

<u>POLICY No. 900</u>	<u>Approved by: EOC Charter High School Governing Board (10/11/23) & Workforce Development Board (11/08/2023)</u>
<u>TITLE IX POLICY & PROCEDURE IN RESPONSE TO SEXUAL HARASSMENT COMPLAINTS</u>	<u>Effective Date: November 8, 2023</u>

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I. BACKGROUND

The Department of Education Title IX regulations were first issued in 1975, reissued in 1980, and then amended after that, including in 2006 and 2020. Prior to 2020, the regulations set out requirements under Title IX for educational programs and activities that receive federal financial aid, but they did not include specific requirements related to **sexual harassment**. Instead, the Department of Education’s Office of Civil Rights (OCR) had several guidance documents in place to assist schools in understanding how OCR interpreted the Department of Education’s Title IX regulations. **The 2020 amendments added specific, legally binding steps that schools must take in response to notice of alleged sexual harassment.**

This policy is written as required by [34 CFR §106](#)

II. SCOPE

The Yuma Private Industry Council, Inc. (YPIC) is committed to maintaining an education and workplace environment for all Educational Opportunity Center Charter High School (EOC CHS) community members that is free from all forms of discrimination, retaliation, and sexual harassment. The members of the community include the EOC CHS Board, employees of YPIC, faculty, school staff, school volunteers, parties under contract to perform work at or for the EOC CHS, vendors, students and family members **while participating in education programs or activities.**

Education Program or activity means the locations, events, or circumstances over which the EOC CHS exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Programs and activities may be on-campus or off campus (including parking lots designated to students). Examples include but are not limited to: Classes (in-person or virtual), school sponsored field trips, school orientations, school officials’ home visits, sports, etc. May also include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the school, i.e. Tablets owned by the school.

To facilitate the understanding and scope of this policy, YPIC will be referred to as **EOC CHS.**

III. TITLE IX PROHIBITIONS

The EOC CHS fully complies with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. The 2020

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amendments define **sexual harassment to include certain types of unwelcome sexual conduct, sexual assault, dating violence, domestic violence, and stalking.** Per Federal Regulations (34.CFR §106.30), **sexual harassment means** conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the school conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
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, dating violence, domestic violence, or stalking.

IV. DEFINITIONS (34 CFR §106.30)

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a school official, Title IX Coordinator, or to any EOC CHS employee other than the respondent.

Complainant shall mean an individual who is alleged to be the victim.

Consent exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent does not exist if the sexual act was forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. **In Arizona, the age of consent is 18 years old. Under Arizona law, individuals 17 and younger lack the capacity to agree to participate in sexual activity. Even if it's consensual, sexual intercourse by an adult with an individual under 18 is considered statutory rape.**

Dating Violence means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim, and

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- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved.

Decision-maker means the person(s) assigned to conduct a fair and impartial review of all facts and evidence in order to make a determination regarding whether a respondent is responsible for conduct alleged in a formal complaint. Decision-maker(s) must be unbiased and trained in Title IX policy and grievance procedures.

Deliberately Indifferent means not clearly unreasonable in light of the known circumstances.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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.

Education Program or activity means the locations, events, or circumstances over which the EOC CHS exercises **substantial control over both the respondent and the context in which the sexual harassment occurs**. Programs and activities may be on-campus or off campus.

Exculpatory Evidence means evidence tending to exonerate the accused or helps to establish their innocence.

Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the EOC CHS investigate the allegation under the grievance process for formal complaints. "Document filed by a complainant" means a document or electronic communication that contains the complainant's physical or digital signature, or which otherwise indicates that the complainant is the person filing the formal complaint.

Inculpatory Evidence means tending to incriminate the accused or indicate their guilt.

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Informal Resolution Process is a voluntary, structured interaction between the involved parties (complainant and respondent) to resolve the allegations following the filing of a formal complaint.

Investigator(s) means the individual(s) assigned to conduct a prompt, fair, an impartial investigation into a formal complaint. An investigator must be unbiased and trained in the Title IX policy and grievance procedures.

Preponderance-of-the-evidence standard means the decision-maker must determine whether alleged facts are **more likely than not to be true.**

Reporter means the person who reports sexual harassment to the school. This may be the complainant but may also be someone else (also known as “third party” reporter)

Respondent shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

Sexual Assault means an offense classified as a forcible or non forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault includes any sexual act including rape, sodomy, sexual assault with an object, or fondling “directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. Non-forcible sex offenses include incest and statutory rape.

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

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies is a person equal access to the recipient’s education program or activity, or
3. “Sexual assault”, “dating violence”, “domestic violence”, or “stalking” as defined in this policy (definitions are based on [guidance by Department of Education](#) updated on June 28, 2022.

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Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for their safety or the safety of others; or
- b. Suffer substantial emotional distress.

Supportive measures mean 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 shall be designed to restore or preserve equal access to the EOC CHS educational program or activity without unreasonably burdening the other party, and includes measures designed to protect the parties' safety or the safety of the educational environment, or to deter sexual harassment. The measures may include, but are not limited to: counseling, academic support services, assistance in requesting long-term academic accommodations if the individual qualifies as an individual with a disability, extensions of deadlines or other course-related adjustments, modifications to class schedules, campus or building escort services, mutual "no contact" orders, leave of absence, increased security, monitoring of certain areas of the campus and/or building, and/or assistance from community health resources such as domestic violence or rape crisis programs.

V. MANDATORY REPORTING

If deemed applicable, the EOC CHS is required to report allegations of child abuse and professional misconduct as per State of Arizona Reporting Procedures ([A.R.S. §13-3620](#) and [A.R.S. §15-514.](#))

VI. RETALIATION & CONFIDENTIALITY

Retaliation is prohibited

No recipient or 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 part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. 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 part, constitutes retaliation.

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Specific circumstances

- (1) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under paragraph (a) of this section.
- (2) 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 part does not constitute retaliation prohibited under paragraph (a) of this section, 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 recipient 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.

VII. PROCEDURE

A. RECEIVING AND ADDRESSING COMPLAINTS

The EOC CHS encourages students and third parties who believe that they or others have been subject to Title IX sexual harassment or any other form of discrimination to promptly report such incidents to a teacher, academic advisor, administrator, or other trusted employee. Reports may be made at any time, including during non-school hours.

A person who is not an intended victim or target of discrimination but is adversely affected by the conduct may file a complaint of discrimination. Reports may be made using a designated **report form** or by making a general report **verbally** or in **writing** to a school official, Title IX Coordinator, or by any method that results in the appropriate individual receiving the report (e.g. mail, telephone, e-mail).

Parents/guardians have the right to act on behalf of their student(s) at any time, including making a report under this policy and/or filing a written complaint.

An EOC CHS employee, volunteer, or independent contractor (“reporting adult”) who suspects or is notified that a student has been subject to conduct that may constitute a violation of this policy shall immediately report the incident to the individual’s immediate supervisor, the school

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Principal, or the Title IX Coordinator and shall make any mandatory police or child protective services reports as required by Arizona law. Failure of an EOC CHS employee to report instances of discrimination, including Title IX sexual harassment, may subject the employee to discipline.

B. INITIAL RESPONSE

When the EOC CHS has actual knowledge of Title IX sexual harassment, the school must respond promptly and in a manner that is not deliberately indifferent. All reports and complaints received by a school employee shall be directed to a Title IX Coordinator within 24 hours.

1. When a complaint or report of sexual harassment is made to the Title IX Coordinator, **the Title IX Coordinator shall:**
 - a. Confidentially contact the complainant to offer supportive measures, consider the complainant’s wishes with respect to supportive measures, and inform the complainant of the availability of supportive measures **with or without** filing a formal complaint.

2. The Title IX Coordinator shall evaluate the complaint or report and any additional information gathered to determine whether the allegations:
 - a. Occurred on or after August 14, 2020;
 - b. Occurred while the complainant was in the United States;
 - c. Occurred in a school program or activity under the control of the EOC CHS;
 - d. Meet the definition of sexual harassment;
 - e. Involves or implicates other policies or code of conduct;
 - f. Raised an immediate threat to the physical health or safety of an individual, based on an individualized safety and risk analysis; and
 - g. Involve a student identified as a student with a disability under the IDEA or Section 504.

If the allegations do not fall within the scope of Title IX sexual harassment, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator will refer any dismissed complaints to the School Principal to address the allegations under the appropriate school policy.

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3. If the Title IX Coordinator determines through an initial assessment that the allegations may constitute Title IX sexual harassment, the **Title IX Coordinator shall:**

a. **Promptly** explain to the complainant the process for filing formal complaint and inform the complainant of the continued availability of **supportive measures** with or without the filing of a formal complaint.

b. If deemed applicable, contact the parents/guardians of the complainant and provide them with information regarding the report and Title IX sexual harassment formal complaint procedures.

The Title IX Coordinator may determine to withhold or to delay notification of the report to parents/guardians, if the Title IX Coordinator is presented with information that indicates that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other individual(s). The Title IX Coordinator shall make this determination in consultation with individuals who have professional knowledge of the complainant's well-being and/or upon advice from legal counsel or authorities.

c. Ensure that complainants and respondents are treated equitably by:

i. Offering supportive measures to the complainant and considering supportive measures that may be offered to the respondent and/or witnesses identified in the complaint.

ii. Following the process for formal complaints prior to any imposition of disciplinary sanctions or other actions on the respondent that are not supportive measures.

iii. Presuming that the respondent is not responsible for the alleged conduct until completion of the formal complaints.

d. Ensure that the reported conduct is appropriately addressed under other applicable school policies or Arizona laws, such as mandatory reporting, incident/data reporting, and threat assessment.

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4. Requirements related to supportive measures:
 - a. All supportive measures provided to the complainant or respondent shall remain confidential to the extent that maintaining confidentiality would not impair the ability of the EOC CHS to provide such measures.
 - b. When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the School Principal/Special Education Teacher to determine whether additional steps must be taken as supportive measures for the party while Title IX procedures are implemented.

5. Requirements related to emergency removals:

- a. When a respondent who is a student poses an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the school's education program or activity or moved to an alternative setting. Determinations regarding emergency removals shall be made by the School Principal or designee.
- b. Prior to consideration of an emergency removal, the feasibility of remote instruction or instruction in an alternate setting shall be assessed by the school Principal, in consultation with the Teacher of Special Education (for students with disabilities.)
- c. Emergency removals shall be governed by the EOC CHS normal procedures for suspension and expulsion, including procedural safeguards relating to students with disabilities.
- d. Nothing in this policy shall be construed to alter any rights of the EOC CHS to make employment decisions when an employee of the Yuma Private industry Council, Inc. is a respondent.

C. FORMAL COMPLAINT

The EOC CHS acknowledges that choosing to make a report, file a formal report, and/or meet with the Title IX Coordinator after a report or formal complaint has been made, and deciding how to proceed, can be a process that unfolds over time. The complainant will not be pressured

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to decide whether to pursue a formal complaint or to name the other party/parties at the time of the report.

The EOC CHS will attempt to honor the stated wishes of the complainant concerning whether to move forward with an investigation. If the complainant or the complainant’s parents/guardians’ requests that no investigation occur or refuses to participate in the formal complaint procedures, the Title IX Coordinator will determine whether the allegations, nonetheless, require an investigation under this policy to mitigate a potential health, safety, or other substantial risk to the EOC CHS community.

The Title IX Coordinator may initiate a formal complaint **by signing the formal complaint form**. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not considered the “complainant” for purposes of this policy.

Note: The EOC CHS may consolidate formal complaints as to allegations of Title IX sexual harassment against more than one respondent, or by more than one complainant against once or more respondents, or by one party against the other party, where allegations of sexual harassment arise out of the same facts or circumstances.

Upon filing of a formal complaint, the **Title IX Coordinator shall provide written notice to all known parties**, and the parents/guardians of known parties (where applicable). The written notice shall contain:

1. A copy of this policy and formal complaint procedures, and any informal resolution process that may be available.
2. Notice of the allegations which potentially constitute Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known;
 - b. The conduct allegedly constituting sexual harassment;
 - c. Date(s) and location(s) of the alleged incident(s), if known;
 - d. 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;
 - e. Notice that the parties may, at their own cost, have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;

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- f. Notice that the EOC CHS code of conduct prohibits knowingly making false statements or knowingly submitting false information in connection with reports of misconduct or discrimination;
- g. At the outset and during the course of the investigation, notice of any additional allegations that will be subject to investigation.

D. INFORMAL RESOLUTION PROCESS

Upon the filing of a formal complaint, a complainant who does not wish to pursue formal resolution/investigation may request a less formal proceeding, known as the “Informal Resolution”. During the complainant’s initial meeting with the Title IX Coordinator, the Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of others in the school community to determine if an informal resolution may be appropriate.

The EOC CHS **may not** require the parties to participate in an informal resolution process;

The EOC CHS **may not** offer an informal resolution process unless a formal complaint is filed;

The EOC CHS **may not** require the parties to waive the right to an investigation or adjudication;

Note: Informal resolution cannot be used to resolve allegations involving an employee sexually harassing a student.

The informal resolution requires the Title IX Coordinator to:

1. Obtain the parties voluntary and written consent to the informal resolution process;
2. Provide the parties with 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 formal grievance process with respect to the formal complaint, and
3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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E. DISMISSAL OF FORMAL COMPLAINT

If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment, even if proved, the Title IX Coordinator must dismiss the formal complaint. “Dismissal” of a complaint only ends the formal grievance procedures in this policy; it does not preclude the Charter School from taking other action against a party in accordance with the EOC CHS Code of Conduct or other school policies.

The Title IX Coordinator **may, but is not required to**, dismiss the formal complaint or any allegations therein, if at any time during the investigation:

1. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled at or employed by the EOC CHS/Council;
3. Specific circumstances prevent the EOC CHS from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Proceeding with the formal complaint process may allow the EOC CHS to determine the scope of the harassment, whether employees knew about it but failed to respond, whether there is a pattern of harassment in particular programs or activities, whether multiple complainants experienced harassment by the same respondent, and what appropriate remedial actions are necessary.

Upon a dismissal required or permitted to these provisions, the EOC CHS will promptly send the written notice to the parties of the dismissal and reason(s) for the dismissal. Parties may appeal a dismissal of the complaint pursuant to appeal procedures set on this policy.

F. INVESTIGATION PROCESS

The Title IX Coordinator(s) will oversee the investigation and designate an investigator to conduct a fair, thorough, and impartial investigation. The Title IX Coordinator(s) shall assess whether the investigation should be conducted by one of the coordinators, both coordinators, an employee (that has received training in Title IX investigations), or another third party such as an attorney.

The burden of gathering evidence sufficient to reach a determination regarding whether violation(s) of this policy occurred rests with the investigator. Absent extensions for good cause,

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the investigator should make reasonable efforts to complete the investigation in **30 school days** from the date of the notice of charges.

The investigator will be unbiased and free from conflicts of interest and will objectively review the complaint, any evidence, and any information from witnesses, expert witnesses, and the parties. The investigator will treat the complainant and respondent equitably.

The investigator will work with the Title IX Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed, and what records may be relevant to the investigation.

Parties whose participation is requested or expected during the investigation process shall be provided with the date, time, location, participants, and purpose of all investigative interviews or other meetings, in sufficient time for the party to prepare.

The complainant and respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party or witnesses. The parties shall not be restricted in discussing the allegations under investigation or from gathering or presenting relevant evidence. The Investigator may request a non-disclosure agreement be signed by the parties and their advisors, if any, stating that they will not disclose evidence and documents exchanged in the investigation.

The investigation may include, among other things, interviewing the complainant, the respondent, and any witnesses; reviewing law enforcement documents (if applicable); reviewing relevant student and employment files (preserving confidentiality wherever necessary); and gathering and examining other relevant documents, social media, and evidence.

The investigator has discretion to determine which witnesses to interview based on the relevance of the evidence offered, and to determine what questions to ask, and will decline to ask questions that are not relevant, are unduly repetitive, or which would not serve the goals of this policy. When a complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities, or school transportation, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The person making the report, complainant, respondent, parents/guardians, and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process, and

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that conduct believed to be retaliatory should be reported. To the extent permitted by law, all individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

Neither the complainant nor the respondent is required to participate in the resolution process outlined in these procedures. The EOC CHS will not draw any adverse inferences from a complainant or respondent's decision not to participate or to remain silent during the process. An investigator or decision-maker will reach findings and conclusions based on the information available.

When a party selectively participates in the process, such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation, an investigator or decision-maker may consider the selective participation in evaluating the party's credibility.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall **promptly inform law enforcement authorities** about the allegations.

The obligation to conduct an investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should **coordinate** with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the EOC CHS investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Deferments shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Prior to completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review; the evidence may be sent via electronic format or hard copy;
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response; and
3. Consider any written response received prior to completion of the investigative report.

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G. INVESTIGATIVE REPORT

The investigator shall prepare a written report that fairly summarizes relevant evidence; the report shall be submitted to the Title IX Coordinator (when the coordinator is not the investigator), to all the parties, and to the decision-maker.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated, the information and evaluation that formed the basis for this determination, credibility determinations when appropriate, an analysis of whether the conduct violated this policy and/or any other law or school policy which may warrant further action.

H. WRITTEN DETERMINATION REGARDING RESPONSIBILITY

The Title IX Coordinator (whom may also be the investigator) shall, as soon as practicable, send the completed investigative report to the designated decision-maker. The decision-maker cannot be the same person as the Title IX Coordinator, the investigator, or any individual who may have a conflict of interest.

The decision-maker must issue a written determination regarding responsibility based on the **preponderance-of-the-evidence standard**; the written determination will be provided to the parties at the same time. **The written determination must include:**

- a. Identification of allegations potentially constituting sexual harassment as defined in 34 CFR §106.30;
- b. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods to gather evidence;
- c. Findings of fact supporting the determination, conclusions regarding the application of this formal grievance process to the facts;
- d. A statement of, or rationale for, the result as to each allegation, including any determination regarding responsibility, any disciplinary sanctions the decision maker imposed on the respondent that directly relate to the complaint, and whether remedies designed to restore or preserve equal access to the school’s education program or activity will be provided to the complainant; and

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- e. Procedures and permissible bases for the parties to appeal the determination.

Remedies and supportive measures that do not impact the respondent should not be disclosed in the written determination; rather, the determination should simply state that remedies will be provided to the complainant.

I. SANCTIONS AND REMEDIES

When a respondent is found responsible for the prohibited behavior as alleged, sanctions are based on the severity and circumstances of the behavior, and based on the position/status within the EOC CHS community. Disciplinary actions or consequences can range from a conference with the respondent and a school official to suspension, expulsion, termination of employment, termination of contract, etc.

When a respondent is found responsible for the prohibited behavior as alleged, **remedies must be provided to the complainant.** Remedies are designed to maintain the complainant's equal access to education and may include supportive measures or appropriate remedies.

The Title IX Coordinator, following the receipt of the written determination from the decision-maker, shall facilitate the imposition of sanctions, if any, the provision of remedies, if any, and to otherwise complete the formal resolution process. The appropriate school official, after consultation with the Title IX Coordinator, will determine the sanctions imposed and remedies provided, if any.

J. APPEALS

Each party may appeal the dismissal of a formal complaint or any included allegations and/or a determination regarding responsibility.

Appeals will be examined and decided by an individual who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or decision-maker in the same matter.

To appeal, a party must submit their written appeal **within five (5) school days** of being notified of the decision, including the grounds for the appeal. The contact information of the individual designated as appeal officer will be included in the written determination.

The grounds for appeal are as follows:

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1. Procedural irregularity that affected the outcome of the matter (i.e. failure to follow the institution’s own procedures);
2. New evidence that was not reasonably available at the time the determination regarding the responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

Supportive measures (including remote learning, if applicable) remain available during the pendency of the appeal.

The designated appeal officer shall review the investigation report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The appeal officer shall prepare a written response to the appeal within **twenty (20) school days**. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

VIII. DELEGATION OF RESPONSIBILITY

The Council designates the individuals to act as Title IX Coordinator(s).

The Title IX Coordinators shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements published on the EOC CHS’s website and in student and employee handbooks shall include the position, the office address and telephone number of the Title IX Coordinators.

The Title IX Coordinators shall ensure adequate nondiscrimination procedures are in place, recommend new procedures or modifications to procedures and monitor their implementation.

The Title IX Coordinators provide or coordinate training as set forth on the regulations governing Title IX legal requirements.

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1. Title IX Coordinators, investigators, decision-makers, and any other individual who facilitates an informal resolution process pursuant to this policy are required to have appropriate training.
2. All materials used to train Title IX Coordinators shall be made publicly available on the EOC CHS website.
3. All materials used to train employees who are also investigator(s), decision-maker(s), or individual(s) who facilitate informal resolution processes shall be made available on the EOC CHS website.
4. Information regarding community resources is maintained and provided to staff, so that staff may in turn make the resources available to complainants, respondents, or others who have been impacted by harassment or allegations thereof.

IX. RECORDKEEPING

The EOC/CHS administrative entity (YPIC) shall (as required by 34 CFR 106.45 (b)(10)) maintain for a period of **seven (7) years** record of:

1. 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 EOC CHS education program or activity;
2. Any appeal and the results therefrom;
3. Any informal resolution and its results; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.