



Inspire's Title IX Grievance Process:

Inspire's Title IX Coordinator:

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Inspire will treat all complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.

Before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent, remedies must be designed to restore or preserve equal access to Inspire's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Upon the receipt of a Title IX complaint, Inspire will conduct an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

Inspire will provide the following written notice to the parties who are known (complainant and respondent):

- Notice of the grievance process including any informal resolution process.
- Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in § 106.30 of US Department of Ed. Title IX Regulation, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under § 106.30, and the date and location of the alleged incident, if known.
- The written notice will 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.
- The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.

- The written notice will inform parties they may inspect and review evidence
- The written notice will inform the parties that knowingly making false statements or knowingly submitting false information during the grievance process is violation of school code of conduct.
- Written notice will include additional allegations not included in the notice.

Dismissal of a Formal Complaint

A Formal Complaint meets the standard for Required Dismissal if the conduct alleged:

- Would not constitute sexual harassment as defined in §106.30 even if proved
- Did not occur in the Inspire's education program or activity; or
- Did not occur against a person in the United States.
- Such dismissal does not preclude action under another provision of Ed Code, Code of Conduct, Board Policy/Administrative Regulation

Permissive Dismissal: Inspire may dismiss the formal complaint or allegations any time during the investigation or hearing, if:

- The Complainant notifies the Title IX Coordinator in writing to withdraw the complaint or any allegation therein;
- The Respondent is no longer enrolled or employed; or
- Specific circumstances prevent Inspire from gathering evidence sufficient to reach a determination as to the complaint or allegations therein

All dismissals require written notice & reasons sent to the parties simultaneously.

Inspire presumes that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The grievance process will conclude within 45 calendar days with a written decision to be provided to both parties.

Inspire will provide written notice to allow for the temporary delay of the grievance process or the limited extension of time frames for good cause to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

Upon the determination of responsibility, the range of disciplinary sanctions could include reprimand, course changes, suspension, and/or expulsion.

The standard of evidence to be used to determine responsibility will be the clear and convincing evidence standard. Inspire will apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment.

Appeals

Appeals to a decision (determination of responsibility) or dismissal of a formal complaint or any allegations may be considered when:

- Appellant claims an occurrence of procedural irregularity that affected the outcome of the matter
- New evidence that was not reasonably available at the time the determination of responsibility or dismissal was made that could affect the outcome of the matter, and
- The Title IX Coordinator, Investigator, or Decision Maker had conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter

Investigation Of A Formal Complaint

Inspire may consolidate formal complaints as to allegations of sexual harassment where the allegations arise out of the same facts or circumstances:

- Against more than one Respondent;
- By more than one complainant against one or more respondents; or
- By one party against the other party (cross-claims)

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Inspire. Inspire's investigator cannot gather privileged information without voluntary, written consent (e.g., physician, psychiatrist, psychologist, etc.) Inspire Investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence and will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

While both parties will be provided with the same opportunities to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, Inspire may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties, and will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Inspire will also provide both parties an equal opportunity to inspect and review any evidence that is directly related to the allegations:

- Including the evidence upon which Inspire does not intend to rely in reaching a determination, and
- Inculpatory or exculpatory evidence whether obtained from a party or other source

Inspire will allow each party to meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report, Inspire will send to each party and the party's advisor the evidence subject to inspection and review in an electronic format or a hard copy.

The parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report, and Inspire will share any new evidence with the parties and, if needed, continue the investigation related to new information.

Additionally, Inspire will consider and incorporate new information and responses into the Final Investigative Report.

Inspire will:

- Finalize the investigative report that fairly summarizes relevant evidence
- At least 10 days prior to a determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the Decision Maker has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

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.

The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determination of Responsibility

Written Decision will include:

- Identification of the allegations
- 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
- Findings of fact supporting the determination
- Conclusions

- A statement of, and rationale for, the result as to each allegation
 - Determination of responsibility, disciplinary sanctions, remedies, appeal

Written Decision becomes final either:

- On the date that Inspire provides the parties with the written decision of the result of the appeal, if an appeal is filed, or
- If an appeal is not filed, the date on which an appeal would no longer be considered timely

Appeals

Both parties may appeal a determination of responsibility finding or a dismissal of a formal complaint or any allegations therein, on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter

An offer of an appeal may be offered equally to both parties on additional bases.

Appeal Procedures

- The Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
- Inspire will ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
- Inspire will ensure that the decision-maker(s) for the appeal understands the “preponderance of the evidence” standard
- Inspire will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
- Inspire will issue a written decision describing the result of the appeal and the rationale for the result
- Inspire will provide the written decision simultaneously to both parties

Informal Resolution Process

An informal resolution cannot be a condition of enrollment or employment, and it must be optional to parties with voluntary, written consent. It requires the filing of a Formal Complaint and must be offered prior to reaching a determination of responsibility.

Inspire will provide to both parties written notice disclosing:

- The allegations
- The circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
- Any time prior to agreeing to a resolution, any party has the right to withdraw
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

Informal Resolution cannot be used to resolve allegations that an employee sexually harassed a student.

Recordkeeping

Inspire will maintain for a period of seven years records of:

- Each sexual harassment investigation including;
 - Any determination regarding responsibility
 - Any audio or audiovisual recording or transcript
 - Any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant
- Any appeal and the result
- Any informal resolution and the result
- All materials used to train Title IX Coordinators, investigators, decision- makers, and any person who facilitates an informal resolution process
 - Inspire will make these training materials publicly available on its website

Inspire will maintain for a period of seven years records of:

- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment

In each instance, Inspire will document the basis for its conclusion that its response was not deliberately indifferent, and will document that it has taken measures designed to restore or preserve equal access to Inspire's education program or activity.

If Inspire does not provide a complainant with supportive measures, it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Inspire may, in the future, provide additional explanations or details of additional measures taken

For each response required under § 106.44, Inspire will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, Inspire will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Inspire's education program or activity. If Inspire does not provide a complainant with supportive measures, then Inspire will document

the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Retaliation

Inspire will never intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation. Retaliation complaints must be filed using the grievance process.

Improper release by Inspire of the identity of a Complainant, Respondent, or witness(es), unless required by law, "or as necessary to carry out Title IX proceeding," may be considered retaliation. Parties exercising their 1st Amendment rights is not retaliation. Charging an individual with making a false statement in "bad faith" during the Title IX process is not retaliation. A responsibility determination is not sufficient evidence to conclude there was a bad faith false statement.

Inspire 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.