



## WAVERLY-SHELL ROCK COMMUNITY SCHOOLS

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### TITLE IX DEFINITION AND PROCESS OVERVIEW

In accordance with Title IX of the Education Amendments Act of 1972, the Waverly-Shell Rock Community School District prohibits sex discrimination, including sexual harassment, against any individual participating in any education program or activity of the District. This prohibition on discrimination applies to students, employees, and applicants for employment. The Board authorizes the Superintendent to adopt procedures for any individual to report sex discrimination or sexual harassment, and for the investigation and resolution of such complaints.

#### General Items that are involved in the Formal Title IX Investigation Process

- A formal complaint must be submitted to the District and signed by Title IX Coordinator if the complainant wishes to move forward with a formal or informal resolution.
- Title IX defines “sexual harassment” as any of the following:

**Sexual harassment** means unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

1. **“Quid Pro Quo” Harassment.** A District employee explicitly or implicitly conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; **OR**
2. **Hostile Educational/Work Environment.** 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 District's education program or activity; **OR**
3. **Sexual assault.** An offense that meets the definition any one of the following offenses:

*The purpose of this document is to serve as a resource for parents and students that provides a general understanding of Title IX and the steps and personal rights that are covered in this process. For more information please visit:*

<https://educateiowa.gov/pk-12/accreditation-and-program-approval/equity-education/title-ix-education-equity>

- Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; **OR**

**4. Stalking:**

- Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target's immediate family;
- when the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target's immediate family by the course of conduct; and
- the stalker's course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target's immediate family; **OR**

**5. Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship; **OR**

**6. Domestic Violence:** any felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;

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- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Iowa.

**Below are the items that are involved in the formal resolution process.**

- The process will include three stages, each conducted by an individual other than the Title IX Coordinator: Investigation, Decision Maker, and Appeal
- The District is required provide a 'Notice of Investigation' to all parties identifying:
  - identities of the parties involved in the incident;
  - the conduct alleged;
  - the date and location of the incident;
  - Respondent's entitlement to presumption of innocence;
  - The parties' rights to have an advisor of their choice at the party's expense, who may be an attorney;
  - The parties' rights to review and comment on the investigative evidence; and
  - The effects of making materially false statements in bad faith during the process
- The District is required to provide Notice of Interviews, Hearings, or Other Meetings
- The District is required to provide each party with copies of any evidence obtained by the Investigator that is directly related to the allegations in the complaint. Both parties would have the opportunity to submit a response to the evidence.
- The District will complete an Investigative Report that will be simultaneously distributed to both parties. The items included in the report will be: statements and interviews with the parties and any witnesses, and any documents, records, photographs, recordings, or other evidence obtained by the investigator.
- Following receipt of the Investigative Report, each party will have the opportunity to submit to the Decision Maker any relevant questions to be asked of the other party and/or witness, including those challenging the credibility of the party or witness. The Decision Maker will provide written responses to these questions to both parties.
- The District is required to provide a Written Determination Regarding Responsibility. This will include:

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- Identification of the allegations
  - A description of the procedural steps taken
  - Findings of facts
  - Conclusions regarding the application of the policy
  - Statement of and rationale for the Decision Maker's determination regarding responsibility of each allegation
  - Statement of an rationale for any disciplinary sanctions that will be imposed on Respondent, if applicable
  - Statement and rationale for any remedies the District will provide to restore or preserve Complainant's access to the District's educational program or activity, if applicable
  - Statement of the District's appeal policy and procedures
- There is a limited right of appeal of the Written Determination on the following bases only:
    - A procedural irregularity that affected the outcome of the matter;
    - New evidence that was not reasonable available at the time the written determination was issued that could affect the outcome of the matter; or
    - The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias that affected the outcome of the matter.
  - The District will supply supportive measures for each party

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