August 2025

Groveport Community School

Imagine Schools Title IX Policy

Title IX of the Education Amendments of 1972 is a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

On May 6, 2020, the United States Department of Education issued the first revision of its Title IX regulations in 45 years. These modifications made significant changes in the way that elementary and secondary schools must investigate and address claims of Sexual Harassment.

This policy covers all faculty, staff, and students of Groveport Community School ("School"), and related third-parties (such as applicants for admission and employment, vendors, guests, and contractors) (collectively, the "School Community Members"). This policy applies to all School programs and activities.

I. Nondiscrimination Policy Statement

In accordance with Title IX, School does not discriminate on the basis of sex in its educational programs, athletic programs, employment, enrollment, or operation. The School prohibits:

- Disparate treatment of students based on sex with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services;
- Disparate treatment of employees or applicants for employment based on sex with respect to any area of employment, recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by School;
- Sexual Harassment (defined below) targeted at any School Community Member by anyone at School or at School-sponsored or School-related activities; and
- Any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination or harassment, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination or harassment. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Any School Community Member who feels that s/he is being or has been discriminated against or sexually harassed on school grounds or at a school-sponsored or school-related activity is strongly encouraged to immediately contact his/her School Leader or the School's Title IX Coordinator. Any employee who receives a report or observes an incident of discrimination or Sexual Harassment shall notify the School Leader or the School's Title IX Coordinator. Once notified, the School Leader or Title IX Coordinator shall take the steps address the allegation, as specified in this Policy.

II. Title IX Coordinator

Inquiries about the application of Title IX or violations of Title IX protections should be referred to the School's Title IX Coordinator:
Sylvia Goodrich
4485 S Hamilton Rd
Groveport, OH 43125

Sylvia.Goodrich@imagineschools.org

614-574-4100 (ext. 418)

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

Should any School employee, or School official who has authority to institute corrective measures on behalf of the School, receive notice of Sexual Harassment or allegations of Sexual Harassment, they shall immediately report it to the Title IX Coordinator.

If a report involves allegations by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report. If the Superintendent is the Title IX Coordinator, the person making the report should submit it to the Board President.

III. Definitions

A. "**Complainant**" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment..

B. "**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 of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the School. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in this Policy, as may be updated from time to time.

C. "**Respondent**" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

D. "**Sexual Harassment**" actionable under Title IX means conduct on the basis of sex that satisfies one or more of the following: (1) A school employee conditioning an educational aid, benefit, or service upon a person's participation in unwelcome sexual conduct (often called *quid pro quo* harassment); (2) 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 (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "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).

E. "**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, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide

the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

IV. Grievance Process

Any School Community Member who believes that s/he has been subjected to unlawful sex discrimination or Sexual Harassment may seek resolution of his/her complaint through the procedures described below. If a Complainant informs the School Leader or any other employee working at the School, either orally or in writing, about any complaint of sex discrimination or Sexual Harassment, that person must report such information to the Title IX Coordinator within two (2) school days.

Once notified of a complaint alleging Sexual Harassment, the Title IX Coordinator shall promptly contact the Complainant 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.

Due to the sensitivity surrounding complaints of unlawful sex discrimination or Sexual Harassment, time frames for initiating the complaint process are flexible; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the alleged conduct occurs.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful sex discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC") or local law enforcement agencies.

A. Informal Resolution Procedure

Upon receiving a report of sexual discrimination or retaliation that does not allege Sexual Harassment (as defined above), the Title IX Coordinator shall facilitate resolution through an informal resolution procedure, if possible. All Sexual Harassment complaints involving School staff or any other adult member of the School community and a student of minor age must be formally investigated. In addition, the School may not offer an informal resolution process for Sexual Harassment allegations unless a Formal Complaint is filed first pursuant to the procedures outlined below.

The informal complaint procedure may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. The goal of the informal complaint procedure is to quickly address inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure may be provided as a less formal option for a School Community Member who believes s/he has been the subject of unlawful sex discrimination or Sexual Harassment. This informal procedure is not required as a precursor to the filing of a complaint regarding sex discrimination through the School's anti-discrimination complaint procedure. The informal process is only available in those circumstances where the parties agree to participate in it.

School Community Members who believe that they have been the subject of unlawful sex discrimination or Sexual Harassment may proceed immediately to the complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time.

An individual who believes s/he has been the subject of unlawful sex discrimination or Sexual Harassment may make a report, either orally or in writing: (1) to the School Leader or other School official; and/or (2) directly to the Title IX Coordinator. All reports must be reported to the Title IX Coordinator who will facilitate an informal resolution as described below, appoint another individual to facilitate an informal resolution, refer the matter to be handled through the School's anti-discrimination complaint procedure, or will move to a Formal Complaint process if the matter involves alleged Sexual Harassment, in the Title IX Coordinator's discretion.

For Formal Complaints involving Sexual Harassment, at any time prior to reaching a determination regarding responsibility the School may facilitate an informal resolution process that does not involve a full investigation and adjudication, provided that the School:

(i) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at 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, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(ii) Obtains the parties' voluntary, written consent to the informal resolution process; and

(iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

(iv) The School may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment.

The School's informal complaint procedure is designed to provide School Community Members who believe they are the subject of unlawful sex discrimination or Sexual Harassment with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful sex discrimination or Sexual Harassment, informal resolution may involve, but not be limited to, one or more of the following:

(i) Advising the Complainant about how to communicate his/her concerns to the Respondent(s).

(ii) Distributing a copy of the School's Non-Discrimination Policy to applicable School Community Members as a reminder of their rights and responsibilities thereunder.

(iii) If both parties agree, the Title IX Coordinator may arrange and facilitate a meeting between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal resolution must be resolved, the Title IX Coordinator or designee will exercise his/her authority to attempt to resolve all informal resolution in a timely manner, ordinarily within fifteen (15) school days of receiving the report.

Parties who are dissatisfied with the results of the informal resolution process may proceed to

file a complaint with the Title IX Coordinator, which will then be handled through the School's Non-Discrimination complaint procedure or the Formal Complaint process below if involving allegations of Sexual Harassment.

All materials generated as part of the informal resolution process will be retained by the Title IX Coordinator.

B. <u>Complaint Procedure for allegations involving sex discrimination (other than Sexual Harassment defined above) or retaliation</u>

If a complaint for allegations involving sex discrimination (other than Sexual Harassment defined above) or retaliation is not resolved through the informal resolution process, if one of the parties requested that the informal resolution process be terminated to move to the Complaint process, or if the complaining party elects to file a Complaint initially, the School shall investigate the matter through its Non-Discrimination complaint and investigation procedures.

C. <u>Formal Complaint Procedure for Sexual Harassment Complaints</u>

A Complainant or Title IX Coordinator may file a Formal Complaint, in writing, with the School Leader, the Title IX Coordinator, or other designated School official.

All Formal Complaints must include the following information to the extent it is available: (i) the identity of the Respondent(s); (ii) a detailed description of the facts upon which the complaint is based; (iii) a list of potential witnesses; and (iv) the resolution sought by the Complainant. The Complainant may obtain a Complaint Form from the Title IX Coordinator or School Leader.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Title IX Coordinator shall ask for such details in an oral interview. Thereafter, the Title IX Coordinator will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. In the event the Complainant is a student with disabilities, the Title IX Coordinator will carefully review the reporting student's IEP or 504 plan to determine any accommodations which may be required to aid the student in his/her reporting.

Upon receiving a Formal Complaint, the Title IX Coordinator will consider whether any Supportive Measures should be taken in the investigatory phase to protect the Complainant from further sex discrimination or retaliation. In making such a determination, the Title IX Coordinator should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Title IX Coordinator may still take whatever actions s/he deems appropriate in consultation with the School Leader.

Promptly upon receiving the Formal Complaint (or later as additional allegations become known), the School will provide the following written notice to the parties who are known:

(i) Notice of the School's grievance process, including any informal resolution process.

(ii) Notice of the allegations of Sexual Harassment potentially constituting Sexual Harassment, 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 include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must 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. The written notice must also inform the parties of any provision in the School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the Complainant or Respondent that are not included in the foregoing notice provided, the School must provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Within two (2) school days of receiving the Formal Complaint, the Title IX Coordinator, or his/her designee, will initiate a formal investigation. The investigation will include: (i) interviews with the Complainant; (ii) interviews with the Respondent(s); (iii) interviews with any other witnesses who may reasonably be expected to have information relevant to the allegations; and (iv) consideration of any documentation or other information presented by the Complainant, Respondent(s), or any other witness that is reasonably believed to be relevant to the allegations.

Promptly upon the filing of a Formal Complaint, the Title IX Coordinator will inform the Respondent(s), that a complaint has been received. The Respondent(s) will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines. The Respondent(s) shall be presumed to not be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The Respondent(s) must also be informed of the opportunity to submit a written response to the complaint within five (5) school days.

When investigating a Formal Complaint and throughout the grievance process, the Title IX Coordinator or his/her designated investigator must:

(i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties provided that the School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the School must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

(ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(iv) Provide the parties with the same opportunities to 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, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(v) 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;

Although certain cases may require additional time, the Title IX Coordinator or a designee will attempt to complete the investigation within fifteen (15) school days of receiving the Formal Complaint. The investigation may be temporarily delayed for good cause with written notice to the Complainant and the Respondent of the delay or extension of time and the reason for such action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator shall keep the parties reasonably informed of the status of the investigation throughout the course of the Formal Complaint process.

At the conclusion of the investigation, the Title IX Coordinator, or his/her designee, shall provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a 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 conclusion of the investigation. Prior to completion of the investigative report, the Title IX Coordinator, or his/her designee, must 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 must have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Title IX Coordinator, or his/her designee shall then create an investigative report within thirty (30) school days of receipt of a Formal Complaint that fairly summarizes relevant evidence and, at least ten (10) business days prior to a time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the School has sent the investigative report to the parties, the Title IX Coordinator or his/her designated investigator shall submit the investigative report to a decision-maker(s) to reach a determination regarding responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, the decision-maker(s) must afford each party five (5) business days 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. However, 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.

Absent extenuating circumstances, within twenty-five (25) school days of receiving the Title IX Coordinator's report, the decision-maker must either issue a final determination regarding responsibility. The decision-maker shall determine whether the preponderance of the evidence establishes that the alleged Sexual Harassment occurred (i.e., it is more likely than not that Sexual Harassment). A copy of the decision-maker's final decision will be delivered to both the Complainant and the Respondent.

The written determination must include:

(i) Identification of the allegations potentially constituting Sexual Harassment;

(ii) 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;

(iii) Findings of fact supporting the determination;

(iv) Conclusions regarding the application of the School's code of conduct to the facts;

(v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the Complainant; and

(vi) The School's procedures and permissible bases for the Complainant and Respondent to appeal.

The School must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

If a determination of responsibility for Sexual Harassment has been made against a Respondent, the School will provide remedies to a Complainant. The Title IX Coordinator is responsible for effective implementation of any remedies. Possible remedies to the Complainant that the School may implement include: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures or individualized services offered as may be appropriate and reasonably available, without fee or charge to the Complainant, that are designed to restore or preserve equal access to the School's education program or activity, to protect the safety of the Complainant or the School's educational environment, or to deter Sexual Harassment.

Possible disciplinary sanctions the School may implement following any determination of responsibility by the Respondent may include: suspension, expulsion, reprimand, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, termination of employment, or any other disciplinary measures outlined in the School's code of conduct or Staff Handbook.

The School may dismiss a Formal Complaint if the Respondent(s) is no longer enrolled at or employed by the School; the alleged victim and his or her parents/guardians notifies the Title IX Coordinator in writing that the Formal Complaint or any allegations therein are withdrawn; or specific circumstances prevent the school from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations therein. If the conduct alleged in the Formal Complaint would not constitute Sexual Harassment even if proved, did not occur in the School's education program or activity, or did not occur against a person in the United States, then the School must dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Harassment under Title IX. However, such a dismissal does not preclude action under another provision of the School's code of conduct. Upon such dismissal, the School shall send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

D. <u>Appeal</u>

A Complainant or Respondent who is dissatisfied with the final decision of the decision-maker may appeal through a signed written statement to the Title IX Coordinator within five (5) school days of his/her receipt of the decision-maker's final decision.
The appeal may be on one or more of the following bases:

(i) Procedural irregularity that affected the outcome of the matter;

(ii) 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

(iii) 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 or Respondent that affected the outcome of the matter.

The Title IX Coordinator shall give the written appeal to an appeal decision-maker(s) for decision. The decision-maker on appeal cannot be the same person(s) as the initial decision-make, the Title IX Coordinator, or the investigator(s).

Within three (3) school days of receipt, the Title IX Coordinator shall also provide notice to the other party in writing that the appeal was filed. Each party shall then be provided five (5) school days to submit a written statement in support of, or challenging, the outcome.

Within ten (10) school days after the time to submit a written statement has passed, the decision-maker on appeal shall issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

For all appeals, the School must ensure that the decision-maker(s) for the appeal: (i) not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; (ii) receive training on the definition of Sexual Harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution

processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; (iii) receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; and (iv) receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

E. Privacy/Confidentiality

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and any witnesses as much as possible, consistent with its legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Requests for confidentiality, therefore, will be evaluated in the context of the School's responsibility to provide a safe and nondiscriminatory environment for all students, and the request will be weighed against whatever factors the School deems relevant, including, without limitation: (i) the Complainant's age; (ii) circumstances that suggest there is an increased risk of future acts of harassment and/or sexual violence under similar circumstances; and (iii) whether the School possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

All Complainants proceeding through the grievance process set forth herein will be advised that their identities may be disclosed to the Respondent(s).

During the course of any investigation hereunder, the Title IX Coordinator or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation. All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the Title IX Coordinator in accordance with the School's records retention policy and applicable law.

The School must 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 FERPA statute, 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.

F. Additional Provisions

Throughout this grievance procedure, there shall be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In addition, the School shall 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.

The School must comply with this grievance process before the imposition of any disciplinary sanctions, or other actions that are not Supportive Measures, against a Respondent.

The investigation of the grievance shall include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The standard of evidence to be used to determine responsibility will be the preponderance of the evidence standard.

V. Sanctions and Monitoring

The School shall enforce its prohibitions against unlawful discrimination, Sexual Harassment, and retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action. When imposing discipline, the School Leader and/or Governing Board, as appropriate, shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the School may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School policies and procedures.

VI. Retaliation Prohibited

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, Sexual Harassment, or retaliation, or participates as a witness in an investigation is prohibited. Specifically, the School will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Neither the School, 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 or this grievance procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding in this grievance procedure. 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 or this grievance procedure, constitutes retaliation.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination complaints not alleging Sexual Harassment. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance procedure does not constitute prohibited retaliation under this grievance procedure, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

VII. Reporting to Local Law Enforcement

Nothing in this Policy shall in any way be deemed to discourage the Complainant from reporting acts subject to hereto, including acts of sexual violence, to local law enforcement. In the event that the Complainant files a criminal complaint, the Title IX Coordinator and School Leader

should not wait for the conclusion of a criminal investigation or criminal proceeding to begin the School's own Title IX investigation.

Although the School may need to temporarily delay the fact-finding portion of a Title IX investigation while local law enforcement officials are gathering evidence, the School will take interim measures to protect the Complainant in the educational setting. The School will also continue to update the parties on the status of the investigation and inform the parties when the School resumes its Title IX investigation

VIII. Interim Measures Pending Final Determination of the Complaint

Nothing in this grievance procedure precludes the School from removing a Respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. However, this provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Nothing in this grievance procedure precludes the School from placing a non-student employee Respondent on administrative leave during the pendency of a grievance process. However, this provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Title IX requires the School to take steps to ensure equal access to its education programs and activities and to protect the Complainant as necessary, including taking Supportive Measures before the final outcome of an investigation. The School shall take these steps promptly once it has notice of a Sexual Harassment allegation and will provide the Complainant with periodic updates on the status of the investigation. The Title IX Coordinator will notify the Complainant of his or her options to avoid contact with the alleged perpetrator and allow the Complainant to change academic and extracurricular activities as appropriate. The Title IX Coordinator will also ensure that the Complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to local law enforcement.

IX. Recordkeeping

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

(A) Each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant 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, decision-makers, and any person who facilitates an informal resolution process. The School must make these training materials publicly available on its website, or if the School does not maintain a website the School must make these materials available upon request for inspection by the public.

For each response to a report or Formal Complaint of Sexual Harassment in an education program or activity, the School must create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the School must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity. If the School does not provide a Complainant alleging Sexual Harassment with Supportive Measures, then the School must 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.

X. Training

Any individual designated by the School as a Title IX Coordinator, investigator, decision-maker, or any person 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. In addition, these individuals shall 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.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of Sexual Harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, and that decision-makers receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

XI. Additional Provisions

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination, Sexual Harassment, or retaliation, regardless of whether the School Community Member alleging the unlawful discrimination, Sexual Harassment, or retaliation pursues the complaint. The Board also reserves the right to have the Formal Complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The Complainant may be represented, at his/her own cost, by an advisor, who may or may not be an attorney, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the Equal Employment Opportunity Commission, local law enforcement agencies, or the

filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

The School retains discretion to designate suitably qualified persons to fulfill any function 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 School 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 School may delegate functions assigned to a specific individual 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 at any time.