# Mackay School District No. 182

**STUDENTS 3085**

S exual Harassment, Discrimination and Retaliation Policy

P olicy 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 Mackay Joint School District No. 182’s commitment to non-discrimination, equity in education and equal opportunity for employment.

S cope of Policy

This policy applies to all members of Mackay Joint School District No. 182’s community,

including students, employees, and other members of the public including guests, visitors, volunteers, and invitees.

P olicy Statement

Mackay Joint School District No. 182 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 [District] employees.

T itle IX Coordinator

The Superintendent serves as Mackay Joint School District No. 182’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 Mackay Joint School District No. 182 Business Manager or Human Resources Director at 208-588-2896 or at the District Office at 400 E. Spruce Street, Mackay, Idaho.

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.

M andatory Reporters

Mackay Joint School District No. 182 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 Abused and Neglected Child Reporting.

C ontact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and related procedures, may be made internally to Mackay Joint School District No. 182 Title IX Coordinator (or deputies, if applicable) using the contact information below:

Title IX Coordinator:

Superintendent

400 E. Spruce, Mackay, Idaho 83251

208-588-2896

[www.mackayschools.org](http://www.mackayschools.org)

Title IX Investigator:

Superintendent

400 E. Spruce, Mackay, Idaho 83251

208-588-2896

[www.mackayschools.org](http://www.mackayschools.org)

Title IX Decision Maker:

Principal

400 E. Spruce, Mackay, Idaho 83251

208-588-2261

[www.mackayschools.org](http://www.mackayschools.org)

Title IX Appeals:

Business Manager/Human Resources Director

400 E. Spruce, Mackay, Idaho 83251

208-588-2896

[www.mackayschools.org](http://www.mackayschools.org)

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](mailto:OCR.Seattle@ed.gov)

1-800-877-8339

N otice/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 (or deputy/deputies, if applicable). 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 www.mackayschools.org](http://www.mackayschools.org/)
3. Report by phone at 208-588-2896

When notice is received regarding conduct that may constitute Title IX sexual harassment,

Mackay Joint School District No. 182 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 themself 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.

G rievance Processes

When a formal complaint is made alleging that this policy was violated, the allegations are

subject to resolution using one of Mackay Joint School District No. 182’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 Mackay Junior/Senior High School and Mackay Elementary School Student Codes of Conduct, Uniform

Grievance Procedure Policy 4120, if no adjudication procedures are included in the Student Code of Conduct, General Bullying, Harassment and Intimidation procedures, Relationship Abuse (Policy 3295) and Sexual Assault Prevention and Response procedures (Policy 3285).

1. 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 which may include: Uniform Grievance Procedure (Policy 4120) and Certificated/Non-certificated Staff Grievance Procedure (Policy 5250 and Policy 5800).

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

P olicy History:

Adopted on: December 14, 2020

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Reviewed on: