evidence of their own. The following guidelines will be followed during the process of gathering evidence:

- All parties whose participation is invited or expected for the purposes of gathering evidence will be provided with written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.
- All parties will be provided with an equal opportunity to review and respond to evidence gathered during the investigation.
- All parties will be provided with the opportunity to be accompanied to any related meeting, interview, or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney.
- Evidence is only gathered and used if it relates directly to the allegations. If the information does not help answer if an event happened or not, it is irrelevant.
- Prior to completion of the investigative report, the school will 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, and the parties will have ten (10) days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigative report.
- The school will not require, allow, or rely upon privileged information unless privilege is waived in writing by the holder.

Methods for Gathering Evidence

Title IX investigators may gather evidence by interviewing the complainant, respondent, and witnesses, and by collecting documents, digital files, and physical items. They are tasked with finding both inculpatory evidence (evidence showing responsibility) and exculpatory evidence (evidence showing innocence). Investigators are required to operate under specific rules and limitations during this process:

- Evidence Review Access: Investigators must give both parties an equal opportunity to inspect and review all evidence gathered. Parties will be given at least 10 days to review the evidence before the final investigative report is drafted.
- No Police Powers: Investigators do not have subpoena power to compel testimony or force the handover of records.
- Consent Required for Private Records: The school may not access a party's medical, psychological, or attorney-client records without that person's voluntary, written consent.
- Permissible Evidence: Investigators may collect digital evidence (such as text messages, emails, social media posts, access logs, and security camera footage) as well as photographs, medical documents, and physical items.

- Witnesses: Investigators must allow both parties to suggest and provide witnesses for questioning. They will then evaluate the information to determine who is relevant to interview.
- Other Limitations: The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

Written Investigative Report

After the investigation has been completed, the Title IX investigator will create a formal written investigative report. This document will summarize the evidence gathered and the steps taken during the investigation. The report will contain the following:

- Allegations: A clear list of the specific rules or policies that were broken.
- Procedural Steps: A timeline showing dates of interviews, witness meetings, site visits, and other relevant information.
- Evidence: A fair summary of relevant documents, text messages, and witness statements.
- Review and Response by Complainant and Respondent: Both the complainant and the respondent are entitled to review this report and submit a written response before a final decision is made. Written responses from the parties will be required within ten (10) days of receipt of the investigative report and will be incorporated into the investigative report.

Actions Prior to Determination

After the parties' responses to the investigative report, if any, have been incorporated into the investigative report, but prior to reaching a determination regarding responsibilities, the decision maker, who will not be the same person(s) as the investigator and/or the Title IX Coordinator, will afford each party the opportunity for the following:

- To submit written questions for the other parties and witnesses to answer;
- Provide each party with the answers; and,
- Allow for additional, limited follow-up questions from each party.
- If any questions are determined not to be relevant, the decision maker may exclude the questions and will explain to the party proposing the questions any decision to exclude questions as not relevant.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or, if the

questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Review Process and Final Report

The school will follow a strict review process before finalizing the formal report of its investigation.

- Evidence Review: The investigator will send all collected evidence to both parties and their advisors.
- Parties' Responses: The parties will receive 10 days to review the evidence and submit a written response.
- Final Report: The investigator will review the parties' comments and then finish the written investigation report.
- Report Sharing: This final report is sent to both parties to prepare for a hearing or final determination.

Written Determination and Standard of Evidence

Once the report is complete, the case moves to a review and decision by a decision-maker who is separate from any of the Title IX investigators.

- The decision-maker will use the report to determine if policy violations occurred.
- The decision-maker may ask for a live hearing if the decision-maker feels it necessary or such a live hearing is requested by the parties or either party.
- After the processes described above have been completed, the decision maker will issue a written determination simultaneously to the parties regarding whether sexual harassment has occurred using a "preponderance of the evidence" standard, as is used for all conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanctions.
- A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. The decision maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, the school will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others, if appropriate. Such remedies may include supportive measures.
- The written determination, issued to both parties simultaneously, must include:
 - Identification of the allegations potentially constituting the 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, etc.;
 - Findings of fact supporting the determination;

- Conclusions regarding the application of the recipient's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and,
- The school's procedures and permissible bases for the complainant and respondent to appeal (a copy of, or a direct reference to, this policy will suffice for this requirement).

Confidentiality

Right to Confidentiality Within Fair Process

The school will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. Confidentiality concerns should be brought to the attention of the Title IX Coordinator.

Limitations on Response to Allegations

For Title IX purposes, if a student requests that the student's name not be revealed to the alleged perpetrator, honoring the request may limit the school's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

Prohibition on Retaliation

Retaliation against an individual who has brought a good-faith allegation of sexual harassment to the attention of the school or who has cooperated in an investigation of a complaint under this policy is unlawful under this policy, state law, and federal law. Title IX includes protections against retaliation, including retaliatory actions taken by the school and school officials. School officials will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

- If a student or employee believes that the student or employee has been retaliated against in connection with any good-faith report of inappropriate conduct or harassment, the student or employee should immediately report such conduct to the Title IX Coordinator and/or Executive Director.
- The Title IX Coordinator and/or Executive Director will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

Disciplinary Action, Corrective Action, and Remedial Measures

Communication to Complainant Upon a Finding of Responsibility

If the respondent is ultimately found responsible, the complainant will be made aware of any sanctions imposed on the respondent that directly relate to the complainant. The respondent will not be notified of individual remedies offered or provided to the complainant.

Remedies

If the respondent is ultimately found responsible, the school will effectively implement remedies for the respondent, complainant, and, where appropriate, for the broader student population. The remedies will be designed to restore or preserve equal access to the educational program or activity for a complainant, end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Remedies may include but are not limited to:

- Disciplinary sanctions against the respondent, up to and including termination and/or expulsion;
- Counseling for the respondent;
- An escort for the complainant, ensuring that the complainant and respondent do not share classes or extracurricular activities;
- Providing comprehensive victim services, training or retraining school employees, changes to the school's policies and services, etc.
- Any disciplinary action will be in accordance with due process rights under state law and the school's policies.

Removal as an Immediate Remedial Action

These procedures do not limit the school from an emergency removal of a student or an employee from a program or activity based on immediate threat to others' physical health or safety, or from placing an employee on administrative leave during the pendency of an investigation.

Appeal Process for Decision or Dismissal

Timeline for Appeal

Parties may appeal the decision issued as a result of the investigation, or may appeal the school's dismissal of a formal complaint or any allegations therein, within fifteen (15) school days of receipt of the findings of the formal procedure or a dismissal.

Basis of Appeal and Process

Parties may appeal on the basis of procedural deficiencies, bias or conflict of interest, newly discovered evidence, and/or other good cause.

Decision Maker for the Appeal

The Title IX Coordinator will choose a decision maker(s) for the appeal who will not be the same person(s) as the decision maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), and/or the Title IX Coordinator.

Notification of an Appeal

The school will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. In the case of an appeal, both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Final Judgment or Appellate Decision

The appeal decision maker(s) will comprehensively review the accuracy and reasonableness of the investigation and the conclusions, and will issue written findings to both the complainant and respondent within thirty (30) school days of the appeal. The decision maker's written findings constitute the final decision on the matter.

Training

Comprehensive Training

The school will ensure that its Title IX Coordinator(s), investigators, decision makers, and any person who facilitates an informal resolution process, receive training on the following:

- The definition of sexual harassment;
- The scope of the recipient's education program or activity;
- How to conduct the investigation or the grievance process, including hearings, appeals, and informal resolution processes;
- As applicable, how to serve impartially, including by avoiding prejudgment of the facts at issues, conflicts of interest, and bias;
- Any technology to be used in interviews; and,
- Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant;
- The creation of an investigative report that fairly summarizes relevant evidence.

Specific Training on Impartiality

Any materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Records

The school must maintain records according to the schedule and circumstances listed below:

- The school will maintain a record for a period of seven (7) years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.
- The school will document the basis for any conclusion that its response was not deliberately indifferent.
- If the seven (7) years passes before the complainant turns eighteen (18) years old, records relating to the Title IX complaint will be maintained until the complainant turns eighteen (18) years old.
- At that time, records will be destroyed in accordance with student records regulations set forth in federal and state law.

Referral to Law Enforcement and Other Agencies

Some alleged conduct may constitute a violation of the school's policies and criminal activity according to state or federal law. In such cases, the Executive Director will take the following actions:

- Refer any alleged criminal activity to law enforcement and other agencies, as appropriate under law or school policy;
- Inform the complainant or alleged victim of the right to file a criminal complaint;
- In the case of an alleged criminal action of a licensed employee, notify the Utah State Board of Education (USBE), the Utah Professional Practices Advisory Commission (UPPAC), and the State Charter School Board (SCSB).

Filing an External Civil Rights Complaint after a Title IX Investigation

If an individual believes the school has demonstrated bias, ignored evidence, mishandled supportive measures, or retaliated against them, that individual may prompt a federal review of the school's compliance by filing a complaint with any of the following government agencies:

OCR office for Utah

Denver Office

Office for Civil Rights

U.S. Department of Education

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582

Telephone: 303-844-5695

FAX: 303-844-4303; TDD: 800-877-8339

Email: OCR.Denver@ed.gov

OCR National Headquarters

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

Utah State Board of Education

Student and Family Rights

Full Text of 2020 Title IX Rule

Utah State Board of Education (USB E) Public Education Hotline

801-538-7813

internalaudit@schools.utah.gov

USB E, Parent Liaison and Engagement Specialist

Cassie Hayes

801-538-7845

cassie.hays@schools.utah.gov

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