

Title IX Grievance Procedures

The Parsippany- Troy Hills Township School District is committed to providing an environment free from gender-based discrimination or harassment. As such, the district does not tolerate any kind of gender-based discrimination or harassment, which includes sexual assault, sexual harassment, and gender-based harassment.

Gender-based misconduct is a serious concern throughout the country. To address this problem, the district provides educational and preventative programs, services for individuals who have been impacted by gender-based and sexual misconduct, and accessible, prompt, and equitable methods of investigation and resolution.

Anyone who believes they have been subjected to gender-based discrimination or harassment is encouraged to report these incidents. Upon receiving a report, the district will respond promptly, equitably, and thoroughly. In addition, the district will take steps to prevent the recurrence of the discrimination or harassment and correct its effects, if appropriate.

The grievance procedures below are specifically for the adjudication of complaints of gender-based misconduct when such complaints involve district staff, administrators and/or third parties.

Complaints of gender-based misconduct should be filed as set forth below:

Any district employee informed of an allegation of gender-based misconduct involving students or other members of the district community is expected to file a report with the Assistant Superintendent of Human Resources.

DEFINITIONS AND EXAMPLES

Gender-based misconduct. Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender discrimination that may or may not be sexual in nature. Sexual harassment, sexual assault, gender-based harassment, stalking, and intimate partner violence are forms of gender-based misconduct under this policy. Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

Examples of Gender-based misconduct

- Pressure for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for or forced sexual activity

Sexual harassment. Sexual harassment is unwelcome conduct of a sexual nature. Sexual assault and requests for sexual favors that affect educational or employment decisions constitute sexual harassment. Sexual harassment may also consist of unwelcome physical contact, requests for sexual favors, visual displays of degrading sexual images, sexually suggestive conduct, or remarks of a sexual nature. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or admission to or participation in an academic program or College-sponsored activity; or

2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment status or academic standing; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance on the job or in the classroom; or
4. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work or study environment for an individual or group of individuals.

Sexual harassment can occur regardless of the relationship, position, or respective sex of the parties. Same sex harassment violates this policy as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor. Harassment because of one's sexual orientation also constitutes a violation of this policy.

Interim Measures

During the investigation and until resolution of the matter, interim measures may be issued, including but not limited to: restrictions on contact between the Complainant and the Respondent, bans from areas of the district, and/or appropriate changes in academic schedule. Failure to adhere to the parameters of any interim measures is a violation of policy and may lead to additional disciplinary action.

Investigation

Reports of gender-based misconduct will be investigated in a thorough and prompt fashion. Following the receipt of a report, the Respondent will be notified that a report has been filed and he/she will have the opportunity to submit a written statement within five (5) business days, whenever possible. The Respondent and Complainant will be given the opportunity to meet separately with the Assistant Superintendent of Human Resources (or designee) to review the policy and procedure.

The Assistant Superintendent of Human Resources will interview the Complainant, Respondent, and any witnesses. The Assistant Superintendent of Human Resources will also gather any pertinent evidentiary materials. The Assistant Superintendent of Human Resources will then prepare a report detailing the content of the interviews and the evidentiary materials gathered.

Directly following the conclusion of the investigation, a determination of whether or not to proceed to the next step will be made by the Assistant Superintendent of Human Resources. This determination will be based on whether reasonable cause exists to believe that a policy violation may have occurred. If reasonable cause does not exist, the report will not be forwarded to the Superintendent.

Administrative Resolution

If sufficient information exists to proceed to the next step, the Respondent and Complainant will have the opportunity to review the investigative report and the evidence from the investigation.

Following this review, the Respondent will be given the opportunity to respond to the alleged violation of policy in the following ways: 1) No response; 2) Not Responsible; or 3) Responsible.

If the Respondent accepts responsibility, the Superintendent will be notified and will schedule a meeting with the Respondent to discuss the sanctioning outcome within five (5) business days whenever possible. Based on the evidence provided by the investigative materials, the Superintendent will determine the appropriate sanctions.

The Complainant and Respondent will be made aware of the sanctioning decision. The Respondent and Complainant will then have the opportunity to appeal the Superintendent's decision.

THE APPEALS PROCESS

The Respondent and Complainant may appeal the decision and sanctions rendered. The three grounds upon which an appeal of the decision or sanctions may be made are:

1. The party believes a procedural error occurred, which the party feels may change or affect the outcome of the decision;
2. The party has substantive new evidence that was not available at the time of the hearing and that may change the outcome of the decision;
3. The party feels that the severity of the sanction is inappropriate given the details of the case.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appeal should be submitted in writing to the Assistant Superintendent of Human Resources within five (5) business days following the date on the outcome letter.