

Adopted: October 10, 2013
Revised: August 13, 2015; August 10,
2017; August 9, 2018; November 13,
2020

NONDISCRIMINATION

There will be no discrimination in the technology center because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information in its programs, services, activities and employment. The district also provides equal access to the Boy Scouts of America and other designated youth groups. The following people have been designated to handle inquiries regarding the technology center's non-discrimination policies:

Section 504/Title II of the Americans with Disabilities Act Coordinator (for questions or complaints based on disability):

Tri County Tech
Attention: Director of Human
Resources 6101 Southeast Nowata
Road Bartlesville, OK 74006

Title VI of the Civil Rights Act Coordinator (for questions or complaints based on race, color and national origin):

Tri County Tech
Attention: Director of Human
Resources 6101 Southeast Nowata
Road Bartlesville, OK 74006

Title IX Coordinator (for questions or complaints based on sex, pregnancy, gender, gender expression or identity):

Tri County Tech
Attention: Director of Human
Resources 6101 Southeast Nowata
Road Bartlesville, OK 74006

Age Act Coordinator (for questions or complaints based on

age): Tri County Tech
Attention: Director of Human Resources
6101 Southeast Nowata
Road Bartlesville, OK
74006

Any individual, who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Tri County Tech
Attention: Director of Human
Resources 6101 Southeast Nowata
Road Bartlesville, OK 74006

Outside Assistance may be obtained from:

U.S. Department of
Education Office for Civil
Rights
One Petticoat Lane
1010 Walnut Street, Suite
320 Kansas City, MO 64106
(816) 268-0550
(816) 268-0599 (Fax)
(877) 521-2172 (TTY)
E-mail: OCR.KansasCity@ed.gov

TRI COUNTY TECH	<i>Discrimination</i>
BOARD OF EDUCATION POLICY	Adopted: October 10, 2013 Revised: August 13, 2015; August 10, 2017; August 9, 2018

DISCRIMINATION, HARASSMENT, AND RETALIATION

The technology center is committed to providing all students and employees with a safe and respectful school environment. Both state and federal law specifically prohibit harassment of or by employees and students in connection with the district.

The district prohibits discrimination, harassment or retaliation based on real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. This prohibition applies to students, employees and board members in any aspect of the district’s programs, including during school hours, extracurricular activities, technology center sponsored events, or outside of school hours if the conduct affects the education or working environment.

Definitions

“Employee” for purposes of this policy, includes all technology center employees, board members and volunteers.

“Student” refers to any person who is enrolled in any program.

“Discrimination” means unfair treatment which is based on a person’s real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of discrimination include, but are not limited to: Refusing to consider a person for a position or declining to enroll a student in a program based on legally discriminatory factors. Harassment can be a specific form of legally prohibited discrimination.

“Harassment” means repetitive, unwelcome conduct which is based on a person’s real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of harassment include, but are not limited to: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse; intimidation (physical, verbal or psychological); impeding or blocking a person’s movement; unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person’s alleged sexual activities. Demeaning comments about a student’s ability to excel in a class historically

considered a “boy’s” or a “girl’s” subject may also constitute harassment.

“Sexual harassment” is a type of harassment which includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which:

- is made an explicit or implicit term or condition of an employee’s employment or a student’s ability to obtain an education; or
- is used as a basis for decisions impacting either an employee’s employment or a student’s education; or
- has the purpose or effect of unreasonably or substantially interfering with an employee’s work performance or a student’s educational performance, or creating an intimidating, hostile, or offensive environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between minor students and employees will always be considered unwelcome. Sexual harassment also includes conduct such as rape, sexual assault, stalking, and any other form of sexual violence.

Sexual harassment may occur between persons of the same gender or sex.

Nothing in this policy precludes legitimate, nonsexual physical contact to avoid physical harm to persons or property.

“Retaliation” is any negative conduct which is taken in response to an individual’s complaint of harassment or discrimination, or participation in any investigation of a harassment or discrimination complaint.

Reporting

Students who have been harassed or discriminated against, or who witness such conduct, are encouraged to report the offensive conduct to any instructor, counselor, administrator, or board member.

Employees who witness, suspect or receive a report of harassment or discrimination must immediately report the incident to the superintendent or a board member – even if that report must be made after hours to the superintendent or board members home or cell phone.

Any employee who receives a harassment, discrimination or retaliation report will immediately refer the matter to the superintendent or the Title IX coordinator, unless the superintendent or Title IX coordinator is the alleged malfeasant. In such circumstances, the complaint will be referred to the board president or the district’s legal counsel. To ensure impartiality, no person who is the subject of a complaint shall conduct any investigation into the improper conduct.

If possible, reports should be made in person and/or in writing, and be signed by the reporting party. However, in order to encourage full, complete and immediate reporting, any person may report such incidents anonymously in writing by mailing the report to the personal attention of either the superintendent or a board member. All reports should state:

- the name of the alleged harasser;

- the person(s) being harassed;
- the nature, context and extent of the prohibited activity;
- the dates of the prohibited activity, and;
- any other information necessary to a full report and investigation of the matter.

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act. Individuals may simultaneously report an allegation of this type of misconduct to school officials and to the United States Equal Employment Opportunity Commission, the Oklahoma Human Rights Commission, or local law enforcement.

Administrative Response

The district will promptly, thoroughly and impartially investigate all reports of harassment and discrimination. This process will include:

- A statement from the individual who was allegedly harassed;
- Appropriate and reasonable steps to separate and protect both the alleged victim and alleged harasser pending conclusion of the investigation and necessary remedial action;
- Reasonable updates to the alleged victim of the investigation's progress, subject to federal and state laws and regulations;
- Interviews with the alleged harasser, alleged victim and witnesses; and
- Review of relevant documents, including district files and records.

The district will review all relevant facts and take into account the totality of the circumstances - including the nature, extent, context and gravity of the activities. At the conclusion of this process, the superintendent, in conjunction with the Title IX coordinator, will issue findings based on the preponderance of the evidence and take appropriate measures, including but not limited to: education, information on available outside resources, training and counseling, transfer, suspension, removal from a program, and any other appropriate remedy under the circumstances. Employees may also be terminated for engaging in harassment, discrimination or retaliation.

Confidentiality shall be maintained during and after the investigation to the extent reasonably possible. However, public disclosure of personal or confidential employee information may be made during the course of any suspension, dismissal, non-renewal hearing or resulting litigation.

Penalties

Penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Any employee or student engaging in harassment, discrimination or retaliation will be subject to any and all disciplinary action allowed by school policy and Oklahoma law.

TRI COUNTY TECH BOARD OF EDUCATION POLICY	<i>Discrimination</i> Adopted: October 10, 2013 Revised: August 13, 2015; August 11, 2016; August 10, 2017; August 9, 2018
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**GRIEVANCE PROCEDURE FOR FILING,
PROCESSING AND RESOLVING COMPLAINTS
ALLEGING DISCRIMINATION, HARASSMENT, AND
RETALIATION**

Definition

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Complaint: A written or verbal complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

Grievant: Any person enrolled in or employed by the technology center or a parent, guardian, or member of the public who submits a complaint alleging discrimination based race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a student's complaint would be.

Coordinator(s): The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints and serves as moderator and recorder during hearings. The Coordinator of each statutory scheme may be the same person or different persons, but each coordinator will receive relevant training in order to perform his/her duties. The technology center has designated the following individual to serve as Coordinator for any/all forms of discrimination:

Tri County Tech
Attention: Director of Human
Resources 6101 Southeast Nowata
Road Bartlesville, OK 74006

Respondent: The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

Day: Day means a working day when the technology center's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

Pre-Filing Procedures

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the building principal or the District's Title IX, ADA, Title VI and VII or 504 Coordinator, as applicable, and reasonable effort should be made at this level to resolve the problem or complaint.

Informal Resolutions

If the District Coordinator believes informal resolution is appropriate for a disclosed problem or a filed complaint, he or she will notify the complaining party of the availability of informal resolution. Participation in informal resolution is not required by the District and informal resolution will not require that the allegation be resolved directly with an alleged harasser without the District Coordinator. Informal resolution will not be permitted in instances where there is an alleged instanced of sexual assault. If both the complaining party and the alleged harasser voluntarily agree to informal resolution after allegations are fully disclosed and both parties are informed of their right to proceed with a grievance, the district may initiate informal proceedings to resolve the problem or complaint. Either party may terminate informal proceedings at any time in favor of proceeding with a grievance. All timeframes under the grievance procedure will toll while the problem or complaint is pending informal resolution.

Filing, Investigation, Hearing and Review Procedures

The Grievant submits a written or verbal complaint to the Coordinator, as applicable, stating the basis, nature and date of the alleged discrimination, harassment, or retaliation, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment. Complaint forms are available from the offices of the technology center Coordinators.

The Coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the Grievant and any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

The Coordinator will not delay the investigation of the discrimination complaint, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the Coordinator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the technology center's grievance policy.

As to complaints of discrimination by students, parents or guardians and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If a Grievant wishes to remain anonymous, the Coordinator will advise him or her that such confidentiality may limit the technology center's ability to fully respond

to the complaint. If a Grievant asks to remain anonymous, the Coordinator will still proceed with the investigation.

To minimize risks to the integrity of the investigation, the District prohibits individuals — including witnesses and/or parents or guardians—from posting, sharing or publicizing information regarding the investigation or the underlying events. This prohibition expressly includes releasing information via social media. Provided, however, neither the district nor the Coordinator will restrict the ability of either the Grievant or Respondent to discuss the investigation with legal representation, law enforcement, and/or, if Grievant or Respondent is a student, his or her parents or guardians.

Within 5 days after completing the investigation, the applicable Coordinator will issue a written decision to the Grievant and Respondent. The report will include (a) a summary of facts, (b) an analysis of the appropriate legal standards applied to the facts, and (c) findings regarding whether the alleged discrimination occurred. If a finding is made that discrimination occurred, the Coordinator's report shall also contain (a) recommended interim and permanent steps, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the grievant and other, necessary to eliminate the discrimination, prevent its reoccurrence, and remedy its effects, as well as (b) the resources, including medical and counseling resources, that are available to students and witnesses. The decision will be based on a preponderance of evidence standard (i.e., it is more likely than not that the alleged discrimination occurred).

If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within five (5) days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within five (5) days after receiving the appeal request, the applicable Coordinator will refer the matter to the superintendent for a hearing. The Grievant and Respondent will be afforded similar rights (i.e., timely access to information that will be used at the hearing, opportunity to present his or her side of the story, presentation of character witnesses, review of party statements). If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decisionmaker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent and the superintendent. Advanced written notice of the hearing will be provided to both the Grievant and Respondent so as to provide each reasonable time to prepare for such hearing. The hearing will be conducted within ten (10) days after the Coordinator refers the matter to the superintendent for hearing.

The superintendent will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented. In circumstances involving allegations of sexual harassment, the Coordinator may determine that it is appropriate and reasonable to separate the individual who is allegedly being sexually harassed from the alleged harasser in the hearing.

Within five (5) days after completing the investigation, the superintendent will issue a written decision to the Grievant and Respondent.

If the Grievant or Respondent is not happy with the decision, he or she must notify the superintendent, in writing, within 5 days, and request an appeal to the board of education. The written appeal shall contain a specific statement explaining the basis of the appeal.

The superintendent will notify the board of education, in writing, within five (5) days after receiving the appeal. The clerk will place the appeal on a board agenda within thirty (30) days from the date of notification to the board of education.

The board will act as an appellate body by reviewing the decisions and the oral and written evidence presented below and making a decision. At the board meeting, the board may ask for oral or written evidence from the parties and any other individual it deems relevant. The clerk will make arrangements to audiotape any oral evidence presented. Within five (5) days of the meeting, the board will issue a final decision in writing to all parties involved.

General Provisions

Duty of Employees to Report Alleged Discrimination: Technology center employees, supervisors and administrators are required to immediately report any complaints, reports, observations, or other alleged information of alleged discrimination, including harassment and retaliation, to the designated coordinator, even if that employee is investigating the alleged discrimination as part of the technology center's student or employee disciplinary process, and provide the Complainant with information for filing a complaint form if requested, and contact information for the technology center's designated coordinator. If the technology center is using its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the technology center's standards for a prompt and equitable grievance procedure.

Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than one hundred twenty (120) days.

Access to Regulations: Upon request, the Coordinator shall provide copies of any regulations prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the technology center. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three

(3) years after complaint resolution.

Representation: The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

Corrective Action: After all facts and circumstances are reviewed, the district shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a student, and education,

training, counseling, transfer, suspension and/or termination of an employee.

Retaliation: The technology center prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the technology center's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The technology center will take steps to prevent the alleged perpetrator or anyone else at the technology center from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the technology center will take strong responsive action.

Basis of Decision: At each step in the grievance procedure, the decisionmaker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Section 504 Due Process Procedures: For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact the technology center Section 504/Title II Coordinator – Special Services Director:

Tri County Tech
Attention: Director of Human
Resources 6101 Southeast Nowata
Road Bartlesville, OK 74006

Notice: The technology center will notify all students, parents or guardians, members of the public and employees of the name, office and telephone number of each Coordinator and this Grievance Procedure in writing via school publications and/or postings at each school site to which employees or students are assigned.

Outside Assistance: Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of
Education Office for Civil
Rights
One Petticoat Lane
1010 Walnut Street, Suite
320 Kansas City, MO 64106
(816) 268-0550
(816) 268-0599 (Fax)
(877) 521-2172 (TTY)
E-mail: OCR.KansasCity@ed.gov

TRI COUNTY TECH	<i>Discrimination</i>
BOARD OF EDUCATION POLICY	Adopted: October 10, 2013 Revised: August 11, 2016; August 9, 2018; September 12, 2019; August 13, 2020

SERVICE ANIMALS

Purpose

The purpose of this policy is to establish procedures for the use of service animals in the technology center, including school buildings, school vehicles and other school property.

Policy

The technology center acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal in its facilities and programs and intends to comply with all state and federal laws, rules and regulations regarding the use of service animals by technology center employees, students and visitors with disabilities.

Definitions

“Service animal” is defined by the Americans with Disabilities Act (ADA) as any service dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability. Service animals are limited to the animals defined under the ADA and do not include any other species of animal, wild or domestic, trained or untrained. Service animals do not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

“Employee” is defined as a person who is employed by the technology center on a part-time or full-time basis, with or without compensation, and elected or appointed members of the technology center’s board of education.

“Student” means a child who is currently enrolled at the technology center, and includes the parents and guardians of a child who is (a) under the age of 18, or (b) otherwise unable to manage their own affairs.

“Visitor” means an individual other than an employee or student who is present in areas of technology center property that have been made available by the technology center to the general public and/or specified members of the public, including, but not limited to family members of students/employees and individuals attending a public event held on technology center property.

“Service animal trainer” means an individual who is affiliated with a recognized service animal training organization and who is engaged in the training a dog to do work or perform tasks as a service animal at the time such individual is present on district property.

“Service animal in training” means a dog that is in the process of being trained by a service animal trainer to perform work or tasks that would qualify the dog as a service animal under this policy at the time the dog is present on district property.

Procedures/Requirements for Employees and Students

The use of service animals by employees and students with disabilities is subject to the following procedures and requirements:

- A. The employee or student will submit a notification of the intent to use a service animal to the technology center's Compliance Officer. Notification will identify whether the service animal is required because of the person's disability, and, if so, identify and describe the manner in which the service animal will meet the individual's particular need(s).
- B. Notifications for the use of service animals on technology center property by an employee or student will, whenever possible, be made at least one week prior to the proposed use of the service animal.
- C. As part of the technology center's consideration of the use of a service animal, the technology center may require certification of proper vaccinations verified by a veterinarian.
- D. The technology center's review of use of a service animal may include consideration of a student's IEP or Section 504 records. The technology center may also request a meeting with the employee or student.
- E. The use of a service animal on technology center property may be subject to a plan that introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the technology center. The technology center's approval of the use of a service animal on technology center property is subject to periodic review, revision, or revocation by technology center administration.
- F. It is the responsibility of the employee or student who uses a service animal pursuant to this policy to serve as the handler or arrange for a third-party handler to provide proper handling of the service animal. Any cost incurred to handle the service animal will be the responsibility of the employee or student who uses the service animal.
- G. Service animals will be allowed in technology center vehicles when:
 - 1. The inclusion of the service animal is documented as required on technology center transportation forms; and
 - 2. The service animal is under the control of the handler at all times, including entering and exiting the vehicle.

Procedures/Requirements for Visitors

The use of service animals by visitors with disabilities is subject to the following procedures and requirements:

- A. When a visitor seeks to bring a service animal onto school property, staff may ask the visitor to provide the following information in order to confirm that the animal qualifies as a service animal under this policy:
 - 1. Whether the visitor's animal is a service animal required because of a disability.
 - 2. The work or task the visitor's animal has been trained to perform.

Staff shall not question visitors regarding their use of a service animal except as set forth above. Staff shall not inquire as to the nature of the visitor's disability, request documentation regarding a visitor's service animal, or request that the service animal demonstrate the work/task it has been trained to perform.

- B. Except as provided in this policy, visitors with disabilities shall be permitted to be accompanied by their service animals in all areas of school facilities where similarly situated non-disabled visitors are permitted to be present.
- C. Visitors shall not be allowed to bring a service animal into an area of school property where the presence of the service animal would pose a risk to the health or safety of others.
- D. When a visitor requires accommodations to be made to technology center policies, practices or procedure to allow a service animal to accompany the visitor on school property, the visitor must, whenever possible, provide prior written notice to Compliance Officer no later than one (1) week before the service animal will be present on technology center property.

Procedures/Requirements for Service Animal Trainers

The use of district facilities for service animal training activities is governed by the following procedures and requirements:

- A. A service animal trainer shall be permitted to bring a service animal in training onto district property for the purpose of training the dog to perform such work or tasks at such times when other similarly situated members of the general public are permitted to be present on district property.
- B. When present on school property, a service animal trainer shall be permitted to bring a service animal in training to those areas of school facilities where similarly situated members of the public are permitted to be present.
- C. Service animal trainers shall not be allowed to bring a service animal in training into an area of district property where the presence of the animal would pose a risk to the health or safety of others.
- D. Service animal trainers may be required to provide appropriate documentation showing that the service animal trainer is affiliated with a

recognized service animal training organization prior to engaging in training activities on district property.

- E. If a service animal trainer seeks to bring a service animal in training onto district property during an event which members of the public are charged a fee to attend, the service animal trainer may be required to pay the same fee as other similarly situated members of the public, but shall not be required to pay any additional fees or charges due to the presence of the service animal in training.
- F. Except as provided in this policy or pursuant to a written agreement between the district and a service animal training organization which has been approved by the Board of Education, no individual shall be permitted to bring animals which are being trained as service animals onto district property.

Control and Supervision of Service Animals and Service Animals in Training

- A. The owner/handler of a service animal or service animal in training must be in full control of the animal at all times.
- B. Service animals and service animals in training must always be on a leash or other form of restraint mechanism, unless impracticable or unfeasible due to the disability of the employee, student or visitor.
- C. The responsibility for the care and supervision of the service animal/service animal in training rests solely on the employee, student, visitor or service animal trainer. The technology center is not responsible for providing any staff member to walk the animal or provide any other care or assistance to the animal. Issues related to the care and supervision of service animals and/or service animals in training will be addressed on a case-by-case basis in the discretion of the building administrator.
- D. Pursuant to federal law, the technology center retains discretion to exclude or remove a service animal or service animal in training from technology center property and/or transportation if:
 - 1. The service animal or service animal in training is out of control and/or the animal's handler does not effectively control its behavior;
 - 2. The service animal or service animal in training is not housebroken;
 - 3. The service animal or service animal in training poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or,
 - 4. Permitting the service animal or service animal in training would fundamentally alter the nature of the service, program, or activity.

Miniature Horses

- A. The technology center will make reasonable modifications in policies, practices, or procedures to accommodate a miniature horse that qualifies as a service animal under this policy and the ADA, but doing so may not be possible in all circumstances.

- B. In determining whether it is feasible to allow a student, employee or visitor to be accompanied by a miniature horse that qualifies as a service animal in a specific technology center facility, the technology center will consider:
1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 2. Whether the handler has sufficient control of the miniature horse;
 3. Whether the miniature horse is housebroken; and
 4. Whether the miniature horse's presence in the specific facility compromises legitimate safety requirements that are necessary for safe operation.

Liability

An employee, student, visitor or service animal trainer accompanied by a service animal or service animal in training will be responsible for any damage to technology center or personal property and any injuries to individuals caused by the animal. Individuals who use a service animal or service animal in training on technology center property will hold the technology center harmless and indemnify the technology center from any such damages.

Appeals and Grievances

Any person dissatisfied with a decision concerning a service animal or service animal in training can file a grievance, using the technology center's grievance procedures.

Requirements for Service Animals and Service Animals in Training

Vaccination: Service animals or service animals in training must be immunized against diseases common to that type of animal. [Okla. Admin. Code 310:599-3-9.1] All vaccinations must be current. Dogs must wear a rabies vaccination tag.

Licensing: All service animals and service animals in training must be licensed as may be required by state and/or local law.

Identification: It is recommended, but not required, that service animals and/or service animals in training have proper identification.

Owner ID and Other Tags: Dogs may be required to wear a current dog license and rabies-vaccination tag, unless the dog is permanently and uniquely identified with a microchip implant or tattoo.

Collar: A service dog used by a person who is deaf or hard-of-hearing must wear an orange identifying collar. [Okla. Stat. tit. 7, § 19.1(C)]

Cleanup Rule: The handler of the service animal/service animal in training, whether it be the employee, student or a third party, must clean up after the animal defecates or urinates, as well as follow any municipal ordinance applicable thereto.

Grooming: All service animals or service animals in training must be treated for, and kept free of, fleas and ticks. All service animals or service animals in training must be

kept clean and groomed to avoid shedding and dander.

Reference: 28 C.F.R. Part 36; OKLA. STAT. tit. 4, § 801; OKLA. STAT. tit. 7, § 19.1

TITLE IX—SEX DISCRIMINATION AND SEXUAL HARASSMENT

Policy and Purpose

Tri County Tech will address all incidents of sex discrimination and sexual harassment reported to the technology center's Title IX Coordinator in compliance with Title IX of the Education Amendments of 1972, as amended. The Title IX Coordinator Tara Stevens, is located in the technology center's main building at 6101 SE Nowata Rd, Bartlesville, OK 74006, phone number 918-331-3248, or email tara.stevens@tricitytech.edu.

This policy informs all students and all technology center employees of policies and procedures regarding sex discrimination and sexual harassment to which all students, instructional staff, and non-instructional personnel are expected to adhere. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

The technology center seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, the technology center condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, dating violence, and stalking. Notice of sex discrimination or a sexual harassment incident to the technology center's Title IX Coordinator charges the technology center with actual knowledge and triggers its response obligations.

Scope of the Policy

The technology center must respond when sex discrimination and harassment occur in the district's education programs or activities. Education programs and activities include locations, events, or circumstances in which the technology center exercises substantial control over both the respondent and the context in which the discrimination or harassment occurred. Title IX applies to all of the technology center's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by USPS mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information

concerning sexual harassment to the technology center's Title IX Coordinator. The technology center encourages victims of sexual harassment to talk with a counselor. Different employees within the scope of technology center's resources have different abilities to maintain a victim's confidentiality.

- **Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Disclosures to these employees will not trigger an investigation into an incident against the complainant's wishes.
- Technology center **Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to technology center employees (called "responsible employees") constitutes a report to technology center and places technology center on notice to take appropriate steps to address the situation.

This policy also applies to retaliation by technology center or any person against any other person for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

Assistance Following an Incident of Sexual Harassment

- **Immediate Assistance:**

Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator Tara Stevens, located in the technology center's main building 6101 SE Nowata Rd, Bartlesville, OK 74006, phone number 918-331-3248, or email tara.stevens@tricountytech.edu.

Victims of sexual violence should get to a place of safety and call Police. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and technology center officials will assist in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Oklahoma law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

COMPLAINANT OR WITNESS: CALL POLICE (918-338-4001) FOR IMMEDIATE ASSISTANCE.

- **Ongoing Assistance:**

In order to ensure the safety and well-being of the complainant, technology center may take interim measures such as changing academic schedules, extracurricular activity modifications, addressing transportation issues, withdraw from/retake a class without penalty, academic support (e.g., tutoring), leave of absence, counseling, campus escort services, distance learning arrangements, work schedule modifications, or similar measures. In addition, while an investigation is pending, technology center may initiate a "no contact order" between the parties that carries a sanction of short- or long-term suspension (for secondary students)

or removal (for adult students) if violated.

The technology center offers internal counseling options. Technology center officials and representatives are available to facilitate access to support services. Several service organizations in Oklahoma have provided telephone numbers and made available other services for students, staff and campus community members. Technology center will assist any interested person, needing assistance, in contacting these agencies.

- **Statewide Support Services:**

Oklahoma Safeline - 1-800-522-7233 (SAFE)

Oklahoma Safeline - Oklahoma City Metro Area - 405-522-7233 (SAFE)

National Domestic Violence Hotline - 1-800-799-7233 (SAFE)

Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)

Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)

Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)

Oklahoma Coalition Against Domestic Violence/Sexual Assault 405-524-0700 (M-F/9-5)

Title IX Coordinator and Staff

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating technology center's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator.
- Deputy Title IX Officers have the secondary responsibility and assist with the duties of the Title IX Coordinator. Deputy Title IX Officers include Kim Smith, 918-331-3202.
- Title IX Investigators may include but not be limited to technology center administration. The primary responsibility of the investigator relates to formal complaints. The investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX training.
- Title IX Hearing Officer (decision-maker) may include a technology center administrator, legal counsel or specially designated officer. The primary responsibility of the hearing officer is to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX training.

Definitions

The technology center defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of quid pro quo harassment by a district's employee;

2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and
3. Any instance of sexual assault, dating violence, domestic violence, or stalking as defined by Federal law.

Offenses prohibited under the technology center's policy include, but are not limited to: sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

- A. **Sex Discrimination:** includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment, or school-related benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
- B. **Sexual Harassment:** is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, vendors and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any technology center employee. Technology center employees who witness or learn of such conduct are required to report it to the Title IX Coordinator.
 1. **Hostile Environment:** Sexual harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to the following:
 - The frequency of the conduct;
 - The nature and severity of the conduct;
 - Whether the conduct was physically threatening;
 - Whether the conduct was deliberate, repeated humiliation based upon sex;
 - The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
 - Whether the speech or conduct deserves constitutional protections.
 2. **Quid Pro Quo Sexual Harassment** exists when individuals in positions of authority over the complainant engage in the following behaviors:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or technology center activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex or engage in sexual acts with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list that the student created, even when asked to stop, causing one recipient to avoid the sender on campus or in connection with classes or district sponsored events in which both are involved.
- An instructional assistant probes for explicit details, and demands that students respond to him or her, though the student is clearly uncomfortable and hesitant.
- An administrator asks a student for nude or semi-nude pictures to be sent via Snapchat or other social media.
- An adjunct instructor provides explicit details of his sexual past or describes his sexual relationship with his spouse or girlfriend.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort and embarrassment.

C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by district employees, other students, or third parties.

1. Nonconsensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
2. Nonconsensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
 - a) Rape: 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 the consent of the victim. This definition includes any gender of

victim or perpetrator. Sexual penetration means 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. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
4. Dating Violence is violence between individuals:
 - The party 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 following factors:
 - Length of the relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship
- D. Advisor - a person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a technology center faculty or staff member, a friend or an attorney.
- E. Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- F. Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.
- G. Formal complaint – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation(s) of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient details to make a determination regarding basic elements of the formal complaint process.
- H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.
- I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Consent

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is not consent. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know that another is incapacitated include, but are not limited to the following:

- The amount of alcohol, medication or drugs consumed,
 - Imbalance or stumbling,
 - Slurred speech,
 - Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
 - Mental disability or incapacity.
- F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

Reporting

A. Mandatory Reporting

All technology center employees are responsible for taking all appropriate actions to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All technology center employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator. The only exception to the mandatory duty to report is a licensed counselor for whom the report is considered a privileged exchange.

B. Confidential Reporting

Resources are available through staff and counselors. Victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, the technology center should be made aware of possible threats to the campus community in order to issue timely warnings.

C. Reporting to the Police

The technology center strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence gathered preserve future options regarding criminal prosecution, technology center disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to an officer of the Police Department at 918-338-4001. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.
- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, the technology center also strongly encourages reporting any instances to the police.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name(s) of the persons involved.

D. Student Reporting

Students shall report any instances of sex discrimination or sexual harassment to any technology center employee and/or the Title IX Coordinator. Only victims or their parents or guardians can file a formal complaint of sexual harassment. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that result in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the technology center investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

The technology center will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sexual harassment has occurred. In some instances, the technology center may implement an emergency removal of a student when a safety and risk analysis indicate that an imminent threat exists to the physical health or safety of a party. A party subject to an emergency removal shall have an opportunity to challenge the decision immediately following the removal. An employee may be placed on administrative leave or suspended during the pendency of the grievance process. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that sexual violence occurred, the technology center will continue to take steps to protect the complainant and ensure safety at school or related activities. The technology center will provide the complainant with available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, and assistance in reporting a crime to local law enforcement.

Written Notice of Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct of students or a violation of performance and conduct standards for employees.

Investigation

An investigator will be designated to investigate the allegations contained in the complaint or which are developed in the course of the investigation. The burden of gathering evidence and burden of proof must remain on the technology center—not on the parties.

An investigation will be conducted by a technology center Title IX official. This investigation will include:

- Meeting personally with the complainant (unless extraordinary circumstances prevent a personal meeting);
- Meeting personally with the respondent (unless extraordinary circumstances prevent a personal meeting);
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made;
- Collecting any physical evidence;

- Meeting personally with any witnesses (unless extraordinary circumstances prevent a personal meeting with one or more witnesses);
- Reviewing any documentary evidence; and
- Preparing a report of the investigation.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the grievance process, the technology center must do the following:

1. Ensure that the burden of proof and of gathering evidence rests on technology center rather than the parties;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations or gather and present evidence;
4. Provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor;
5. Provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate;
6. Provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation;
7. Ensure that if the technology center obtains additional information from or about the respondent or complainant, during the course of the investigation, that was not included in the original notice to the parties—both parties will be provided written notice of additional allegations and a reasonable opportunity to respond in writing to the new information or documents;
8. Prepare a written report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility; and
9. Ensure that parties will have at least 10 calendar days to respond to the investigator's report; any response will be considered in connection with any hearing that is conducted.

The Title IX Coordinator will determine if a Title IX hearing is necessary. In making this determination, the Coordinator will consider whether both parties request or consent to a hearing and will agree to participate in a hearing. If it is determined that the technology center will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing.

Mandatory or Permissive Dismissal

Mandatory dismissal must occur when it is determined in the course of the investigation that allegations in a formal complaint: (1) did not occur in the technology center's program or activity; (2) did not constitute sexual harassment as defined, or (3) did not occur against a person within the United States. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; (2) the respondent is no longer enrolled or employed by the technology center; or (3) specific circumstances prevent the technology center from gathering evidence sufficient to reach a determination. Both parties must receive written notice of

a permissive dismissal and reasons.

The technology center may still address allegations of misconduct under the Student Code of Conduct or employee disciplinary procedures.

Technology Center Action

A. Informal resolution is available in some circumstances. Informal resolutions are unavailable unless a formal complaint of sexual harassment is filed. Informal resolution may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the informal resolution conference. Participation in informal resolution is never mandatory, and will only take place with the full consent of both parties involved. Informal resolution may only be used:

1. When a formal complaint of sexual harassment is filed;
2. Prior to a Notice of Hearing being issued;
3. When a Title IX Officer determines this is a suitable option for resolving the concern, and both the complainant and respondent agree to use the process;
4. When the complaint does not involve sexual violence as defined in the Title IX Policy; and
5. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.

Informal resolution is not available when the complaint alleges a technology center employee sexually harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may withdraw from informal resolution at any time prior to the entry of a voluntary resolution agreement and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

B. Title IX Hearing

The technology center has determined that the hearing process will be conducted through written exchanges, if the parties are secondary students, but a live hearing will not be conducted.

The Title IX Hearing Officer's responsibilities include but are not limited to the following, regardless of whether a hearing is conducted through written exchanges or a live hearing:

- Read and understand the Title IX Policy and Procedures, which include the hearing process;
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet;
- Read and understand the procedures of the Title IX hearing (live or non-live) provided by the Coordinator prior to the hearing as part of a hearing packet;

- Have a clear understanding of the incident(s) in question before making a decision;
- Decide the outcome and sanctions if needed based on the information presented, hearing notes, and the technology center Title IX Policy;
- Maintain copies of all notes made. The hearing officer will inform the parties of the decision at the live hearing and send a letter as described in this policy;
- Ensure that parties have had ample time and opportunity to ask questions and obtain responses before the hearing officer renders a decision (live or non-live); and
- Ensure that the determination (decision) includes a statement of and rationale as to each allegation, a determination of responsibility, any disciplinary sanctions, and whether remedies to restore equal access to the technology center's educational programs or activities will be provided to the complainant.

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire live hearing or fully aware of the process used in a non-live hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students should provide technology center with the name and contact information for the student's advisor as soon as practical but at least three (3) business days prior to the hearing;
- Be given, as applicable, a timely live or non-live hearing;
- Be assured of exclusion of evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Be permitted to clarify that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent (remember secondary students cannot consent to sexual harassment) or preclude a finding of sexual harassment;
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant, additional remedies for the school community;
- Be provided written notification of any internal or external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable;
- Be provided written notification of an avenue for appeal.

Respondent's Rights:

- Be given written notice of the allegations and the hearing process;
- Be given access to evidentiary material in advance of the hearing;
- Be present during the entire hearing if a live hearing is conducted or fully aware of the process utilized in a non-live hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;

- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students should provide the technology center with the name and contact information for the student's advisor as soon as practical but at least three (3) business days prior to the hearing;
- Be informed that evidence of the victim's past sexual history will be excluded from discussion during the hearing or hearing process. Similarly, the past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant or respondent, additional remedies for the school community;
- Be provided written notification of internal or external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable; and
- Be provided written notification of an avenue for appeal.

Live Hearings

A live hearing will not be conducted unless students who are parties to the complaint are at least 18 years of age, extraordinary circumstances are present, or adult program students are the parties. The complainant and respondent will be notified in writing of the hearing date, the alleged policy violation(s) and issued a notice to appear at the hearing. The Notice of Hearing will be hand-delivered or mailed to the physical or electronic addresses of the parties. Parties are responsible for ensuring that a current physical and electronic mail address is included in technology center records. The live hearing will include opening statements, each party's evidence and witnesses, cross-examination, and closing statements. Students are permitted to have an advisor accompany the Student throughout the disciplinary hearing. Students should provide technology center with the name and contact information for the Student's advisor at least 3 business days prior to the hearing. Parties are present during the disciplinary hearing (except during deliberations of the hearing officer). Parties are permitted to make statements, present witnesses and present evidence during the hearing which evidence has been previously collected and approved for relevance during the investigative process.

Non-Live Hearings

Non-live hearing parties will have similar rights and responsibilities, except that the hearing officer will conduct the hearing via written or oral exchanges and neither the complainant nor the respondent will confront one another and no cross-examination will occur. However, both parties will be invited to submit questions, receive answers, and present relevant written arguments in connection with the parties' claims and defenses. Parties will have at least 10 days to respond to the receipt of information or documents to which they wish to respond. The investigator's report, all submissions by the parties, the exchange of information, documents and arguments will provide the basis for the hearing officer's decision.

All Hearings

Witnesses and evidence must be directly related to the claims. Parties will be notified in any instance in which responses, information or documents are not available because of

a privilege (not waived by the party who asserts the privilege) or irrelevant information is involved (e.g., information involving prior sexual behavior or sexual predisposition is irrelevant; a privilege such as an attorney-client or doctor-patient or other privilege bars introduction of certain evidence). The standard of proof used in technology center Title IX Hearings is the preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

Outcomes

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sexual Harassment policy violation—the complaint will be dismissed.

If it is determined under the preponderance of evidence standard that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; actions may be imposed singularly or in combination when a violation of this policy is found.

Discrimination (includes gender discrimination) may include the following sanctions on the student(s) found responsible:

- Restriction – A limitation on a student’s privileges for a period of time and may include but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the technology center, or denial of participation in extracurricular activities.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Probation – A specified period of time during which the student is placed on formal notice that the student is not in good social standing with the technology center and that further violations of regulations will subject the student to suspension from the technology center.
- Suspension – If warranted by the severity of the incident, removal from classes or programs and other privileges or activities for a definite period of time not to exceed (for secondary students) the remainder of the semester in which the incident occurred and the following semester and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from the technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Superintendent. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.
- Removal – If warranted by the severity of the incident, adult students may be removed from the technology center with no right to return to classes or programs or a future right to apply to return. Conditions to which the adult student is subject will be stated in the written notification of outcome. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- Restriction – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent technology center.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Probation – Students are prohibited from participating in or holding leadership positions in any extracurricular activities not directly associated with academics (e.g., Skills USA, tech demonstration events, student organizations/clubs/associations, or other sanctioned events or competitions). Students must apply to be removed from probation by submitting documentation of their significant active efforts to become good citizens of the community and engage in responsible, productive behavior.
- Suspension – If warranted by the severity of the incident, removal from classes, programs, and other privileges or activities for a definite period of time not to exceed the remainder of the semester in which the incident occurred and the following semester, if a secondary student, and for a longer period of time, if an adult student, and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended or removed from technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension or removal, unless otherwise directed by the Superintendent. Conditions to conclude a suspension or removal and reinstatement process will be stated in the written notification. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.
- Removal – If warranted by the severity of the incident, adult students may be removed from the technology center with no right to return to classes or programs or a future right to apply to return. Conditions to which the adult student is subject will be stated in the written notification of outcome. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Long-term Suspension or removal – Suspension of student status for an indefinite period not to exceed the maximum period permitted by law. Secondary students may only be suspended for the rest of the current semester and the succeeding semester; adult students may be suspended for a period to be determined or may be removed from the technology center with no right to return. The conditions for readmission, if any, shall be stated in the hearing outcome letter. In addition, a student, though readmitted to the district by operation of law, may be denied the opportunity to participate in extracurricular activities for as long as the student is enrolled in the technology center. Notation on the student’s transcript will not be made; however, a permanent record of the action will be maintained in the student’s record. Removal should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing at the same time by certified mail or other agreed upon form of notice within five business days after the hearing. Both parties have the right to appeal the decision reached through the hearing process within five days after receipt of the hearing decision.

Appeal Procedures

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student or other party. The burden of proof shifts from the technology center to the party found responsible for the policy violation. The appealing party must show one or more of the listed grounds for an appeal.

- A. Appeals must be submitted in writing to the Superintendent within five (5) technology center calendar days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
 - 1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
 - 2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
 - 3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
 - 4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with technology center procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The Superintendent will review the record of the original hearing, including documentary evidence. It is the Superintendent’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing officer for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing officer, either or both students may appeal the hearing officer’s decision to the Superintendent and the procedures set out above shall control the appeal.
- D. The final decision will be communicated in writing by the Superintendent to both parties. The decision will be communicated within ten (10) calendar days of receiving the hearing officer’s decision.
- E. The decision of the Superintendent on appeal shall be final.

Retaliation

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a technology center’s attention, including publicly opposing sexual

harassment or filing a sexual harassment complaint with the technology center or any State or Federal agency, it is unlawful for the technology center to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or technology center's investigation or proceeding. Therefore, if a student, parent, instructor, sponsor, administrator, or other individual complains formally or informally about sexual harassment or participates in an OCR or technology center investigation or proceedings related to sexual harassment, the technology center is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with technology center, engage in retaliatory activities will also be subject to technology center's policies insofar as they are applicable to third party actions.

The technology center will take steps to prevent retaliation against a student who filed a complaint on his or her own behalf or reported on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- Suspension or Removal – Removal from classes and other privileges or activities for a definite period of time not to exceed the maximum period permitted by law and until the conditions which are set forth in the hearing outcome letter are met. Suspension of secondary students is limited to the current and succeeding semester; adult students may be suspended for a designated period of time or removed from the district with no right to return to a district program. Students who are suspended or removed from technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Superintendent. Conditions applicable to the suspension, removal or reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record.

Technology Center Officers and Designees

The designation of a technology center official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or it appears that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy. In connection with an appeal the Superintendent may appoint a neutral individual, not employed by the technology center, to consider and decide the appeal.

Recordkeeping Protocol

The technology center will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. The technology center Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate or other assistance, investigation

notes, informal resolution agreement (if applicable), notice of hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the live hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of technology center's final action or decision (whether through report of the investigation, informal resolution, hearing, or appeal). The confidential reporting of the number of incidents and types will be sent to technology center Security for the preparation of the Annual Crimes Report.

Prevention and Education

A. Education

Technology center requires all employees to take sexual harassment educational training courses on an annual basis. Failure to have a confirmation of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and upon request.

B. Bystander Intervention

If you witness sexual harassment, or behaviors that may lead to sexual harassment (both of which are violations of technology center policy), there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g., "help me—I am sick and need help fast—hurry!")
- Distract the perpetrator (e.g., "looks like that car is being towed and a police officer is on the way"; "Those 3 guys are headed this way"; Yell, "over here—they are over here!")
- Delegate to a person of authority (e.g., if at a party let a friend, parent, or other adult know of the situation in explicit terms; always have one of your group designated as a non-drinker for the evening and trust that person to make good decisions)
- Direct, confront the perpetrator (e.g., "don't speak to her in that voice; you are in big trouble; I saw you and so did that woman who is calling the police")

C. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a nonconsensual sexual act.

- Make your personal limits known as early as possible.
- Be aware of your alcohol or drug intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Never leave a party or event with a person you don't know.
- Never consent to send another person a picture of any part of your body without clothing.
- Take care of your friends or colleagues and ask that they take care of you.

- Never leave a friend at a party or allow the friend to leave a party with someone not known to them. Contact trusted adults, friends or family members to intervene.
- If you suddenly feel very drunk, think about the possibility that you have been drugged and yell for help immediately.

D. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON'T MAKE ASSUMPTIONS** about consent; about age; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you **DO NOT** have consent.
- Remember that secondary students cannot consent to sexual behavior.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the boundaries for sexual behaviors.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don't abuse that power. Understand that consent to one form of sexual behavior (e.g., kissing) does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Training

Training on sexual misconduct: discrimination, harassment, and violence is included in technology center's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other means. In-person training for Active Bystander Intervention skills may include: on-going campus campaigns and information at a variety of events concerning this policy and appropriate behaviors, including specific intervention strategies. Informational website and brochures devoted to educating students will be presented at prevention workshops.

Mandatory training for employees will be provided through in-person training on sexual misconduct: discrimination, harassment, and violence. Mandatory reporting will be emphasized through new employee orientations, periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include; ongoing campus campaigns and information at a variety of events concerning the policy

and appropriate behaviors; inclusion of information on the district's website; and brochures devoted to educating employees.

Resources available to all of the technology center community:

Call Rape/Tulsa Rape Crisis-(918) 585-3143-provides confidential resources off-campus

Tulsa Police Department-911 for emergencies; (918) 596-9222 for non-emergencies

Tulsa 211 Helpline - (918) 836-4357

Oklahoma Coalition Against Domestic Violence and Sexual Assault (405)524-0700-provides confidential resources off campus

Oklahoma Safeline - (800) 522-7233 – provides confidential resources off campus

Local Support Services

Free Speech and Academic Freedom

Members of the technology center community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the technology center community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state antidiscrimination laws.

Availability of other Complaint Procedures

In addition to seeking criminal charges through local law enforcement, members of the technology center community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline: (800) 421-3481

Email: OCR@ed.gov

Office for Civil Rights:

Kansas City Field Office: OCR.KansasCity@ed.gov, (816) 268-0550;

Washington D.C.: OCR@ed.gov 1-800-421-3481

Equal Employment Opportunity Commission:

Oklahoma City Field Office: 1-800-669-4000;

Washington D.C.: 1-800-669-4000, Eeoc.gov/contact

Distribution

The technology center shall: prominently display on its website the required contact information for the Title IX Coordinator; post training materials used to train Title IX Coordinators and related Title IX Officials, Investigators, and Hearing Officers on its website; and notify applicants for employment, parents or legal guardians of secondary school students, and employee organizations—of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

