

July 2020 Special Release – Title IX Regulations Board Policies Summary Table

Board Policies

| Policy No. | Policy Title | New/ Revise/ Replace/ Delete | Legally Required, Legal Content or Best Practice | Summary |
|------------|--|---------------------------------------|--|---|
| 2266 | Nondiscrimination on the Basis of Sex in Education Programs and Activities | New | Legally Required | Nondiscrimination on the Basis of Sex in Education Programs and Activities is a replacement policy for Policy 5517.02, which is being eliminated. Policy 2266 is a mandatory policy that memorializes the key requirements of the new Title IX regulations that the U.S. Department of Education, Office for Civil Rights (“OCR”) released on May 6, 2020. The new regulations go into effect on August 14, 2020, which means that public school academies must follow its mandates when addressing, investigating and adjudicating allegations of sexual harassment occurring in the Academy’s education program and activities that the Academy received notice of on or after August 14. It is expected that Academies will need to certify/affirm their compliance with Title IX and these new implementing regulations when applying for and receiving federal funds related to the 2020-2021 school year. |
| 5517.02 | Sexual Violence | DELETE | Legally Required | |

Administrative Guidelines

| Guideline No. | Guideline Title | New/ Revise/ Replace/ Delete | Legally required or Best Practice | Summary |
|---------------|--|---------------------------------------|---|--|
| 2266 | Nondiscrimination on the Basis of Sex in Education Programs and Activities | New | Best Practice | Administrative Guideline 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities is a new guideline. AG 2266 should be taken as promulgated because it expands upon and clarifies some of the key aspects of replacement Policy 2266 and the new Title IX regulations. |

0000 BOARD OPERATING POLICY¹

| | | |
|---------|---|-----------------|
| 0100 | Definitions | LC |
| 0110 | Official Description | |
| 0111 | Name | BP ¹ |
| 0112 | Purpose | BP |
| 0115 | Address | BP |
| 0120 | Powers and Philosophy | |
| 0121 | Authority | BP |
| 0122 | Board Powers | LC |
| 0130 | Functions | |
| 0131 | Legislative | BP |
| 0131.1 | Charter Contract Bylaws and Board Operating Policies | BP |
| 0132 | Executive | BP |
| 0132.1 | Selection of School Leader/Educational Service Provider | BP |
| 0132.2 | Administrative Procedures | BP |
| 0133 | Judicial | BP |
| 0140 | Membership | BP |
| 0141 | Number | BP |
| 0142 | Appointment | BP |
| 0142.1 | Term | BP |
| 0142.2 | Oath | BP |
| 0142.3 | Vacancies | BP |
| 0142.31 | Filling a Board Vacancy | BP |
| 0142.4 | Orientation | BP |
| 0143 | Authority | BP |
| 0143.1 | Public Expression of Board Members | LR |
| 0144 | Operations | BP |
| 0144.1 | Compensation | BP |
| 0144.11 | Reimbursement of Expenses | LR |
| 0144.2 | Board Member Ethics | BP |
| 0144.3 | Conflict of Interest | LC |
| 0144.4 | Indemnification | BP |
| 0145 | Discriminatory Harassment | LC |
| 0150 | Organization | |
| 0151 | Annual Organizational Meeting | LR |
| 0152 | Officers | BP |
| 0154 | Annual Organizational Meeting Agenda (Motions) | BP |
| 0155 | Committees | BP |

¹ Many of the board operating policies are also required by the Charter Contract, and are generally contained in the bylaws in the Charter Contract. The bylaws enshrined the Charter Contract always take precedence over these board operating policies. Each contract should be reviewed to consider whether these policies are required by contract, even if not required by law.

Legend:

LR = Legally Required (if applicable)
LC = Legal Content
BP = Best Practice

| | | | |
|------|-----------------------|---|-----------|
| 0160 | Meetings | | |
| | 0161 | Parliamentary Authority | BP |
| | 0162 | Quorum | LC |
| | 0163 | Presiding Officer | BP |
| | 0164 | Call | BP |
| | 0164.1 | Regular Meetings | LC |
| | 0164.2 | Special Meetings | LC |
| | 0164.3 | Emergency Meetings | LC |
| | 0165 | Notice | LC |
| | 0165.1 | Posting Notice of Regular Meetings | LC |
| | 0165.2 | Change of Regular Meetings | LC |
| | 0165.3 | Posting Notice of Special Meetings | LC |
| | 0165.4 | Posting Notice of Emergency Meetings | LC |
| | 0165.5 | Recess | BP |
| | 0165.6 | Cancellation | LC |
| | 0166 | Agenda | LC |
| | 0166.1 | Consent Agenda | LC |
| | 0167 | Conduct | |
| | 0167.1 | Voting | LR |
| | 0167.2 | Closed Session | LR |
| | 0167.3 | Public Participation at Board Meetings | LR |
| | 0167.4 | Administrative Participation | BP |
| | 0167.5 | Use of Electronic Mail | BP |
| | 0167.6 | Use of Social Media | BP |
| | 0168 | Minutes | BP |
| | 0168.1 | Open Meeting | LR |
| | 0168.2 | Closed Meeting | LC |
| | 0168.3 | Committee Meetings | LC |
| | 0169 | Student Disciplinary Hearings | LC |
| | 0169.1 | Closed Session Requested | LC |
| | 0169.2 | Open Hearing | LC |
| 0170 | Duties | | |
| | 0171 | Officers | |
| | 0171.1 | President | LC |
| | 0171.2 | Vice-President | LC |
| | 0171.3 | Secretary | LC |
| | 0171.4 | Treasurer | LC |
| | 0172 | Legal Counsel | BP |
| | 0173 | Independent Auditor | BP |
| | 0175 | Association Memberships | BP |
| | 0175.1 | Board Conferences, Conventions, and Workshops | BP |
| 1000 | ADMINISTRATION | | |
| | 1110 | Assessment of Academy's Goals | |
| | 1130 | Conflict of Interest | LR |
| | 1210 | Board/Educational Service Provider/School Leader Relationship | BP |
| | 1217 | Weapons | LR |

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|----------------|--|-----------|
| 1220 | Employment of the Educational Service Provider/School Leader | BP |
| 1230 | Responsibilities of the Educational Service Provider/School Leader | BP |
| 1230.01 | Development of Administrative Guidelines | BP |
| 1240 | Evaluation of the Educational Service Provider | BP |
| 1241 | Termination of the Educational Service Provider/School Leader | BP |
| 1400 | Job Descriptions | |
| 1420 | Academy Administrator and School Leader Evaluation | LC |
| 1422 | Nondiscrimination and Equal Employment Opportunity | LR |
| 1422.02 | Nondiscrimination Based on Genetic Information of the Employee | LC |
| 1460 | Physical Examination | LC |
| 1461 | Unrequested Leaves of Absence/Fitness for Duty | LC |
| 1613 | Student Supervision and Welfare | LC |
| 1623 | Section 504/ADA Prohibition Against Disability Discrimination In Employment | LR |
| 1662 | Anti-Harassment | LR |
| 2000 | PROGRAM | |
| 2105 | Mission of the School | BP |
| 2111 | Value Statements for Students and Staff | BP |
| 2112 | Parent and Family Engagement | LR |
| 2120 | School Improvement | LC |
| 2131 | Educational Outcomes for Students | BP |
| 2210 | Curriculum Development – Approved Courses | LC |
| 2210.01 | Right to Inspect Instructional Materials | LC |
| 2221 | Mandatory Courses | LC |
| 2225 | Students with Limited English Proficiency | BP |
| 2231 | Curriculum | LC |
| 2240 | Controversial Issues | BP |
| 2250 | Innovative Programs | BP |
| 2260 | Nondiscrimination and Access to Equal Educational Opportunity | LR |
| 2260.01 | Section 504/ADA Prohibition Against Discrimination Based on Disability | LR |
| 2261 | Title I Services | LR |
| 2261.01 | Parent and Family Member Participation in Title I Programs | LR |
| 2261.02 | Title I – A Parent’s Right to Know | LC |
| 2261.03 | Academy and School Report Card | LR |
| 2265 | Child Care Centers | LR |
| 2266 | Nondiscrimination On The Basis Of Sex In Education Programs Or Activities | LR |
| 2270 | Religion in the Curriculum | BP |
| 2271 | Postsecondary (Dual) Enrollment Option Program | LC |
| 2340 | Field and Other School Sponsored Trips | BP |
| 2370.01 | Online/Blended Learning Program | LC |

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|------|-----------------|---|-----------|
| | 2410 | Prohibition on Referral or Assistance | LR |
| | 2411 | Guidance and Counseling | BP |
| | 2412 | Homebound Instruction Program | LC |
| | 2413 | Health Education Program | LC |
| | 2414 | Reproductive Health and Family Planning | LR |
| | 2416 | Student Privacy and Parental Access to Information (FERPA) | LR |
| | 2418 | Sex Education | LR |
| | 2430 | School-Sponsored Clubs and Activities | LC |
| | 2431 | Interscholastic Athletics | LR |
| | 2431.01 | Managing Heat and Humidity in Interscholastic Athletic Programs | LC |
| | 2433 | Operation of a Child Care Center or Before-or-After School Program | LR |
| | 2460 | Special Education | LR |
| | 2461 | Recording of Academy Meetings Involving Students and/or Parents | BP |
| | 2521 | Selection of Instructional Materials and Equipment | LC |
| | 2531 | Copyrighted Works | BP |
| | 2623 | Student Assessment | LR |
| | 2700 | P.A. 25 Annual Report | LC |
| 3000 | STAFF | | |
| | 3000 | Educational Service Provider Statement | |
| 5000 | STUDENTS | | |
| | 5111 | Admission of Students | LR |
| | 5111.01 | Homeless Students | LR |
| | 5111.02 | Educational Opportunity for Military Children | LR |
| | 5111.03 | Children and Youth in Foster Care | LR |
| | 5112 | Entrance Age | LC |
| | 5130 | Withdrawal from the Academy | LC |
| | 5136 | Personal Communication Devices | BP |
| | 5200 | Attendance | LC |
| | 5215 | Missing and Absent Children | LC |
| | 5223 | Absences for Religious Instruction | LC |
| | 5230 | Late Arrival and Early Dismissal | BP |
| | 5320 | Immunization | LC |
| | 5330 | Use of Medications | LR |
| | 5330.01 | Epinephrine Auto-Injectors | LR |
| | 5331 | Students with Special Health Care Needs | BP |
| | 5340 | Student Accidents | BP |
| | 5340.01 | Concussions and Athletic Activities | LR |
| | 5341 | Emergency Medical Authorization | BP |
| | 5350 | Student Suicide | LC |

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| | | |
|----------------|---|-----------|
| 5410 | Promotion, Placement, and Retention | BP |
| 5420 | Reporting Student Progress | BP |
| 5421 | Grading | BP |
| 5430 | Class Rank | BP |
| 5451 | Student Recognition | BP |
| 5460 | Graduation Requirements | LC |
| 5463 | Credits from Nonpublic Schools | BP |
| 5464 | Early Graduation | BP |
| 5500 | Student Conduct | LC |
| 5510 | Students-Sex Offender Registry; Criminal Convictions | BP |
| 5511 | Dress and Grooming | BP |
| 5512 | Use of Tobacco by Students | LC |
| 5513 | Care of Academy Property | BP |
| 5514.01 | Student Use of Motor Vehicles | BP |
| 5516 | Student Hazing | LC |
| 5517 | Anti-Harassment | LR |
| 5517.01 | Bullying | LR |
| 5520 | Disorderly Conduct | BP |
| 5530 | Drug Free Environment | LR |
| 5532 | Performance-Enhancing Drugs/Compounds | LR |
| 5540 | Interrogation of Students | LC |
| 5600 | Student Discipline | LC |
| 5610 | Emergency Removal, Suspension, and Expulsion of Students | LR |
| 5611 | Due Process Rights | LR |
| 5630.01 | Student Seclusion and Restraint | LR |
| 5710 | Student Grievance | BP |
| 5722 | Academy-Sponsored Publications and Productions | LC |
| 5730 | Equal Access for Non-school Sponsored, Student Clubs and Activities | LC |
| 5771 | Search and Seizure | LR |
| 5772 | Possession of Weapons | LR |
| 5780 | Student/Parent Rights | LR |
| 5820 | Student Government | BP |
| 5830 | Student Fund-Raising | LC |
| 5850 | Social Events | BP |
| 5895 | Student Employment | BP |
| 6000 | FINANCES | |
| 6110 | Grant Funds | LR |
| 6111 | Internal Controls | LR |
| 6144 | Investments | LR |
| 6151 | Bad Checks | BP |
| 6152 | Student Fees, Fines, and Supplies | BP |
| 6210 | Fiscal Planning | BP |

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| | | |
|-------------|--|-----------|
| 6220 | Budget Preparation | LC |
| 6230 | Budget Hearing | LC |
| 6231 | Budget Implementation | LC |
| 6320 | Purchasing | LR |
| 6321 | New Construction, Renovation Bids | LC |
| 6325 | Procurement – Federal Grants/Funds | LR |
| 6420 | Conflict of Interest – Legal Counsel, Advisors, or Consultants | LC |
| 6423 | Use of Credit/Debit Cards | BP |
| 6424 | Purchasing Cards | BP |
| 6440 | Cooperative Purchasing | BP |
| 6460 | Vendor Relations | LC |
| 6470 | Payment of Claims | BP |
| 6510 | Payroll Authorization | BP |
| 6520 | Payroll Deductions | LC |
| 6550 | Travel Payment & Reimbursement | LR |
| 6605 | Crowdfunding | BP |
| 6620 | Petty Cash | BP |
| 6621 | Change Fund | BP |
| 6680 | Recognition | LC |
| 6700 | Fair Labor Standards Act (FLSA) | LR |
| 6800 | System of Accounting | LC |
| 6850 | Public Disclosure and Reporting | LR |
| 7000 | PROPERTY | |
| 7217 | Weapons | LR |
| 7310 | Disposition of Surplus Property | LR |
| 7410 | Maintenance | BP |
| 7420 | Hygienic Management | BP |
| 7430 | Safety Standards | LC |
| 7434 | Use of Tobacco on School Premises | LR |
| 7440 | Plant Security | BP |
| 7450 | Property Inventory | LR |
| 7455 | Accounting System for Fixed Assets | BP |
| 7460 | Conservation of Natural and Material Resources | BP |
| 7510 | Use of School Facilities | BP |
| 7530 | Lending of Board-Owned Equipment | BP |
| 7530.01 | Board-Owned Personal Communication Devices | LC |
| 7530.02 | Staff Use of Personal Communication Devices | LC |
| 7540 | Technology | LC |
| 7540.01 | Technology Privacy | LC |

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| | | |
|-------------|--|-----------|
| | 7540.03 Student Technology Acceptable Use and Safety | LR |
| | 7540.07 Personal Internet Account Privacy—Students | LC |
| | 7541 Electronic Data Processing Disaster Recovery Plan | BP |
| | 7542 Access to School Technology Resources and/or Information Resources from Personal Communication Devices | BP |
| | 7544 Use of Social Media | LC |
| 8000 | OPERATIONS | |
| | 8120 Iran Economic Sanctions Act Compliance | LR |
| | 8142 Criminal History Record | LR |
| | 8142.01 Weapons | BP |
| | 8210 School Calendar | BP |
| | 8220 School Day | BP |
| | 8300 Continuity of Organizational Operations Plan | BP |
| | 8305 Information Security | BP |
| | 8310 Public Records | LR |
| | 8310.01 Enhanced Access to Public Records | LR |
| | 8315 Information Management | BP |
| | 8320 Personnel Files | BP |
| | 8321 Criminal Justice Information Security (Non-Criminal Justice Agency) | LR |
| | 8330 Student Records | LR |
| | 8340 Letters of Reference | LR |
| | 8350 Confidentiality | LR |
| | 8351 Breach of Confidential Information | BP |
| | 8390 Animals on Academy Property | LR |
| | 8400 Academy Safety Information | LR |
| | 8402 Emergency Operations Plan | LR |
| | 8405 Environmental Health and Safety Issues | LC |
| | 8405.01 Integrated Pest Management | LC |
| | 8410 Crisis Intervention | BP |
| | 8420 Emergency Situations at the Academy | LC |
| | 8431 Preparedness for Toxic Hazards and Asbestos Hazard | LR |
| | 8442 Reporting Accidents | BP |
| | 8450 Control of Casual-Contact Communicable Diseases | BP |
| | 8450.01 Pediculosis (Head Lice) | BP |
| | 8453 Direct Contact Communicable Diseases | BP |
| | 8453.01 Control of Blood-Borne Pathogens | LC |
| | 8462 Student Abuse and Neglect | LC |
| | 8500 Food Services | LR |
| | 8510 Wellness | LR |
| | 8540 Vending Machines | LR |
| | 8710 Insurance | LC |
| | 8760 Student Accident Insurance | BP |

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|-------------|---|-----------|
| 8800 | Religious/Patriotic Ceremonies and Observances | LC |
| 8900 | Anti-Fraud | BP |
| 9000 | RELATIONS | |
| 9111 | Telephone Communications | BP |
| 9120 | School Information Program | BP |
| 9130 | Public Complaints | BP |
| 9150 | School Visitors | BP |
| 9160 | Public Attendance at School Events | LC |
| 9211 | School Support Organizations | BP |
| 9250 | Relations with Parents | LR |
| 9500 | Relations with Educational Institutions and Organizations | BP |
| 9555 | Partnerships with Business | BP |
| 9700 | Relations with Special Interest Groups | BP |
| 9700.01 | Advertising and Commercial Activities | BP |
| 9710 | Volunteers | BP |

Revised 1/11/10; 1/10/11; 7/11/11; 11/17/11; 9/13/12; 4/11/13; 7/11/13; 2/13/14; 3/13/14;
8/14/14; 3/18/15; 6/11/15; 3/10/16; 7/7/16; 1/12/17; 7/13/17; 1/11/18; 7/12/18; 3/27/19; 7/11/19;
11/14/19

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| 2623 | Student Assessment | LR |

2700 P.A. 25 Annual Report

LC

Adopted 3/25/04

Revised 7/13/09; 6/14/10; 1/10/11; 11/17/11; 4/11/13; 7/11/13; 2/13/14; 8/14/14; 3/18/15;
6/11/15; 7/7/16; 7/13/17; 1/11/18; 3/27/19; 7/11/19; 11/14/19

FOR BOARD APPROVAL

NEW POLICY – SPECIAL RELEASE – JULY 2020 **NONDISCRIMINATION ON THE BASIS OF SEX IN** **EDUCATION PROGRAMS OR ACTIVITIES**

Reference: 20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
OCR's Revised Sexual Harassment Guidance (2001)
20 U.S.C. 1092(F)(6)(A)(v)
34 U.S.C. 12291(a)(10)
34 U.S.C. 12291(a)(8)
34 U.S.C. 12291(a)(30)

Introduction

The Board of Directors of the Cesar Chavez Academy (hereinafter referred to as “the Board” or “the School”) does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the School has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Educational Service Provider employees, students, third-party vendors and contractors, guests, and other members of the School community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the School’s education programs and activities.

Coverage

This policy applies to Sexual Harassment that occurs within the School’s education programs and activities and that is committed by a member of the School community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the School’s education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines,

applicable State and/or Federal laws if committed by an Educational Service Provider employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the School's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by an Educational Service Provider employee.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. An Educational Service Provider employee conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. 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; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" 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).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. *Rape* is 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, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's

genitalia.

4. ***Fondling*** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 5. ***Incest*** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
 6. ***Statutory Rape*** is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
 7. ***Consent*** refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
 8. ***Incapacitated*** refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
 2. a person with whom the victim shares a child in common;
 3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
 5. any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- E. “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the School investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the School, a Complainant must be participating in or attempting to participate in the School’s education program or activity. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: “Actual knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the School’s Title IX Coordinator, or any School official who has authority to institute corrective measures on behalf of the Board, or any Educational Service Provider employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the School. “Notice” includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only School official with actual knowledge is the Respondent.

Supportive Measures: “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School’s educational environment, or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including School buildings and facilities), and other similar measures.

Education Program or Activity: “Education program or activity” refers to all operations of the School, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on School grounds or on other property owned or occupied by the Board. It also includes locations, events and circumstances that take place off-School property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

School community: “School community” refers to students and Educational Service Provider employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: “Third Parties” include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the School community at School-related events/activities (whether on or off School property).

Inculpatory Evidence: “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

Exculpatory Evidence: “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

Eligible Student: “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board of Directors designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Title IX Coordinator
2125 University Park Dr.
Okemos, MI 48864
517-230-2074

The Title IX Coordinator shall report directly to the Educational Service Provider. Questions about this policy should be directed to the Title IX Coordinator.

The Educational Service Provider shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Educational Service Provider employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of Directors of the Cesar Chavez Academy does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment.

The School’s Title IX Coordinator(s) is/are:

Title IX Coordinator
2125 University Park Dr.
Okemos, MI 48864
517-203-3774

Any inquiries about the application of Title IX and its implementing regulations to the School may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: [insert the web address at which Policy 2266 can be found; or insert a hyperlink tied to the title of the policy] The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the School will respond.

The Educational Service Provider shall also prominently display the Title IX Coordinator's(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the School's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, and Educational Service Provider employees.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The School's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the School's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

Report of Sexual Discrimination/Harassment

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), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Students, Board members, and Educational Service Provider employees are required, and other members of the School community, and Third Parties) are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Educational Service Provider employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Educational Service Provider, or another Educational Service Provider employee who, in turn, will notify the Educational Service Provider of the report. The Educational Service Provider will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third-parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Educational Service Provider employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, an Educational Service Provider employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Educational Service Provider employee must also comply with mandatory reporting responsibilities pursuant to M.C.L. 722.623 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Educational Service Provider employee's knowledge is based on another individual bringing the information to the Educational Service Provider employee's attention and the reporting individual submitted a written complaint to the Educational Service Provider employee, the Educational Service Provider employee must provide the written complaint to the Title IX Coordinator.

If an Educational Service Provider employee fails to report an incident of Sexual Harassment of which the Educational Service Provider employee is aware, the Educational Service Provider employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under 18 years of age or under guardianship) 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. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the School to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the School may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the School determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the School may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the School community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its School grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Educational Service Provider, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the School will follow its Grievance Process, as set forth herein. Specifically, the School will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The School will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension 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 considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;**
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:**
 - 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;**
 - 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.**
 - 3. inform the parties of any provision in the Student Code of Conduct, this policy, that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.**

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The School shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the School's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the School may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the School or employed by the Board; or
- C. specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator 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.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution

process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. 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; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that an Educational Service Provider employee or another adult member of the School community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the School, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The School is not permitted to 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 party provides the School with voluntary, written consent to do so; if a student party is not an Eligible Student, the School must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may 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.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The School may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.
- C. Board Policy 2461 – Recording of School Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The School will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) day notice with respect to investigative interviews and other meetings.

Both parties shall 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 inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the investigator or Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or 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. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. 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, [and] methods used to gather other evidence;
- C. findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the School impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the School's education program or activity should be provided by the School to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment), may include but not limited to:

- A. Informal Discipline
 - 1. writing assignments;

2. changing of seating or location;
3. pre-school, lunchtime, after-school detention;
4. in-school discipline;

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. long-term suspension or expulsion;
6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Educational Service Provider of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5610.02 - In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment) may include but not limited to:

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;

- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Educational Service Provider of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment) may include but not limited to:

- A. oral or written warning;
- B. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;
- C. mandatory monitoring of the third-party while on School property and/or while working/interacting with students;
- D. restriction/prohibition on the third-party's ability to be on School property; and
- E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Educational Service Provider of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the Educational Service Provider will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The School's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Educational Service Provider may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

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

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);**
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and**
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.**

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) business days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Educational Service Provider from imposing any remedy, including disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) business days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be

issued within five (5) business days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation, is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The School will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the School's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom as set forth in the applicable collective bargaining agreement. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers.

Training

The School's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the School's education program or activity;
- C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

Recordkeeping

As part of its response to alleged violations of this policy, the School shall create, and maintain for a period of seven (7) calendar 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 School shall 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 School's education program or activity. If the School does not provide a Complainant with supportive measures, then the School will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

The School shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the School's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The School will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Educational Service Provider employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Educational Service Provider may delegate functions assigned to a specific Educational Service Provider employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the Educational Service Provider at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

5000 **STUDENTS**

| | | |
|----------------|---|----|
| 5111 | Admission of Students | LR |
| 5111.01 | Homeless Students | LR |
| 5111.02 | Educational Opportunity for Military Children | LR |
| 5111.03 | Children and Youth in Foster Care | LR |
| 5112 | Entrance Age | LC |
| 5130 | Withdrawal from the Academy | LC |
| 5136 | Personal Communication Devices | BP |
| 5200 | Attendance | LC |
| 5215 | Missing and Absent Children | LC |
| 5223 | Absences for Religious Instruction | LC |
| 5230 | Late Arrival and Early Dismissal | BP |
| 5320 | Immunization | LC |
| 5330 | Use of Medications | LR |
| 5330.01 | Epinephrine Auto-Injectors | LR |
| 5331 | Students with Special Health Care Needs | BP |
| 5340 | Student Accidents | BP |
| 5340.01 | Concussions and Athletic Activities | LR |
| 5341 | Emergency Medical Authorization | BP |
| 5350 | Student Suicide | LC |
| 5410 | Promotion, Placement, and Retention | BP |
| 5420 | Reporting Student Progress | BP |
| 5421 | Grading | BP |
| 5430 | Class Rank | BP |
| 5451 | Student Recognition | BP |
| 5460 | Graduation Requirements | LC |
| 5463 | Credits from Nonpublic Schools | BP |
| 5464 | Early Graduation | BP |
| 5500 | Student Conduct | LC |
| 5510 | Students-Sex Offender Registry; Criminal Convictions | BP |
| 5511 | Dress and Grooming | BP |
| 5512 | Use of Tobacco by Students | LC |
| 5513 | Care of Academy Property | BP |
| 5514.01 | Student Use of Motor Vehicles | BP |
| 5516 | Student Hazing | LC |
| 5517 | Anti-Harassment | LR |
| 5517.01 | Bullying | LR |
| 5520 | Disorderly Conduct | BP |
| 5530 | Drug Free Environment | LR |
| 5532 | Performance-Enhancing Drugs/Compounds | LR |
| 5540 | Interrogation of Students | LC |
| 5600 | Student Discipline | LC |
| 5610 | Emergency Removal, Suspension, and Expulsion of Students | LR |
| 5611 | Due Process Rights | LR |
| 5630.01 | Student Seclusion and Restraint | LR |
| 5710 | Student Grievance | BP |

| | | |
|-------------|---|-----------|
| 5722 | Academy-Sponsored Publications and Productions | LC |
| 5730 | Equal Access for Non-school Sponsored, Student Clubs and Activities | LC |
| 5771 | Search and Seizure | LR |
| 5772 | Possession of Weapons | LR |
| 5780 | Student/Parent Rights | LR |
| 5820 | Student Government | BP |
| 5830 | Student Fund-Raising | LC |
| 5850 | Social Events | BP |
| 5895 | Student Employment | BP |

Revised 7/13/09; 1/11/10; 6/14/10; 1/10/11; 7/11/11; 11/17/11; 9/13/12; 7/11/13; 2/13/14; 8/14/14; 3/18/15; 6/11/15; 3/10/16; 7/7/16; 1/12/17; 7/13/17; 1/11/18; 7/12/18; 3/27/19; 7/11/19; 11/14/19

FOR BOARD APPROVAL

DELETED POLICY – SPECIAL RELEASE – JULY 2020 **SEXUAL VIOLENCE**

References 20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education
Improvement Act of 2004 (IDEIA)
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)
OCR's Revised Sexual Harassment Guidance (2001)

The Board of Directors does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with students' rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, an investigative and disciplinary process, and other related services as appropriate.

This policy applies to all student complaints, whether filed by a student, his/her parent, an employee, or third party on the student's behalf. It applies to all School operations, programs, and activities, as well as to unlawful conduct occurring on School property or during a Board-sponsored activity. All students, administrators, teachers, staff, and all other School personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment.

Definitions

Sexual Harassment

As detailed further in Policy 5517, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Examples include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations implying that a person's conditions of education may be adversely affected by not submitting to sexual advances;
- D. unwelcome sexual verbal expressions, including graphic sexual

- commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature;
 - F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
 - G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
 - H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
 - I. inappropriate boundary invasions into a student's personal space and personal life; and
 - J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual Violence

Sexual violence, as used in this policy, 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, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by School employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student's ability to participate in or benefit from the School's program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the School. They are hereinafter referred to as the "Compliance Officers."

Anthony Martinez
Coordinator
19625 Wood St.
Melvindale, MI 48122
313-382-3422

Carmen Willingham
School Leader

19625 Wood St.
Melvindale, MI 48122
313-382-3422

The names, titles, and contact information of these individuals will be published annually on the School's Web site.

The Compliance Officers are available during regular School/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the School community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the School community or a visitor to the School, as well as those initially filed within a School building administrator. Upon receiving a complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

Complaint Procedures

Reporting

Students and Board employees are required, and parents, community members, and third parties are encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other School official. Reports can be made orally or in writing, and should be as specific as possible. The person making the report shall identify the alleged victim, perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s). The School, however, will investigate and address all reports to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education's Office for Civil Rights.

The School's harassment reporting form (Form 5517F1) is an optimal, but not required, way to report sexual harassment, including sexual violence. This form is available at the School's office.

Any teacher, administrator, supervisor, or other School employee or official who receives such a complaint shall file it with the School's Compliance Officer within two (2) school days, and shall comply with his/her mandatory reporting responsibilities. The Compliance Officer will oversee the School's investigation and response to any Title IX-related complaints, but s/he may delegate the investigative process to another individual ("Designee"). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

Confidentiality

The School respects students' privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the School's response, the student's parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law. During the course of a formal investigation, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any

information that s/he learns or that s/he provides during the course of the investigation to third parties.

Students or their parents sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer/designee will inform the student and his/her parent that honoring the request may limit the School's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The official will also explain that Title IX includes protections against retaliation, and that School officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Should the student or his/her parents continue to request complete confidentiality, the Compliance Officer/designee will balance the student's privacy request with the School's obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the School can honor the student's or parent's request and remain in compliance with its Federal and State obligations, the School may limit its investigation and/or formal action against the alleged perpetrator. The School will, however, take other action to address the sexual violence. This may include increasing monitoring and security, offering schedule changes, and conducting climate surveys.

If the Compliance Officer/designee determines that the School must disclose the student's identity to an alleged perpetrator, s/he will inform the student and his/her parents prior to disclosure. The School will then afford interim protection measures to the student as appropriate.

Investigation

The School is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether the conduct occurred, and if so, what actions the School will take to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

The investigation may include:

- A. interviewing the complainant, perpetrator, and any witnesses;
- B. reviewing law enforcement investigation documents;
- C. reviewing student and personnel files;
- D. gathering and examining other relevant documents or evidence; and
- E. providing a disciplinary hearing as needed.

The School affords both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged perpetrator. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the School's appeal process is available to both parties. The School, however, does not require complainants to be present for the hearing or appeal. Further, the School will not permit parties to personally question or cross-examine each other directly.

In resolving a complaint, the School uses a preponderance of the evidence standard, determining whether it is more likely than not that sexual violence occurred.

Timeline

The Compliance Officer/designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days after receipt of a report of sexual violence to advise s/he/them of the Board's intent to investigate the alleged misconduct. The Compliance Officer/designee will also inform the alleged perpetrator of the opportunity to submit a written response to the complaint within five (5) business days. The School's investigation, including a disciplinary hearing process (but not appeal), may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and School breaks. During this period, the School will provide the complainant with periodic updates on the status of the investigation.

Interim Measures

During the investigation, the School will take interim steps to facilitate the complainant's equal access to its education programs. These steps may include, but are not limited to: 1) notifying the complainant of his/her options to avoid contact with the alleged perpetrator; 2) allowing the complainant to change his/her academic, extracurricular, transportation, dining, and working situation as appropriate; and 3) informing complainant of other available resources, such as counseling, legal assistance, and victim advocacy. Specific interim measures will be considered and offered on a case-by-case basis.

Notice

Upon completing its investigation, the School will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the School will notify the complainant: 1) as to whether the investigation substantiated the allegations; 2) of individual remedies offered to the complainant; 3) of sanctions imposed on the perpetrator that directly relate to the complainant; and 4) other steps the School has taken to eliminate the hostile environment and prevent recurrence. The alleged perpetrator will be notified of the investigation's result and disciplinary consequence to him/her, if any. The School will not notify the alleged perpetrator about the individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

Remedies

The School will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the School will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the perpetrator, the School will consider the following individual and global remedies, on a case-by-case basis:

- A. providing medical, counseling, and academic support services to the complainant and/or perpetrator;
- B. re-arranging schedules at the complainant's request;
- C. affording the complainant extra time to complete or retake classes without

- academic penalty;
- D. reviewing any disciplinary proceedings against the complainant;
- E. training or retraining employees;
- F. developing materials on sexual violence;
- G. conducting sexual violence prevention programs; and
- H. conducting climate checks.

The School will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws and regulations.

Appeals Process

Both complainants and perpetrators may appeal the outcome of the investigation. Any appeal opportunities afforded to the alleged perpetrator are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit a written appeal to the Board within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Board shall, within twenty (20) work days, conduct a hearing concerning the appeal. The Board shall provide a written decision to the appealing individual within ten (10) work days following completion of the hearing.

Retaliation

Federal law strictly prohibits retaliation against a complainant or witness. The School will inform complainant of this prohibition and direct him/her to report retaliation, whether by students or School officials, to the Compliance Officer. Upon learning of retaliation, School officials will take strong responsive action as appropriate.

Training

All staff will be trained so they know to report harassment to appropriate School officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, School law enforcement unit employees or School resource officers, School administrators, School counselors, and health personnel. Further, School administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;

- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by School personnel related to the investigation and/or the School's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the School to conduct the investigation, and any documents used by the School at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to School personnel related to this policy, including but not limited to, notification of the prohibitions and

expectations of staff set forth in this policy and the role and responsibility of all School personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the School's records retention schedule.

Adopted 3/27/19

DELETED