

**Policy 3085: Sexual Harassment, Discrimination and Retaliation** 

Status: ADOPTED

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Melba School District #136

STUDENTS

3085

# Sexual Harassment, Discrimination and Retaliation Policy

## Policy Purpose

The purpose of this policy is to promote working and learning environments that are free from sex and gender-based harassment, discrimination, and retaliation, and to affirm Melba School District's commitment to non-discrimination, equity in education and equal opportunity for employment.

## Scope of Policy

This policy applies to all members of the Melba community, including students, employees, and other members of the public including guests, visitors, volunteers, and invitees.

## Policy Statement

Melba School District is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, the District prohibits harassment and discrimination on the basis of sex, sexual orientation, gender, gender identity, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process.

Students, employees, or other members of the District community who believe that they have been subjected to sex or gender-based harassment, discrimination, or retaliation should report the incident to the Title IX Coordinator, who will provide information about supportive measures and the applicable grievance process(es). Violations of this policy may result in discipline for both students and employees.

## Title IX Coordinator

The **Superintendent** serves as Melba School District's Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the District's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex and gender-based harassment, discrimination, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority and is free from bias and conflicts of interest.

To raise any concern involving bias, conflict of interest, misconduct or discrimination committed by the Title IX Coordinator, contact the Melba School Board Chairman at 208-495-1141.

If the District's Title IX Coordinator is the subject of any complaint regarding sex or gender-based harassment or has an apparent bias or conflict of interest regarding such a case, another person shall be appointed to act as the Title IX Coordinator for handling that case. Such appointees may include, but are not limited to:

1. The Title IX Coordinator of another school district which the District has an agreement with;
2. Another employee of the District who is qualified and trained to address the matter, such as a deputy Title IX Coordinator;
3. A qualified and trained individual who enters into a professional services contract with the District; including but not limited to the District's legal counsel and/or contracted Human Resources or Title IX professionals.

Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other official involved in the

implementation of this policy or related grievance processes should be raised with the Title IX Coordinator.

## Mandatory Reporters

Melba School District has classified all employees as mandatory reporters of any knowledge they have that a member of the District community experienced sex or gender-based harassment, discrimination, and/or retaliation. Accordingly, all District employees must promptly report actual or suspected sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator. District employees must share with the Title IX Coordinator all known details of a report made to them in the course of their employment, as well as all details of behaviors under this policy that they observe or have knowledge of. Failure of a District employee to report an incident of sex or gender-based harassment, discrimination, or retaliation to the Title IX Coordinator of which they become aware is a violation of this policy and can be subject to disciplinary action for failure to comply.

In addition, District employees must also report allegations of suspected child abuse and/or neglect to either law enforcement or the Idaho Department of Health and Welfare as described in Policy 5260.

## Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and related procedures, may be made internally to Melba School District's Title IX Coordinator using the contact information below:

Melba School District #136J  
Superintendent  
P.O. Box 185  
Melba, Idaho 83641  
208-495-1141

External inquiries can be made to the U.S. Department of Education, Office for Civil Rights, Region 10, using the contact information below:

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, #3310  
Seattle, WA 98174-1099  
OCR.Seattle@ed.gov  
1-800-877-8339

## Notice/Formal Complaints of Sex and Gender-Based Harassment, Discrimination, and/or Retaliation

Notice or formal complaints of sex or gender-based harassment, discrimination, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator. Such a report may be made at any time, including during non-business hours, by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator (or any other official as listed above).
2. Report online, using the reporting form posted at [msd136.org/District](https://msd136.org/District)
3. Report by phone at 208-495-1141.

When notice is received regarding conduct that may constitute Title IX sexual harassment, Melba School District shall provide information about supportive measures and how to file a formal complaint, as described in 3085P.

A formal complaint means a document filed/signed by the alleged victim or signed by the Title IX Coordinator alleging an individual violated this policy and requesting that the District investigate the allegation(s). As used in this paragraph, the phrase "document filed/signed by the alleged victim" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District, if applicable) that

contains the alleged victim's physical or digital signature, or otherwise indicates that the alleged victim is the person filing the complaint. For example, an alleged victim may send an email to the Title IX Coordinator, identify themselves as the alleged victim and the one sending the email, to file a formal complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the alleged victim to ensure that it is filed correctly.

Parents and legal guardians of primary and secondary school students who have the legal authority to act on their child's behalf may file a formal complaint on behalf of their child.

## Grievance Processes

When a formal complaint is made alleging that this policy was violated, the allegations are subject to resolution using one of Melba School District's grievance processes noted below, as determined by the Title IX Coordinator. All processes provide for a prompt, fair, and impartial process.

1. For formal complaints regarding conduct that may constitute Title IX sexual harassment involving students or employees, the District will implement procedures detailed in Procedure 3085P.
2. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where students are the accused party, and that do not constitute Title IX sexual harassment, the District will implement procedures described in the Melba High School Handbook-Student Code of Conduct, Policy 4120-Uniform Grievance Procedure, Policy 3295-Bullying, Harassment and Intimidation, and any policies regarding Abuse and Sexual Assault Prevention and Response procedures.
3. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where employees are the accused party, and that do not constitute Title IX sexual harassment, the District will implement procedures described in Policy 4120-Uniform Grievance Procedure, or Policy 5250-Certificated/Non-certificated Staff Grievance Procedure]

Cross References:	3270	Student Records
	3270P	Student Records
	3285	Relationship Abuse and Sexual Assault Prevention and Response
	3290	Sexual Harassment/Intimidation of Students
	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3295P	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
	3330	Student Discipline
	4120	Uniform Grievance Procedure
	4600	Volunteer Assistance
	4600P	Volunteer Assistance
	5240	Sexual Harassment/Sexual Intimidation in the Workplace
	5250	Certificated Staff Grievances
	5275	Adult Sexual Misconduct
	5500	Personnel Records
	5500P	Procedures for Releasing Personnel Records to Hiring School Districts
	5800	Classified Employment, Assignment, and Grievance
	5800P	Classified Employee Grievance Procedure

Legal References: 20 U.S.C. §§ 1681 - 1682 Title IX of the Education Amendments of 1972  
34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or  
Activities Receiving Federal Financial Assistance

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Adopted on: January 12, 2021



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