Title IX policy
OSDE Requirements
- Title IX coordinator
- Pupils and rights
- District responsibility
- Complaint process and procedures
- Policy and contact information
- the district coordinator: Kevin Jones
- investigator: Kevin Jones
- decision maker: Ronald Garcia

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 Resolution: 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

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.