

Federal Program Compliance

3100

Equal Educational Opportunity

The School shall provide all students with equal educational opportunities. The School shall not discriminate on the basis of race, color, creed, religion, sex, handicap, economic status, national origin, ancestry, or any other legally protected status in its Policies and programs.

Cross Reference: Policy 3120, Title IX Compliance; Policy 3710, Rights of Individuals with Disabilities; Policy 3720, Section 504 of the Rehabilitation Act of 1973.

Title IX Compliance and Grievance Procedure

Title IX of the Education Amendments Act of 1972 provides:

No persons 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 educational program or activity receiving financial assistance.

Title IX Compliance

The School shall comply with this law and accompanying regulations at all times and does not discriminate on the basis of sex (including sexual orientation or gender identity) in its education programs, activities, or employment. To ensure compliance and resolve any complaints, the Governing Authority has designated the following individual as the School's Title IX Coordinator:

Superintendent, Jonathan Stevens
jstevens@ecacolumbus.com

and

Director of Curriculum and Student Engagement, Josh Johnson
jjohnson@ecacolumbus.com

Inquiries relating to Title IX may be referred to the School's Title IX coordinator of the federal Office for Civil Rights, or both.

Any person may report sex discrimination, including sexual harassment, in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The Title IX Coordinator shall have full authority to coordinate compliance with the law, including responding to inquiries, investigating any alleged violations, and implementing the School's Grievance Procedure found in Form **3120.1**, Title IX Grievance Procedure.

Definitions

"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 School 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" as each term is defined in federal law:
- a. "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, fondling, incest, and statutory rape.
 - i. *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.
 - ii. *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 his/her age or because of his/her temporary or permanent mental incapacity.
 - iii. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - iv. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent.
 - b. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
 - A current or former spouse or intimate partner of the victim;
 - A person with whom the victim shares a child in common;
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - 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
 - 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.
 - c. "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.

- d. “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.

“Unwelcome conduct” may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal (e.g., slurs, jokes, name-calling) or physical harassment of a sexual nature. It can also include offensive remarks about a person’s sex (including sexual orientation or gender identity).

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

“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 with the School, a complainant must be participating in or attempting to participate in the School’s education program or activity. “Document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the School 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 otherwise 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.

“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. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may include:

- (1) counseling;
- (2) extensions of deadlines or other course-related adjustments;
- (3) modifications of work or class schedules;
- (4) campus escort services;
- (5) mutual restrictions on contact between the parties;
- (6) changes in work locations;
- (7) leaves of absence;

- (8) increased security and monitoring of certain areas of the campus; and
- (9) other similar measures.

“Education Program or Activity” includes locations, events, and circumstances over which the Governing Authority exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes admission/enrollment.

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

“Day(s),” unless expressly stated otherwise, means business day(s) (i.e., a day that the Governing Authority’s office is open, and employees are working).

“Actual Knowledge” means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator, any School official who has authority to institute corrective measures on behalf of the School, or any employee of the Governing Authority. 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.

Emergency Removal

Notwithstanding any other provision of this policy, the School may remove a respondent from an education program or activity on an emergency basis, if, following the completion of an individualized safety and risk analysis, the School 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.

The School’s right to impose an emergency removal under these circumstances may not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Training

The Title IX Coordinator, investigators, decision makers, and any person who facilitates an informal resolution process shall receive training on:

1. the definition of sexual harassment under federal Title IX regulations;
2. the scope of the School’s education program or activity;

3. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
4. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision makers at any stage of the grievance process must receive training on any technology to be used at a live hearing (if conducted) 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.

Anyone conducting investigations under Title IX must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

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.

Training materials will be posted on the School's website and maintained by the School for seven years after they were presented.

Records

For a period of seven years, the School shall retain the following records: (1) each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required (if a hearing is conducted), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant; (2) any appeal and the result; (c) any informal resolution and the result; and (4) all materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.

The School shall both 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 to the report or formal complaint, 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, the School will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Confidentiality

Any supportive measures provided to the complainant or respondent will be kept confidential, to the extent that maintaining such confidentiality would not impair the ability of the School to provide supportive measures.

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 FERPA, 20 U.S.C. 1232g, or related regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from the hearing. Complaints alleging retaliation may be filed according to the grievance procedures in Form **3120.1**, Title IX Grievance Procedure.

Retaliation

Retaliation against any individual for exercising Title IX rights will not be tolerated. The exercise of rights protected under the First Amendment does not constitute retaliation. 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 policy does 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.

Title IX Grievance Procedure

The School is committed to complying with Title IX. 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 that are not supportive measures against the respondent. The Title IX Coordinator, along with any investigator, decision maker, or any person designated to facilitate an informal resolution, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The following procedures have been developed to handle complaints dealing with Title IX programs, services, and staff members.

Step 1: Reporting Sexual Discrimination/Harassment

Any person who has a complaint of alleged sex discrimination shall attempt promptly to resolve the complaint by discussion with the Title IX Coordinator, either in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Governing Authority employees are required, and Governing Authority members, students, parents, community members, and third parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any School employee, who in turn will promptly notify the/a Title IX Coordinator.

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.

The Complainant shall describe the alleged discrimination in as much detail as possible. The Title IX Coordinator shall investigate the alleged discrimination and discuss the results of the investigation with the student or employee.

A student may file criminal charges simultaneously with filing a Title IX complaint. 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 Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Because the School is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any School employee has such knowledge, and because the School must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a School 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 receiving the report. The School employee must also comply with his/her mandatory reporting responsibilities pursuant to R.C. 2151.412, if applicable. If the School employee's knowledge is based on another individual bringing the information to the School employee's attention and the reporting individual submitted a written complaint to the School employee, the employee must provide the written complaint to the Title IX Coordinator.

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 his/her 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 shall provide the complainant with an emailed or hard copy of this Policy.

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.

Step 2: Filing a Formal Complaint of Sexual Harassment

The Complainant can submit a formal written complaint to the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above.

A sample written complaint form is included as Form **3130.2**. The written complaint shall state when the grievance occurred, the factual details of the grievance, and the relief sought. If the

Complainant is a student, the Title IX Coordinator shall assist the student in writing the complaint and assuring that it is submitted in time.

When the Title IX Coordinator receives a formal complaint or signs a formal complaint, the School will follow its Grievance Process and Procedures, 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.

The complainant(s), the respondent(s), and any witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

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

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. This timeframe, 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.

Within 2 days of receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- (1) Notice of the School’s grievance process, including any informal resolution process;
- (2) 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(s), if known. The written notice must:
 - a. 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;
 - b. 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.
 - c. 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 Title IX Coordinator decides to investigate allegations about the complainant or respondent that are not included in the original notice provided to the parties, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

A complainant's wishes with respect to whether the school investigates allegations of sexual harassment should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

Step 3 Informal Resolution

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 his/her 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:

- (1) the allegations;
- (2) 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
- (3) 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.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

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.

Pursuant to law, 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 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.

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

- (1) present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- (2) 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.

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 hearings, 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 4 days' notice with respect to hearings and 2 days' 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 conclusion of the investigation.

Prior to completion of the investigative report, the 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 that 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) must 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.

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:

- (1) Identification of the allegations potentially constituting sexual harassment pursuant to this policy;
- (2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence,
- (3) Findings of fact supporting the determination;
- (4) Conclusions regarding the application of the applicable code of conduct to the facts;

- (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the 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 will be provided by the School to the complainant(s); and
- (6) The procedures and permissible bases for the complainant(s) and respondent(s) to appeal.

If the decision maker(s) determines the respondent is responsible for violating this policy, the decision maker(s) written determination should include steps to end the sex discrimination/sexual harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary sanctions/consequences on the respondent, the decision maker may also order further supportive measures along with following individual and global remedies, on a case-by-case basis:

- (1) Provide medical, counseling, and academic support services to the complainant and/or respondent;
- (2) Re-arranging schedules at the complainant's request;
- (3) Afford the complainant extra time to complete or retake classes without academic penalty;
- (4) Review any disciplinary proceedings against the complainant;
- (5) Train or re-train employees;
- (6) Develop materials on sexual harassment;
- (7) Conduct sexual harassment prevention programs; and/or
- (8) Conduct climate checks.

Disciplinary sanctions/consequences imposed on a student may include suspension, expulsion, and any other sanction authorized by the student code of conduct. If the decision maker(s) makes a determination of responsibility and recommends the suspension and/or expulsion of the respondent, the Title IX Coordinator will notify the Head Administrator so the applicable due process procedures in Policy **4530**, Suspension and Expulsion, can be implemented. Discipline of a student 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. See also, Policies **4540** and **4550**.

Disciplinary sanctions/consequences imposed on an employee may include written reprimands, unpaid suspension, termination, and any other sanction authorized by any applicable codes of conduct or collective bargaining agreement. If the decision maker(s) makes a determination of

responsibility and recommends the imposition of disciplinary action, the Title IX Coordinator will notify the Head Administrator so applicable due process procedures, whether statutory or contractual, can be implemented.

Discipline of an employee must be implemented in accordance with Federal and State law, Governing Authority policy, and applicable provisions of relevant collective bargaining agreements.

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

The determination regarding responsibility becomes final either on the date that the Title IX Coordinator 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.

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

Appeals

Both parties may appeal from a determination regarding responsibility, or from a dismissal of a formal complaint or any allegations therein, on the following bases: (1) a procedural irregularity that affected the outcome of the matter; (2) newly discovered 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/or (3) 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 decision maker(s) hearing the appeal may 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 or respondent and shall receive the same training as required of other decision makers.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) 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 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) days of when the parties' written statements were submitted.

The decision maker(s) for the appeal's (or the original decision-maker's(s') if there is no appeal) decision shall be final.

The Title IX Coordinator is responsible for effective implementation of any remedies. If the complainant is still dissatisfied, the complainant may submit, within 180 days of the alleged discrimination, a written complaint to the Office for Civil Rights, located at:

**Office of Civil Rights
U.S. Department of Education
600 Superior Ave. East, Suite 750
Cleveland, Ohio 44114-2611**

Federal: 20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
34 C.F.R. Part 106

Cross Reference: Policy 3110, Equal Educational Opportunity

Policy No

Federal Program Compliance

3100

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Cross Reference: Policy 3120, Title IX Compliance; Policy 3710, Rights of Individuals with Disabilities; Policy 3720, Section 504 of the Rehabilitation Act of 1973.

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Superintendent, Jonathan Stevens
jstevens@ecacolumbus.com

and

Director of Curriculum and Student Engagement, Josh Johnson
jjohnson@ecacolumbus.com

Inquiries relating to Title IX may be referred to the School's Title IX coordinator of the federal Office for Civil Rights, or both.

Any person may report sex discrimination, including sexual harassment, in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The Title IX Coordinator shall have full authority to coordinate compliance with the law, including responding to inquiries, investigating any alleged violations, and implementing the School's Grievance Procedure found in Form **3120.1**, Title IX Grievance Procedure.

Definitions

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

- (4) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;

- (5) 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
- (6) "Sexual assault," "dating violence," "domestic violence," or "stalking" as each term is defined in federal law:
- b. "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, fondling, incest, and statutory rape.
 - v. *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.
 - vi. *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 his/her age or because of his/her temporary or permanent mental incapacity.
 - vii. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - viii. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent.
 - e. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
 - A current or former spouse or intimate partner of the victim;
 - A person with whom the victim shares a child in common;
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - 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
 - 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.
 - f. "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.

- g. “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.

“Unwelcome conduct” may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal (e.g., slurs, jokes, name-calling) or physical harassment of a sexual nature. It can also include offensive remarks about a person’s sex (including sexual orientation or gender identity).

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

“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 with the School, a complainant must be participating in or attempting to participate in the School’s education program or activity. “Document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the School 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 otherwise 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.

“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. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may include:

- (10) counseling;
- (11) extensions of deadlines or other course-related adjustments;
- (12) modifications of work or class schedules;
- (13) campus escort services;
- (14) mutual restrictions on contact between the parties;
- (15) changes in work locations;
- (16) leaves of absence;

- (17) increased security and monitoring of certain areas of the campus; and
- (18) other similar measures.

“Education Program or Activity” includes locations, events, and circumstances over which the Governing Authority exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes admission/enrollment.

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

“Day(s),” unless expressly stated otherwise, means business day(s) (i.e., a day that the Governing Authority’s office is open, and employees are working).

“Actual Knowledge” means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator, any School official who has authority to institute corrective measures on behalf of the School, or any employee of the Governing Authority. 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.

Emergency Removal

Notwithstanding any other provision of this policy, the School may remove a respondent from an education program or activity on an emergency basis, if, following the completion of an individualized safety and risk analysis, the School 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.

The School’s right to impose an emergency removal under these circumstances may not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Training

The Title IX Coordinator, investigators, decision makers, and any person who facilitates an informal resolution process shall receive training on:

- 5. the definition of sexual harassment under federal Title IX regulations;
- 6. the scope of the School’s education program or activity;

7. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
8. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision makers at any stage of the grievance process must receive training on any technology to be used at a live hearing (if conducted) 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.

Anyone conducting investigations under Title IX must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

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.

Training materials will be posted on the School's website and maintained by the School for seven years after they were presented.

Records

For a period of seven years, the School shall retain the following records: (1) each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required (if a hearing is conducted), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant; (2) any appeal and the result; (c) any informal resolution and the result; and (4) all materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.

The School shall both 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 to the report or formal complaint, 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, the School will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Confidentiality

Any supportive measures provided to the complainant or respondent will be kept confidential, to the extent that maintaining such confidentiality would not impair the ability of the School to provide supportive measures.

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 FERPA, 20 U.S.C. 1232g, or related regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from the hearing. Complaints alleging retaliation may be filed according to the grievance procedures in Form **3120.1**, Title IX Grievance Procedure.

Retaliation

Retaliation against any individual for exercising Title IX rights will not be tolerated. The exercise of rights protected under the First Amendment does not constitute retaliation. 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 policy does 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.

Title IX Grievance Procedure

The School is committed to complying with Title IX. 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 that are not supportive measures against the respondent. The Title IX Coordinator, along with any investigator, decision maker, or any person designated to facilitate an informal resolution, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The following procedures have been developed to handle complaints dealing with Title IX programs, services, and staff members.

Step 1: Reporting Sexual Discrimination/Harassment

Any person who has a complaint of alleged sex discrimination shall attempt promptly to resolve the complaint by discussion with the Title IX Coordinator, either in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Governing Authority employees are required, and Governing Authority members, students, parents, community members, and third parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any School employee, who in turn will promptly notify the/a Title IX Coordinator.

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.

The Complainant shall describe the alleged discrimination in as much detail as possible. The Title IX Coordinator shall investigate the alleged discrimination and discuss the results of the investigation with the student or employee.

A student may file criminal charges simultaneously with filing a Title IX complaint. 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 Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Because the School is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any School employee has such knowledge, and because the School must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a School 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 receiving the report. The School employee must also comply with his/her mandatory reporting responsibilities pursuant to R.C. 2151.412, if applicable. If the School employee's knowledge is based on another individual bringing the information to the School employee's attention and the reporting individual submitted a written complaint to the School employee, the employee must provide the written complaint to the Title IX Coordinator.

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 his/her 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 shall provide the complainant with an emailed or hard copy of this Policy.

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.

Step 2: Filing a Formal Complaint of Sexual Harassment

The Complainant can submit a formal written complaint to the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above.

A sample written complaint form is included as Form **3130.2**. The written complaint shall state when the grievance occurred, the factual details of the grievance, and the relief sought. If the

Complainant is a student, the Title IX Coordinator shall assist the student in writing the complaint and assuring that it is submitted in time.

When the Title IX Coordinator receives a formal complaint or signs a formal complaint, the School will follow its Grievance Process and Procedures, 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.

The complainant(s), the respondent(s), and any witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

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

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. This timeframe, 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.

Within 2 days of receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- (3) Notice of the School’s grievance process, including any informal resolution process;
- (4) 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(s), if known. The written notice must:
 - d. 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;
 - e. 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.
 - f. 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 Title IX Coordinator decides to investigate allegations about the complainant or respondent that are not included in the original notice provided to the parties, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

A complainant's wishes with respect to whether the school investigates allegations of sexual harassment should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

Step 3 Informal Resolution

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 his/her 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:

- (4) the allegations;
- (5) 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
- (6) 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.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

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.

Pursuant to law, 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 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.

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

- (3) present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- (4) 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.

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 hearings, 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 4 days' notice with respect to hearings and 2 days' 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 conclusion of the investigation.

Prior to completion of the investigative report, the 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 that 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) must 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.

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:

- (7) Identification of the allegations potentially constituting sexual harassment pursuant to this policy;
- (8) 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,
- (9) Findings of fact supporting the determination;
- (10) Conclusions regarding the application of the applicable code of conduct to the facts;

- (11) 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 will be provided by the School to the complainant(s); and
- (12) The procedures and permissible bases for the complainant(s) and respondent(s) to appeal.

If the decision maker(s) determines the respondent is responsible for violating this policy, the decision maker(s) written determination should include steps to end the sex discrimination/sexual harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary sanctions/consequences on the respondent, the decision maker may also order further supportive measures along with following individual and global remedies, on a case-by-case basis:

- (9) Provide medical, counseling, and academic support services to the complainant and/or respondent;
- (10) Re-arranging schedules at the complainant's request;
- (11) Afford the complainant extra time to complete or retake classes without academic penalty;
- (12) Review any disciplinary proceedings against the complainant;
- (13) Train or re-train employees;
- (14) Develop materials on sexual harassment;
- (15) Conduct sexual harassment prevention programs; and/or
- (16) Conduct climate checks.

Disciplinary sanctions/consequences imposed on a student may include suspension, expulsion, and any other sanction authorized by the student code of conduct. If the decision maker(s) makes a determination of responsibility and recommends the suspension and/or expulsion of the respondent, the Title IX Coordinator will notify the Head Administrator so the applicable due process procedures in Policy **4530**, Suspension and Expulsion, can be implemented. Discipline of a student 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. See also, Policies **4540** and **4550**.

Disciplinary sanctions/consequences imposed on an employee may include written reprimands, unpaid suspension, termination, and any other sanction authorized by any applicable codes of conduct or collective bargaining agreement. If the decision maker(s) makes a determination of

responsibility and recommends the imposition of disciplinary action, the Title IX Coordinator will notify the Head Administrator so applicable due process procedures, whether statutory or contractual, can be implemented.

Discipline of an employee must be implemented in accordance with Federal and State law, Governing Authority policy, and applicable provisions of relevant collective bargaining agreements.

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

The determination regarding responsibility becomes final either on the date that the Title IX Coordinator 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.

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

Appeals

Both parties may appeal from a determination regarding responsibility, or from a dismissal of a formal complaint or any allegations therein, on the following bases: (1) a procedural irregularity that affected the outcome of the matter; (2) newly discovered 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/or (3) 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 decision maker(s) hearing the appeal may 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 or respondent and shall receive the same training as required of other decision makers.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) 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 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) days of when the parties' written statements were submitted.

The decision maker(s) for the appeal's (or the original decision-maker's(s') if there is no appeal) decision shall be final.

The Title IX Coordinator is responsible for effective implementation of any remedies. If the complainant is still dissatisfied, the complainant may submit, within 180 days of the alleged discrimination, a written complaint to the Office for Civil Rights, located at:

**Office of Civil Rights
U.S. Department of Education
600 Superior Ave. East, Suite 750
Cleveland, Ohio 44114-2611**

Federal: 20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
34 C.F.R. Part 106

Cross Reference: Policy 3110, Equal Educational Opportunity

Policy No