

Title IX

Title IX Grievance Procedure

The Title IX Grievance Procedure listed below is meant to provide for prompt and equitable resolution of student and employee complaints.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Grievance Process for Complaints Not Alleging Sexual Harassment

Level I – Informal Procedure

Upon receiving a report of sexual discrimination that does not allege sexual harassment (as defined below), the Title IX Coordinator shall facilitate resolution through an informal procedure, if possible. This informal procedure is not required as a precursor to the filing of a complaint. The informal procedure is only available in those circumstances where the parties agree to participate in it. Individuals who believe that they have been unlawfully sexually discriminated/retaliated against may proceed immediately to the complaint procedure and individuals who seek resolution through the informal procedure may request that the informal procedure be terminated at any time to move to the complaint procedure. While there are no set time limits within which an informal procedure must be resolved, the Title IX Coordinator or designee will exercise their authority to attempt to resolve the informal procedure within fifteen (15) business days of receiving the report. Parties who are dissatisfied with the results of the informal procedure may proceed to file a complaint with the Title IX Coordinator.

Level II – Complaint Procedure

If a report is not resolved through the informal procedure, if one of the parties requests that the informal procedure be terminated to move to the complaint procedure, or if the individual elects to file a complaint initially, the complaint procedure shall be implemented. The School also reserves the right to investigate and resolve a complaint or report of sex discrimination/retaliation regardless of whether the individual alleging the unlawful discrimination/retaliation pursues a complaint.

The complaint should be in writing and state the date and nature of the alleged discrimination/retaliation and the relief sought. If the grievant is a student, designee staff shall assist in preparing the written complaint.

Upon receipt of the written complaint of sexual discrimination that does not allege sexual harassment, the Title IX Coordinator or their designee shall begin an investigation. The investigation will include, but not be limited to, interviews and a consideration of documentation or other information presented by any party that is reasonably believed to be relevant to the allegations, as applicable. The School reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Superintendent or his/her designee. If an individual is alleged to have engaged in discrimination/retaliation, that individual shall be presumed to not be responsible for the alleged conduct until the conclusion of the complaint procedure. That individual must also be informed of the opportunity to submit a written response to the complaint within five (5) business days. At the conclusion of the investigation, the Title IX Coordinator or his/her designee shall issue a written decision to the parties.

Level III – Appeal

If the student or employee believes that there still is a basis for a grievance, they may make a written statement of appeal to the Board. This written statement of appeal must be filed within ten (10) business days of the date of the Title IX Coordinator’s decision

Grievance Process for Complaints of Sexual Harassment

Definitions:

For purposes of this grievance process,

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

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator.

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

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education program or activity; or
- 3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 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 School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or deter sexual harassment. 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 School to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Training:

Any individual designated by the School as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, these individuals shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Making a Report

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Principal, Dean of Students, Residential Service Supervisor, or any employee with whom the person is comfortable speaking.

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator.

Title IX Coordinator contact information shall be posted on the school's website at illinoisdeaf.org.

Response to Report

Upon receiving a report of sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The School will maintain as confidential any supportive measures provided before or after the filing of a formal complaint or where no formal complaint has been filed, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures.

Formal Complaint

Upon receipt of a formal complaint (or later as additional allegations become known), the School will provide the following written notice to the parties who are known:

(A) Notice of the School's grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the foregoing notice provided, the School must provide notice of the additional allegations to the parties whose identities are known.

The complainant at any point in the process can file a complaint with the Department of Education and/or Office for Civil Rights.

The school's grievance process shall, at a minimum:

- 1) Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a *Complainant*, *Respondent*, or witness.
- 2) Require that any individual designated by the school as a Title IX Coordinator, investigator, decision-maker, or any person designated by the school to facilitate an informal resolution process:
 - a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
 - b. Receive training on the definition of sexual harassment, the scope of the school's *education program or activity*, how to conduct an investigation and

grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.

- 3) Require that any individual designated by the school as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- 4) Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- 5) Include reasonably prompt time frames for conclusion of the grievance process.
- 6) Base all decisions upon the *preponderance of evidence* standard.
- 7) Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
- 8) Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
- 9) Must not require mediation if any parties do not wish to participate.