Title IX policy

OSDE Requirements

* Title IX coordinator
* Pupils and rights
* District responsibility
* Complaint process and procedures
* Policy and contact information

- the district coordinator: Lacey Randall

- investigator: Lacey Randall

- decision maker: Kevin Jones

**Policy: Title IX Policy and Procedure for Sexual Harassment (FULL POLICY)**

Tulsa Classical Academy is committed to providing a safe and inclusive learning and working environment for its community members. Sexual Harassment is strictly prohibited in all of the School’s Educational Programs and Activities. The following policy and procedure is designed to ensure an adequate and appropriate response to allegations of Sexual Harassment in the School’s Educational Program and Activities, as described herein.

**1. Definitions (for purposes of this Policy)**

**a. Advisor**: A person selected by a Party, of the Party’s own choosing, to provide

support and advocacy during the Title IX grievance process, including, but not

limited to, a parent, legal guardian, or attorney.

**b. Appeal**: A process through which a Party may seek to overturn a Determination for

limited reasons, consistent with this policy. It may also reference the document filed

by the Party bringing the Appeal.

**c. Appeals Officer**: The person (or group of people) who reviews and rules on any

Appeal properly filed by a Party. This person(s) must be free from conflicts of

interest and bias. This person(s) must be trained in accordance with this policy. This

person(s) must be trained in accordance with this policy. The Appeals Officer cannot

be the same person(s) as the Title IX Coordinator, the Investigator, or the

Decision-maker.

**d. Complainant**: An individual who is alleged in a Formal Complaint to be the victim

of conduct that could constitute Sexual Harassment. Parents and guardians do not

become complainants (or respondents), even if they file the Formal Complaint on

behalf of their child.

**e. Decision-maker**: The person who reviews the Investigative Report prepared by an

Investigator and makes a written Determination regarding the responsibility or not

of the Respondent for the alleged conduct. This person must be free from conflicts

of interest and bias. This person must be trained in accordance with this policy. The

Decision-maker cannot be the same person(s) as the Title IX Coordinator or the

Investigator.

**f. Determination**: A written finding by a preponderance of the evidence that the

Respondent was or was not responsible for the alleged conduct.

**g. Education Program or Activity**: Locations, events, or circumstances over which

the School exercised substantial control over both the Respondent and the context

in which the Sexual Harassment occurs.

**h. Employee**: An employee of or an applicant for employment to the School.

**i. Final Determination**: A Determination that becomes final after an Appeal and/or

after the deadline to file an appeal is lapsed without an Appeal being filed.

**j. Formal Complaint**: A written document filed by a Complainant or their

parent/legal guardian, or signed by the Title IX Coordinator, alleging Sexual

Harassment, against a Respondent, and requesting investigation by the School of the

allegations made therein. A formal complaint may be filed with the Title IX

Coordinator in person, by mail, or by electronic mail, by using the contact

information required to be listed for the Title IX Coordinator.

**k. Grievance Process**: A process of formal resolution pursued in response to the filing

of a Formal Complaint that alleges sexual harassment, which includes without

limitation an Investigation, Determination, and opportunity for Appeal; or an

Informal Resolution.

**l. Informal Resolu**tion: An alternative dispute resolution process facilitated by an

Informal Resolution Facilitator, which may include but is not limited to a mediation

or restorative justice process between the Parties.

**m. Informal Resolution Facilitator**: The person who conducts an Informal

Resolution process as outlined in this policy. This person must be free from conflicts

of interest and bias. This person must be trained in the methods of Informal

Resolution being used, and also must be trained in accordance with this policy.

**n. Investigator**: The person who conducts the evidence gathering phase of the

Grievance Process, and compiles the evidence into an Investigative Report for the

Decisionmaker to use to make a Determination. This person must be free from

conflicts of interest and bias. This person must be trained in accordance with this

policy.

**o. Party or Parties**: The Complainant and the Respondent, individually or collectively.

**p. Remedies**: Actions taken after resolution of a Formal Complaint designed to restore

or preserve access to the School’s education program. Such remedies may include

the same individualized services utilized as Supportive Measures. However, Remedies

need not be non-disciplinary or non-punitive and need not avoid burdening

the Respondent if a determination finds a Respondent responsible.

**q. Report**: A verbal, electronic, or written communication alleging possible sexual

harassment, triggering the Title IX Coordinator’s responsibility to make contact with

the alleged Complainant, offer Supportive Measures, and discuss the option to file a

Formal Complaint. May also be referred to as a “concern.”

**r. Respondent**: An individual who has been reported and is alleged to be the

perpetrator of conduct that could constitute Sexual Harassment.

**s. Retaliation**: Intimidation, coercion, or discrimination against an individual because

the individual made a good-faith report about or participated in good faith in an

Investigation of Sexual Harassment. The School will investigate and respond to an

allegation of Retaliation in the same manner as an allegation of Sexual Harassment

under this policy.

**t. Sexual Harassment**: conduct on the basis of sex that satisfies one or more of the

following:

i. An employee of the School conditioning the provision of an aid, benefit, or

service of the recipient on an individual's participation in unwelcome sexual

conduct;

ii. Unwelcome conduct determined by a reasonable person to be so severe,

pervasive, and objectively offensive that it effectively denies a person equal

access to the School's Education Program or Activity (any conduct of a

sexual nature directed by a student toward an employee or by an employee

toward a student is presumed to be unwelcome); or

iii. Sexual assault as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as

defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C.

12291(a)(30).

**u. Student**: A student currently attending or seeking enrollment in the School.

**v. Supportive Measures**: Supportive Measures are steps take or interventions

implemented that are designed to restore or preserve a party’s equal access to the

School’s educational program or activity. They should be designed to protect and

promote the health and safety of all parties. They must be non-disciplinary/punitive

and offered as appropriate and as available at no cost to the receiving party, and they

must not unreasonably burden the other party. Supportive Measures may include (by

way of example, not an exhaustive list): Counselling; Schedule changes; Class

changes; Breaks; Course modifications; Counseling resources; Deadline extensions

for assignments; Mutual restrictions on contact; changes in work locations;

Check-ins with a trusted adult; Monitoring/supervision; Online Learning.

**w. Title IX Coordinator**: The person who ensures compliance with Title IX and the

School’s Title IX program, including the School’s response to reported concerns

and/or Formal Complaints. This person must be free from conflicts of interest and

bias. This person must be trained in accordance with this policy.

**2. Reporting**

Any individual who believes that they or someone else has been a victim of or witness to

Sexual Harassment or Retaliation as defined in this policy are encouraged to make a Report of their

concern to the Title IX Coordinator. All employees of the School must make a Report to the

Title IX Coordinator of any Sexual Harassment of which they or someone else has allegedly

been a victim, even if not witnessed first-hand by the employee. Other members of the

community are encouraged to make a Report of concerns regarding the same to the Title IX

Coordinator. Anyone, even if they are not the individual who experienced the Sexual Harassment,

can make a Report to the Title IX Coordinator.

A concern or Report may be submitted to the Title IX Coordinator in any format, although

it is encouraged to utilize e-mail or hard copy transmission to better ensure a record can be more

readily maintained of the content of the Report or concern. The Title IX Coordinator will make and

maintain notes from any verbal Reports made.

It must be noted that an employee making a Report of concerns for Title IX purposes is

separate and distinct from an employee’s mandatory reporting obligations under state law when an

employee reasonably suspects a child has been subjected to child abuse and/or neglect. Mandatory

reporting of child abuse and/or neglect must be made directly to appropriate law enforcement

and/or local child protection agencies and reporting to the Title IX Coordinator does not satisfy this

requirement. It should not be assumed that reporting for Title IX purposes will satisfy an employee’s

other mandatory reporting obligations.

**3. Initial Process**

Once the Title IX Coordinator is in receipt of a Title IX concern or Report (which is not

automatically treated as a Formal Complaint, but may lead to a Formal Complaint being filed) then

the Title IX Coordinator will complete the following steps (if the Title IX Coordinator’s first

knowledge of a concern is in the form of a Formal Complaint then these same steps will be

followed, except instead of evaluating it and explaining to the Complainant how to file a formal

complaint, the Title IX Coordinator will advance the Formal Complaint to the Grievance Process):

a. Ensure there is no conflict of interest or bias with the Title IX Coordinator;

i. If a conflict of interest or bias is discovered than an alternate Title IX

Coordinator without a conflict of interest of bias will be assigned by the

School’s Executive Director/Principal to fulfill the obligations of this policy;

b. Evaluate the Report or concern to determine if it meets the definitions to be covered

by Title IX;

i. If it is not covered by Title IX then this process will stop and the report will

be The allegations will be referred to the appropriate School administrator

for resolution under the School’s code of conduct.

ii. If it is covered by Title IX then this process will continue;

c. Contact alleged Complainant;

d. Inform Complainant of availability of Supportive Measures, whether a Formal

Complaint is filed or not;

e. Consider Complainant’s wishes with respect to Supportive Measures;

f. Develop and implement a plan with respect to Supportive Measures.

g. Explain the process for filing a Formal Complaint;

**4. Formal Complaint and Grievance Process**

a. The Grievance Process

i. The Grievance Process is designed to treat Complainants and Respondents

equitably.

ii. The Respondent is presumed not responsible until the Final Determination

at the conclusion of the Grievance Process.

iii. The Grievance Process will be followed before the imposition of any

disciplinary sanctions or other actions that are not Supportive Measures

against a Respondent.

iv. The Grievance Process requires an objective evaluation of all relevant

evidence - including both inculpatory and exculpatory evidence - and

credibility determinations may not be based on a person's status as

a Complainant, Respondent, or witness.

v. The Grievance Process requires that any individual designated as a Title

IX Coordinator, Investigator, Decision-maker, Appeal Officer, or Informal

Resolution Facilitator not have a conflict of interest or bias for or

against Complainants or Respondents generally or an

individual Complainant or Respondent.

vi. The burden of proof and collecting evidence sufficient to reach a

determination regarding responsibility is on the School and not on the Parties

provided that the School cannot access, consider, disclose, or otherwise use a

Party's records that are made or maintained by a physician, psychiatrist,

psychologist, or other recognized professional or paraprofessional acting in

the professional's or paraprofessional's capacity, or assisting in that capacity,

and which are made and maintained in connection with the provision of

treatment to the Party, unless the School obtains that Party's (or the Party’s

parent/guardian as appropriate) voluntary, written consent to do so.

vii. Each Party will be given a fair and equal opportunity to present any evidence

or witnesses. Parties will not be unreasonably restricted in discussing the

allegations or in gathering and presenting relevant evidence.

viii. Each Party will have a fair and equal opportunity to inspect the evidence

obtained during the Grievance Process, including evidence upon which the

School does not intend to rely in reaching a Determination.

ix. The standard of evidence used to make a Determination will be the

preponderance of the evidence standard, meaning more likely than not.

x. Knowingly providing false statements or false information is prohibited and

will be referred to the appropriate administrator for resolution under the

School’s code of conduct.

xi. Retaliation is prohibited and, if it occurs, it is subject to the Formal

Complaint and Grievance Process described in this policy.

xii. Any notice required by the Grievance Process means a notification of the

availability of information required by this policy to be disclosed, provided to

an individual on a one-to-one basis through an appropriate mailing or

publication, including direct mailing through the U.S. Postal Service, campus

mail, or electronic mail. Posting on an Internet website or an Intranet website

does not constitute a notice.

b. Filing of the Formal Complaint

i. A Formal Complaint may be filed by a Complainant in person, by mail, or by

electronic mail to the Title IX Coordinator at the contact information for the

Title IX Coordinator listed in this policy, or via the link on the School’s

website: https://www.tulsaclassical.org/title-ix-and-antidiscrimination

ii. The Formal Complaint must include details regarding the allegations of

Sexual Harassment against the Respondent, a request that the School

investigate the allegation of Sexual Harassment, and the Complainant’s

signature (physical or electronic).

iii. The Title IX Coordinator may sign a Formal Complaint to initiate the

Grievance Process, even without the alleged victim’s permission, when not

doing so would be unreasonable in light of the known circumstances. A Title

IX Coordinator signing a Formal Complaint does not make the Title IX

Coordinator the Complainant, and does not create a conflict of interest or

bias.

iv. The School may consolidate Formal Complaints as to allegations of Sexual

Harassment against more than one Respondent, or by more than

one Complainant against one or more Respondents, or by one Party against

the other Party, where the allegations of Sexual Harassment arise out of the

same facts or circumstances. When a Grievance Process involves more than

one Complainant or more than one Respondent, references in this section to

the singular “party,” “complainant,” or “respondent” include the plural, as

applicable.

c. Upon the filing of a Formal Complaint the Title IX Coordinator will complete the

following:

i. Ensure there is no conflict of interest or bias for the Title IX Coordinator;

1. If a conflict of interest or bias exists than an alternate Title IX

Coordinator without a conflict of interest of bias will be assigned by

the School’s Executive Director/Principal to fulfill the obligations of

this policy;

ii. Provide the following written notice to any known parties:

1. Notice of the School's Grievance Process as outlined in this policy,

including any Informal Resolution process.

2. Notice of the allegations potentially constituting Sexual

Harassment as defined in this policy, including sufficient details

known at the time and with sufficient time for a Party to prepare a

response before any initial interview.

a. Sufficient details include the identities of the individuals

involved in the incident, if known; the conduct allegedly

constituting Sexual Harassment; and the date and location of

the alleged incident(s), if known.

3. The written notice will include a statement that the Respondent is

presumed not responsible for the alleged conduct and that a

Determination regarding responsibility is not made until the

conclusion of the Grievance Process.

4. The written notice will inform the Parties that they may have an

Advisor of their choice, who may be, but is not required to be, an

attorney.

5. The written notice will inform the Parties that they have an equal

opportunity to inspect and review any evidence obtained as part of

the investigation that is directly related to the allegations raised in the

Formal Complaint, including the evidence upon which the School

does not intend to rely in reaching a Determination regarding

responsibility, and including all inculpatory or exculpatory evidence

whether obtained from a Party or other source, so that each Party can

meaningfully respond to the evidence prior to conclusion of the

Investigation.

6. The written notice will inform the Parties of any provision in the

School's code of conduct that prohibits knowingly making false

statements or knowingly submitting false information during the

Grievance Process.

7. If, in the course of an Investigation, the School discovers new

allegations and plans to investigate the allegations, whether they be

against the Complainant or Respondent, which are not included in

the original notice, then the School will provide notice of the

additional allegations to the Parties whose identities are known.

iii. The Title IX Coordinator may notify appropriate law enforcement agencies if

the allegations could constitute criminal violations.

iv. Mandatory Dismissal

1. The Title IX Coordinator must dismiss a Formal Complaint if the

allegations in the Formal Complaint:

a. Would not constitute Sexual Harassment, as defined, even if

proved;

b. Did not occur in the School’s Educational Program or

Activities; or

c. Did not occur against a person in the United States.

2. If dismissed, the allegations will be referred to the appropriate School

administrator for resolution under the School’s policies and code of

conduct.

3. Upon a dismissal required under this section, the School must

promptly send written notice of the dismissal and reason(s) therefor

simultaneously to the Parties. The dismissal is subject to Appeal.

v. Permissive Dismissal

1. The Title IX Coordinator may dismiss a Formal Complaint, unless

doing so would be unreasonable in light of the known circumstances,

if:

a. Complainant notifies the Title IX Coordinator in writing of a

desire to withdraw the Formal Complaint or any allegation;

b. The Respondent is no longer enrolled or employed by the

School; or

c. Certain circumstances prevent the School from gathering

evidence sufficient to reach a Determination as to the Formal

Complaint or allegations.

2. If dismissed, the allegations will be referred to the appropriate School

administrator for resolution under the School’s code of conduct.

3. Upon a dismissal permitted under this section, the School must

promptly send written notice of the dismissal and reason(s) therefor

simultaneously to the Parties. The dismissal is subject to Appeal.

vi. Supportive Measures

1. To the extent not already being offered/provided, but in any case, no

later than 3 business days after the filing of the Formal Complaint,

the Title IX Coordinator will discuss and make available appropriate

Supportive Measures to the Parties.

2. The need for and types of Supportive Measures may change over

time and the Title IX Coordinator will regularly review the plan for

Supportive Measures with each Party and make updates as

appropriate.

vii. Assign an Investigator, Decision-maker, and Appeals Officer

1. Ensure there is no conflict of interest or bias;

a. If a conflict of interest or bias is discovered then an alternate

Investigator, Decision-maker, or Appeals Officer without a

conflict of interest of bias will be assigned to fulfill the

obligations of this policy;

viii. Oversee the remainder of the Grievance Process

d. Emergency Removal (Student is Respondent)

i. Notwithstanding any other requirements of Title IX or this policy, the

School may remove a Respondent from the School's education program or

activity on an emergency basis, provided that the School undertakes an

individualized safety and risk analysis and determines that an immediate

threat to the physical health or safety of any student or other individual

arising from the allegations of Sexual Harassment justifies said removal.

ii. If removed, the Respondent will be provided with notice and an opportunity

to challenge the decision immediately following the removal by submitting a

written rebuttal as to why the removal is not justified to the School’s

Executive Director/Principal or designee. After review and consideration of

the written rebuttal, the School’s Executive Director/Principal or designee

will make a final decision regarding the removal and provide a written

decision and rationale to the Respondent.

iii. The School must still comply with any other legal requirements, including

without limitation conducting a manifestation determination if any removal

would constitute a change in placement for students with an IEP or 504 plan.

e. Paid Administrative Leave (Employee is Respondent)

i. Nothing in this policy should be construed to limit a School’s ability to place

a Respondent who is an employee on paid administrative leave.

f. Advisors

i. Each Party may have an Advisor of their choice present with them

throughout the Grievance Process.

ii. Any Advisor who accompanies a Party during the Grievance Process is there

to provide support and advice to the Party and must observe proper

decorum and may not unreasonably or unduly interfere with or obstruct the

Grievance Process. An Advisor will be warned and then required to leave any

portion of the Grievance Process if such conduct continues. This will apply equally to the Advisors of both Parties.

g. Investigation

i. No later than 7 calendar days after receipt of a Formal Complaint, unless an

Informal Resolution process is agreed to, the assigned Investigator will

commence the Investigation.

ii. The Investigator will review the Formal Complaint and any evidence

obtained; develop as clear of an understanding as reasonably possible of the

issues and any questions that must be answered and who must be questioned;

and will then develop an Investigation plan in order to effectively collect

relevant evidence to enable the Decision-maker to make a fair

Determination. This will typically include without limitation:

1. Interviewing both the Complainant and the Respondent;

2. Interviewing relevant witnesses;

3. Collecting evidence about relative credibility of the Parties or

witnesses, except that credibility determinations or evidence must not

be based on a person’s status as Complainant, Respondent, or

witness;

4. Reviewing documentary evidence, such as e-mails, text messages,

social media, notes, or other writings; and

5. Video/Audio evidence, if any exists;

iii. In conducting the Investigation the Investigator must be fair to both Parties.

The Investigator must remain impartial and treat both Parties equally.

iv. When scheduling any interviews the Investigator will provide, to a person

whose participation is invited or expected, written notice of the date, time,

location, participants, and purpose with sufficient time for the person to

prepare to participate. This will generally be considered to be at least 3

business days of notice.

v. Each Party may suggest witnesses for the Investigator to interview. The

Investigator will interview these witnesses if the Investigator reasonably

believes the witness could have relevant evidence to share. If the Investigator

does not interview a suggested witness then the Investigator will provide

rationale for the decision in the Investigative Report.

vi. Relevance of Evidence

1. Evidence is generally relevant if it tends to make an issue of material

fact to the Investigation more or less likely to be true.

2. A Complainants prior sexual history is not relevant and shall not be

asked about, included, or relied upon in the Investigation or

otherwise used in any manner in any part of the Grievance Process

unless:

a. Offered to prove that someone other than the Respondent is

responsible for the alleged Sexual Harassment; or

b. if the questions and evidence concern specific incidents of

the Complainant's prior sexual behavior with respect to

the Respondent and are offered to prove consent.

vii. Privileged Information

1. The Grievance Process will not require, allow, rely upon, or

otherwise use questions or evidence that constitute, or seek

disclosure of, information protected under a legally recognized

privilege, unless the person holding such privilege has waived the

privilege in writing.

2. A Party will not be required to provide or disclose any privileged

information under a legally recognized privilege, including without

limitation attorney-client communications, medical records, or

psychological records.

3. A Party may voluntarily provide privileged information with a written

and signed consent waiving that privilege. Please note that any

information provided, once a privilege is waived, will be shared with

the other Party, as required by this policy.

viii. Investigation Report

1. The Investigator will produce an Investigation Report that:

a. Provides an overview of the Investigation, including:

i. a list of individuals interviewed;

ii. A fair summary of the facts, including non-disputed

and disputed facts.

iii. A fair summary of all of the relevant evidence,

including all inculpatory and exculpatory evidence,

and evidence that relates to credibility of the Parties

or witnesses.

iv. Any other information or evidence collected that is

relevant and will enable to Decision-maker to make a

fair Determination.

2. The Investigation Report must be impartial and present all of the

relevant evidence in an objective manner.

3. The Investigation Report must not include any evidence that is

irrelevant or protected by a legally recognized privilege (unless

waived).

4. At least 10 calendar days prior to finalizing the Investigation Report

each Party will be provided with an equal opportunity to inspect and

review any evidence obtained as part of the Investigation that is

directly related to the allegations raised in the Formal Complaint,

including the evidence upon which the School does not intend to rely

in reaching a Determination regarding responsibility, and including all

inculpatory or exculpatory evidence whether obtained from a Party

or other source, so that each Party can meaningfully respond to the

evidence prior to conclusion of the Investigation.

5. Prior to completion of the Investigation Report, the Investigator

must send to each Party and their advisor, if any, the evidence subject

to inspection and review in an electronic format or a hard copy. The

Parties will have 10 calendar days to submit a written response. The

School may require the Parties and their Advisors to sign

non-disclosure agreements prior to sharing any evidence or

information under this policy.

6. The Investigator will consider any written responses submitted by the

Parties before the end of that 10 calendar day period and may take

additional investigative steps as the Investigator deems appropriate.

In the final Investigation Report the Investigator will include a

summary of and response to any written responses from the Parties

received.

7. Once the Investigation Report is finalized it will be simultaneously

presented to the Parties and the Decision-maker.

h. Determination

i. The Decision-maker will not hold a hearing. However, before making a

determination, the Decision-maker must provide each Party the opportunity

to submit written, relevant questions that a Party wants asked of any Party or

witness who participated in the Investigation, and then provide each Party

with the answers. The Decision-maker may then allow for additional, limited

(no more than two rounds) of follow-up questions from each Party.

Questions that are not relevant, like those relating to a Complainant’s prior

sexual history (unless an exception applies) or that are otherwise prohibited

from being asked under this policy (i.e. privileged information), will be

excluded by the Decision-maker. The Decision-maker must explain in

writing to the Party proposing the questions any decision to exclude a

question. This questioning process will be concluded within 10 calendar days

of the Investigation Report being provided to the Parties and

Decision-maker.

ii. In order to maker a Determination as to whether the Respondent is

responsible or not responsible for the alleged conduct, the Decision-maker

will review the Investigation Report, ask in written format any follow up

questions of the Parties or witnesses who participated in the Investigation or

of the Investigator, and will provide any questions and responses to both

Parties.

iii. The Decision-maker will apply the preponderance of the evidence standard

to the evidence to make a Determination of responsibility.

iv. The Decision-maker cannot request or rely upon evidence that is irrelevant

or protected by a legally recognized privilege (unless waived).

v. The written Determination must include:

1. Identification of the allegations potentially constituting Sexual

Harassment;

2. A description of the procedural steps taken from the receipt of

the Formal Complaint through the Determination, including any

notifications to the Parties, interviews with Parties and witnesses, site

visits, methods used to gather other evidence, and hearings held;

3. Findings of fact supporting the Determination;

4. Conclusions regarding the application of the School's code of

conduct to the facts;

5. A statement of, and rationale for, the result as to each allegation,

including a determination regarding responsibility, any disciplinary

sanctions the School imposes on the Respondent consistent with

School policies and state and federal law, and whether Remedies

designed to restore or preserve equal access to the School's education

program or activity will be provided by the School to

the Complainant; and

6. The School's procedures and permissible bases for

the Complainant or Respondent to Appeal.

vi. The School must provide the written Determination to the Parties

simultaneously.

i. Appeal

i. After receipt of the Determination or a dismissal of a Formal Complaint

either Party has 10 calendar days to file an Appeal with the Title IX

Coordinator, which must describe the basis and rationale for the Appeal and

specific details and any available evidence supporting any allegation made in

the Appeal.

ii. Any Appeal filed can only be on one or more of the following bases:

1. A procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the

Determination or dismissal occurred regarding the finding of

responsibility or dismissal, that could affect the outcome of the

matter; or

3. An allegation that the Title IX Coordinator, Investigator, or

Decision-maker(s) had a conflict of interest or bias for or

against Complainants or Respondents generally or the

individual Complainant or Respondent that affected the outcome of

the matter.

iii. Once an Appeal is filed the Title IX Coordinator will:

1. Notify the other Party in writing, provide a copy of the Appeal, and

provide a timeline for the other Party to respond, which will be 10

calendar days from the time of the notice;

2. The Title IX Coordinator will provide the Appeal to the Appeals

Officer, who will then conduct the remainder of the Appeal.

iv. The Appeals Officer will:

1. Give both parties a reasonable, equal opportunity to submit a written

statement in support of, or challenging, the outcome, and will

provide a reasonably prompt timeline with deadlines for

accomplishing the Appeal;

a. The Appeals Officer may ask questions of the Parties,

Investigator, Decision-maker, or other witnesses who

participated in the Investigation, in written form and will

provide the responses to all Parties.

b. The Appeals Officer may allow the Parties to ask additional

questions of the Parties, Investigator, Decision-maker, or

other witnesses in written form and will provide the

responses to all Parties.

c. All aspects of the Appeals process must be consistent with

and in compliance with all of the same rules with which other

aspects of the Grievance Process must comply.

2. Issue a written decision describing the result of the Appeal, including

without limitation whether or not the Appeal is dismissed for not

having an allowable bases, and the rationale for the result; and

3. Provide the written decision simultaneously to both Parties.

j. Determination is Final

i. The Determination regarding responsibility becomes a Final Determination

either on the date that the School provides the Parties with the written

decision of the result of the Appeal, if an Appeal is filed, or if an Appeal is

not filed, the date on which an Appeal would no longer be considered timely.

k. Informal Resolution

i. At any time after the filing of a Formal Complaint an Informal Resolution

process may be followed, so long as:

1. A Determination has not yet been reached under the Grievance

Process;

2. The School provides to the parties a written notice disclosing:

a. The allegations, the requirements of the Informal Resolution

process including the circumstances under which it precludes

the Parties from resuming a formal complaint arising from

the same allegations;

b. Notice that at any time prior to agreeing to a resolution,

either Party has the right to withdraw from the Informal

Resolution process and resume the Grievance Process with

respect to the Formal Complaint; and

c. Notice of any consequences resulting from participating in

the Informal Resolution process, including the records that

will be maintained or could be shared;

3. The School must obtain the Parties' voluntary, written consent to the

Informal Resolution process; and

4. The School will not offer or facilitate an Informal Resolution process

to resolve allegations that an employee sexually harassed a student.

ii. The School cannot require as a condition of enrollment or continuing

enrollment, or employment or continuing employment, or enjoyment of any

other right or benefit offered by the School, on an individual’s waiver of the

right to an Investigation and adjudication of Formal Complaints of sexual

harassment consistent with this policy.

iii. If an Informal Resolution process is to begin, the Title IX Coordinator will

assign an Informal Resolution Facilitator

1. Ensure there is no conflict of interest or bias;

a. If a conflict of interest or bias is discovered than an alternate

Informal Resolution Facilitator without a conflict of interest

of bias will be assigned to fulfill the obligations of this policy;

l. Remedies

i. If it is determined that Sexual Harassment did occur then Remedies designed

to restore or preserve access to the School’s education program will be

implemented. Remedies may include the same individualized services as

Supportive Measures. However, Remedies need not be non-disciplinary or

non-punitive and need not avoid burdening the Respondent;

ii. The Title IX Coordinator is responsible for effective implementation of any

Remedies.

iii. Remedies may include, but are not limited to:

1. Taking steps to ensure separation of the Parties.

2. Providing counselling to either or both Parties.

3. Additional training for School staff.

4. Modifying School policies and procedures.

5. Discipline against the Respondent, if the Respondent is determined

to be responsible in the Determination. The range of possible

disciplinary sanctions shall be as defined in the School’s Student

and/or Employee discipline policies, up to and including a

recommendation for expulsion for Students and employment

termination for Employees, consistent with School policies and state

and federal law.

m. Timelines

i. Grievance Process Timeline

1. Within 3 business days of the filing of the Formal Complaint the

Title IX Coordinator will develop and provide to the Parties a

timeline for completion of the Grievance Process, including dates by

which it is reasonably anticipated that the investigation report will be

completed, and the Determination will be issued. To the extent

feasible, the Title IX Coordinator will attempt to develop a timeline

that completes the Grievance Process within 60 calendar days.

2. A person whose participation is invited or expected, must be

provided written notice of the date, time, location, participants, and

purpose of all hearings, investigative interviews, or other meetings,

with sufficient time for the person to prepare to participate.

ii. Informal Resolution Timeline

1. Within 3 business days of the Parties’ consent to enter into an

Informal Resolution process the Title IX Coordinator will develop

and provide to the Parties a timeline for completion of the Informal

Resolution process. To the extent feasible, the Title IX Coordinator

will attempt to develop a timeline that completes the Informal

Resolution process within 20 calendar days.

iii. Delays for Good Cause

1. Temporary delay of the Grievance Process or the limited extension

of time frames may occur for good cause with written notice to

the Complainant and the Respondent of the delay or extension and

the reasons for the action. Good cause may include without

limitation considerations such as the absence of a party, a party's

advisor, or a witness; concurrent law enforcement activity; or the

need for language assistance or accommodation of disabilities. These

delays and/or extensions may apply to any deadline described in this

policy.

2. The School may unilaterally extend timelines for good cause, or the

Parties and the School may mutually agree to extend timelines for

good cause.

iv. Investigation by Law Enforcement or Outside Agency

1. In most instances an Investigation will not commence, or will be

paused, if law enforcement is investigating the matter in connection

with any potential criminal proceedings or another outside agency is

investigating the matter in connection with any

abuse/dependency/neglect proceedings. Once law enforcement or

the outside agency has completed its investigation or otherwise

notifies the School that it may proceed with its processing of the

Formal Complaint without concern for interfering with their

investigation then the School will proceed with its processing of the

Formal Complaint.

v. Supportive Measures

1. Any processing delays notwithstanding, the School will continue to

offer and/or implement any Supportive Measures, consistent with

this policy, without delay.

5. Record Keeping

a. The School must maintain for a period of seven years records of:

i. All records and evidence related to a Sexual Harassment Grievance Process,

including any relevant evidence, Investigation Report, Appeals decision,

Determination regarding responsibility, any disciplinary sanctions imposed

on the Respondent, and any Remedies;

ii. Any Informal Resolution and the result therefrom; and

iii. All materials used to train Title IX Coordinators, Investigators,

Decision-makers, Informal Resolution Facilitators, and Appeals Officers.

iv. The School must create, and maintain for a period of seven years, records of

any actions, including any Supportive Measures, taken in response to a report

or formal complaint of sexual harassment. In each instance, the recipient

must document the basis for its conclusion that its response was not

deliberately indifferent, and document that it has taken measures designed to

restore or preserve equal access to the recipient's education program or

activity.

v. If the School does not provide a Complainant with Supportive Measures,

then the School must document the reasons why such a response was not

clearly unreasonable in light of the known circumstances.

6. Training

a. The School will ensure that the Title IX Coordinator, Investigator(s),

Decision-maker(s), Appeal Officer(s) and Informal Resolution Facilitator(s) receive

training on the definition of Sexual Harassment, the scope of the School's Education

Program or Activity, how to conduct an Investigation and the Grievance Process,

issues of relevance of questions and evidence, including when questions and

evidence about the Complainant's sexual predisposition or prior sexual behavior are

not relevant, and how to serve in their respective role impartially, including by

avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

b. Investigators must receive training on issues of relevance and how to create an

investigative report that fairly summarizes relevant evidence, as set forth in this

policy.

c. Training materials must not rely on sex stereotypes and must promote impartial

investigations and adjudications of Formal Complaints of Sexual Harassment.

d. These training materials must be publicly available on the School’s website, or if the

School does not maintain a website the School must make these materials available

upon request for inspection by members of the public.

e. All staff will annually receive training to enable them to fulfil their reporting

obligations under this policy.