

## TITLE IX POLICY AND GRIEVANCE PROCEDURES

### **I. STATEMENT OF NON-DISCRIMINATION**

Salem Academy Charter School (the “School”) is committed to the health, safety, and welfare of its students and employees (each a “Participant”). The School does not discriminate against anyone on the basis of any characteristic protected by applicable state or federal law, including sex, and prohibits discrimination on the basis of sex in any education program or activity that the School operates, including admissions and employment, in accordance with Title IX (20 U.S.C. § 1681) and its implementing regulations (34 C.F.R. Part 106) (collectively, “Title IX”). The School’s nondiscrimination policy and grievance procedures, outlined in this document, can also be located at <https://www.salemacademy.org/about/compliance>.

### **II. PURPOSE AND SCOPE**

The purpose of this Title IX Policy and Grievance Procedures document (the “Policy”) is to notify Participants of their rights under Title IX and to outline the steps that the School will take in response to allegations of discrimination on the basis of sex, including allegations of sexual harassment, that occurs under the School’s education program or activity.

### **III. PROHIBITED CONDUCT**

No student or employee of the School shall engage in any conduct violative of Title IX, including discrimination on the basis of sex, while participating in the School’s education program or activity.

### **IV. TITLE IX COORDINATOR**

Title IX Coordinators are responsible for coordinating the School’s compliance with its obligations under Title IX and this Policy. When notified of conduct that reasonably may violate Title IX, a Title IX Coordinator will take action to promptly and effectively end any sex discrimination in the School’s education program or activity, prevent its recurrence, and remedy its effects.

For the purposes of this Policy, the School’s primary Title IX Coordinator is Krissy Sgambellone, Managing Director of Operations and HR, who may be reached at Salem Academy Charter School, 45 Congress St., Salem, MA 01970, 978-744-2105, or [ksgambellone@salemacademy.org](mailto:ksgambellone@salemacademy.org).

The School also has an additional Title IX Coordinator for student-specific concerns, Mark Hodgkins, Managing Director of Student Services, who may be reached at Salem Academy Charter School, 45 Congress St., Salem, MA 01970, 978-744-2105, or [mhodgkins@salemacademy.org](mailto:mhodgkins@salemacademy.org).

### **V. DEFINITIONS**

“Appeals Arbiter” means an individual, other than the Investigator or Decisionmaker assigned to a particular investigation under this Policy, designated by the School to determine the outcome of an appeal submitted by a Party, as described in Section VIII(K) of this Policy. The Appeals Arbiter shall be Stephanie Callahan, Executive Director, 45 Congress St., Salem, MA 01970, 978-744-2105, [scallahan@salemacademycs.org](mailto:scallahan@salemacademycs.org).

“Complainant” means (i) a student or employee of the School who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or otherwise violate this Policy; or (ii) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or otherwise violate this Policy at a time when that individual was participating or attempting to participate in the School’s education program or activity.

“Confidential employee” means an employee of the School (i) whose communications are privileged or confidential under federal or state law (this may include a School nurse or mental health professional when acting in connection with the provision of treatment); or (ii) who the School has designated as a confidential employee. The School’s confidential employee(s) and their contact information are listed below:

School Nurse, 45 Congress St., Salem, MA 01970, 978-744-2105, Katie Harvey, [kharvey@salemacademycs.org](mailto:kharvey@salemacademycs.org)

School Adjustment Counselors, 45 Congress St., Salem, MA 01970, 978-744-2105:  
Zoe Ulrich, [zulrich@salemacademycs.org](mailto:zulrich@salemacademycs.org)  
Kaila Walters, [kwalters@salemacademycs.org](mailto:kwalters@salemacademycs.org)

“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 Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Decisionmaker” means an individual, other than the Investigator and/or Appeals Arbiter assigned to a particular investigation or appeal under this Policy, designated by the School to determine whether conduct that violated Title IX occurred in violation of this Policy and to issue a written determination of responsibility. The Decisionmaker shall be the Senior Director of Academics, Drea Jacobs.

“Domestic violence” refers to felony or misdemeanor crimes committed by a person who (i) is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the jurisdiction of the School, or a person similarly situated to a spouse of the Complainant; (ii) is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner; (iii) shares a child in common with the Complainant; or (iv) commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction of the School.

“Discrimination on the basis of sex” (or “sex discrimination”) includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

“Investigator” means any individual, other than the Decisionmaker and/or Appeals Arbiter assigned to a particular investigation or appeal under this Policy, designated by the School to conduct an investigation in accordance with the grievance procedures described in this Policy, including gathering evidence relevant to the alleged conduct and providing it to the Decisionmaker.

“Party” or “Parties” means the Complainant(s) and Respondent(s), as applicable.

“Personally identifiable information” refers to information which can be used to distinguish or trace an individual’s identity either directly or indirectly through linkages with other information, including, but not limited to: (i) the name of a person, e.g., a student; (ii) the name of a person's parent or other family members; (iii) the address of a person or a person's family; (iv) a personal identifier, such as a social security number, student number, or biometric record; (v) other indirect identifiers, such as a person's date of birth, place of birth, and mother's maiden name; or (vi) other information that, alone or in combination, is linked or linkable to a specific person that would allow a reasonable individual in the school community, who does not have personal knowledge of the relevant circumstances, to identify the person with reasonable certainty.

“Relevant” means related to the allegation(s) of conduct that may violate Title IX, including sex discrimination, under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged conduct occurred.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute conduct prohibited by Title IX, including sexual harassment.

“Sex-based harassment” is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that falls within one or more of the following categories: (i) quid pro quo harassment (e.g., when an employee of the School conditions the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct); (ii) hostile environment harassment (e.g., unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the School’s education program or activity); or (iii) sexual assault, dating violence, domestic violence, or stalking, each as defined in this Section.

“Sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Stalking” means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress.

“Title IX Coordinator” means an individual designated in Section IV of this Policy.

## **VI. REPORTING**

Students, parents, and guardians are strongly encouraged to, and employees of the School, excluding confidential employees but including independent contractors, volunteers, advisors, and third-party agents, must report allegations of sex discrimination, including sexual harassment, to a Title IX Coordinator promptly, whether or not the reporting individual is the person alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment. Reports may be made at any time (including during non-business hours) in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinators in Section IV of this Policy, or by any other means that results in a Title IX Coordinator receiving the person’s oral or written report.

## **VII. RESPONSE TO ALLEGATION(S) OF SEX DISCRIMINATION**

### **A. INITIAL CONTACT**

Upon receipt of an allegation of conduct that may constitute sex discrimination, a Title IX Coordinator will promptly contact the Complainant to:

- i. offer and coordinate supportive measures, as described in Section VIII(E) of this Policy;<sup>1</sup>
- ii. notify the Complainant of the grievance procedures for the prompt and equitable resolution of complaints of sex discrimination, as described in Section VIII of this Policy, and of the School’s informal resolution process, as described in Appendix A to this Policy; and
- iii. explain to the Complainant the process for filing a complaint, as described in Section VII(B) of this Policy.

### **B. COMPLAINT**

*Generally.* A complaint is an oral or written request to the School that objectively can be understood as a request for the School to investigate sex-based discrimination and/or retaliation, as discussed in Section VIII(M) of this Policy, and to make a determination under Title IX. A

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<sup>1</sup> For any Party who is an individual with a disability, as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705 (the “Rehabilitation Act”), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3) (“IDEA”), a Title IX Coordinator will consult with one or more members, as appropriate, of the Party’s IEP team or the group of persons responsible for the Party’s placement decision under 34 CFR 104.35(c), if any, to determine how to comply with the requirements of IDEA and Section 504 of the Rehabilitation Act throughout the School’s implementation of grievance procedures, including with respect to supportive measures.

Complainant must have been participating in or attempting to participate in an education program or activity of the School at the time of the conduct alleged in the complaint.

*How to File.* A complaint may be filed with a Title IX Coordinator in person, by mail, or by email, by (i) a Complainant, (ii) a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant, or (iii) the School's Title IX Coordinator, using the contact information identified in Section IV of this Policy.

*Consolidation of Formal Complaints.* The School may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of sex discrimination arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this Policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

*School Response.* In response to a complaint of sex discrimination or other conduct that may violate this Policy, the School will follow the grievance procedures described in Section VIII of this Policy.

*Dismissal.* The School may dismiss a complaint of sex discrimination for any of the following reasons: (i) the School is unable to identify the Respondent after taking reasonable steps to do so; (ii) the Respondent is not participating in the School's education program or activity and is not employed by the School; (iii) the Complainant voluntarily withdraws any or all of the allegations in the complaint; or (iv) the School determines the conduct alleged in the complaint does not constitute sex discrimination, as defined in Section V of this Policy, even if proved. In scenarios such as those described in items (iii) and (iv), if a Title IX Coordinator determines that the conduct in the complaint does not fall within this Policy, the School may still investigate the matter in accordance with other applicable School policies.

*Following Dismissal.* In the event of a dismissal, the School will promptly send written notice of the dismissal and the reason(s) therefore to each Party, simultaneously, as appropriate. The School will also notify each Party that the dismissal may be appealed on the bases described in Section VIII(K) of this Policy.

## **VIII. FORMAL GRIEVANCE PROCEDURES**

### **A. PURPOSE**

The purpose of these grievance procedures is to provide for the prompt and equitable resolution of complaints alleging sex discrimination and any other conduct that would be prohibited by Title IX. The School is committed to treating Complainants and Respondents equitably in this grievance process by, among other things, prohibiting any person designated as a Title IX Coordinator, Investigator, Decisionmaker, or Appeals Arbiter under this process to have a conflict of interest or bias for or against Complainants or Respondents generally or an individual

Complainant or Respondent; and adopting standard processes in compliance with federal and state law.

The initial notice requirement is discussed below, followed by key elements of the grievance procedures and a discussion of steps and expected timeframes.

#### B. INITIAL NOTICE REQUIREMENT

Upon initiation of the School’s grievance procedures, e.g., upon the filing of a complaint with/by a Title IX Coordinator alleging conduct violative of Title IX, as described in Section VI and Section VII above, the Title IX Coordinator will provide written notice of the allegation(s) to all known Parties, which notice will include: (i) a copy of this Policy; (ii) sufficient information about the allegation(s) available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX, and the date(s) and location(s) of the alleged incident(s), if known; (iii) a statement that retaliation is prohibited under this Policy, as described in Section VIII(M) below; and (iv) a statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence collected over the course of an investigation. This notice will also identify the name and contact information of the Investigator assigned to investigate the complaint. This notice will be provided to all Parties, and each Party shall have five (5) calendar days from receipt of the notice to submit to the Investigator a written response to the allegation(s) (i.e., by the “Notice Response Deadline”), as each Party sees fit.

#### C. PRESUMPTION

During the course of this grievance process, any Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made by the Decisionmaker at the conclusion of the grievance process.

#### D. SUPPORTIVE MEASURES

Throughout the grievance process, including the informal resolution process, the School will offer supportive measures to the Complainant and the Respondent, as appropriate. Supportive measures are individualized measures offered (i) as reasonably available, without unreasonably burdening a Party, (ii) not for punitive or disciplinary reasons, and (iii) without fee or charge to a Party. Supportive measures will be offered for the following purposes: (1) to restore or preserve a Party’s access to the School’s education program or activity, including measures that are designed to protect the safety of the Parties or the School’s educational environment, or (2) to provide support to a Party during the School’s grievance procedures, or during the informal resolution process, as described in this Policy. Supportive measures may include counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education

programs related to sex-based harassment. The School will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary for the School to provide the supportive measure or to restore or preserve a Party's access to the School's education program or activity, with limited exceptions. Notably, the School will not disclose personally identifiable information obtained during this grievance process, or in the event of one of the circumstances listed in Section VIII(E), *Confidentiality – School*, below.

#### E. INVESTIGATION

*Burden.* The burden is on the School — not on the Parties — to conduct an investigation that gathers sufficient evidence to determine whether Title IX was violated. The School shall investigate alleged sex discrimination, and other conduct in violation of Title IX and/or this Policy, even when some alleged conduct occurred outside of the School's education program or activity or outside the United States.

*Evidentiary Limitations.* The School may not access or consider the following types of evidence, including questions seeking that evidence, except to determine whether such evidence is impermissible: (i) evidence that is protected under a legal privilege or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality; (ii) a Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the School obtains that Party's or witness's voluntary, written consent for use in the School's grievance procedures; and (iii) evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based discrimination.

*Equal Opportunity to Present Evidence.* Parties have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. Parties may present such evidence and witnesses to the Investigator at any time prior to receiving a copy of the evidence, or an accurate description of the evidence, as described in Section VIII(H)(ii) below.

*Evaluation of Evidence.* The School will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with Title IX. The School will then, in assessing whether the alleged conduct violated this Policy, conduct an objective evaluation of all evidence that is relevant and not otherwise impermissible. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

*Equal Opportunity to Access Evidence.* Parties have an equal opportunity to access evidence that is relevant to the allegation(s) of sex discrimination and not otherwise impermissible, and/or an accurate description of that evidence; and Parties have a opportunity to respond to that evidence or the description of the evidence, as described in Section VIII(H)(ii) below.

*Confidentiality - Parties.* The School will not restrict any Party's ability to obtain and present evidence, including by speaking to witnesses; consult with their family members or confidential resources; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in retaliation, including against witnesses, as discussed in Section VIII(L) below.

*Confidentiality – School.* The School will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedures. The School will not disclose personally identifiable information obtained in the course of its response to conduct that may reasonably violate Title IX, except in the following circumstances: (i) when the School has obtained prior written consent from a person with the legal right to consent to the disclosure; (ii) when the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; (iii) to carry out the purposes of this Policy, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the School's education program or activity; (iv) as required by federal law, federal regulations, or the terms and conditions of a federal award, including a grant award or other funding agreement; or (v) when required by state or local law or when permitted under the Family Educational Rights and Privacy Act or Massachusetts Student Records Regulations (603 CMR 23.00 et seq.). In addition, the School will not disclose information about any supportive measures to persons other than the person to whom they are offered or provided, with certain exceptions, as discussed in Section VIII(D) above.

#### E. OBJECTIVITY

No individual designated as the Title IX Coordinator, Investigator, Decisionmaker, Appeals Arbiter, or any person designated by the School to facilitate an informal resolution process, shall have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

#### G. STANDARD OF EVIDENCE & RELEVANCE

The School will apply the preponderance of the evidence standard to determine whether this Policy was violated.

*Rape Shield Protections for Complainants.* Questions and evidence about a Complainant's sexual interests or prior sexual conduct are considered impermissible in an investigation conducted in accordance with this Policy, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions and



evidence concern specific incidents of the Complainant's prior sexual conduct with the Respondent that are offered to prove consent to the alleged conduct.

#### H. INVESTIGATION STEPS AND TIMELINE

The School will complete the grievance process within a reasonably prompt timeframe after the filing of a complaint, taking into consideration the nature and complexity of the allegation(s) and scope of the investigation, as follows:

- i. *Interviews & Collection of Evidence.* Following the Notice Response Deadline, defined in Section VIII(B) above, the Investigator(s) shall conduct any interview(s) that they deem necessary and collect other evidence, including fact witnesses and other inculpatory and exculpatory evidence presented by the Parties, that is relevant to the allegation(s) opened for investigation and not otherwise impermissible, as described in Section VIII(E) above.
- ii. *Distribution of Evidence.* Prior to the conclusion of the investigation, the Investigator or their designee will provide each Party with access to all evidence obtained as a part of the investigation that is relevant and not otherwise impermissible, or an accurate description of this evidence. Parties receiving an accurate description of the evidence may access the relevant and not otherwise impermissible evidence upon request.
- iii. *Party Opportunity to Respond to Evidence.* Within five (5) calendar days of receiving the relevant and not otherwise impermissible evidence, or an accurate description of such, the Parties may submit a written response to the evidence provided by the Investigator or their designee.

This timeframe may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a Party or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. If a timeframe is extended for good cause, notice of the extension and the reason for it will be provided to the Parties.

#### I. DECISIONMAKING

*Questioning Parties and Witnesses, and Credibility Assessment.* The Decisionmaker or Investigator, as appropriate, may pose relevant and not otherwise impermissible questions to Parties and witnesses, including questions to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegation(s) of conduct violative of Title IX. Questioning of the Parties and witnesses must take place consistent with the following provisions before determining whether conduct that violated Title IX occurred.

- i. The Investigator or Decisionmaker, as appropriate, must determine whether a proposed question is relevant and not otherwise impermissible, prior to the question being posed to a Party or witness, and must explain any decision to exclude a question as not relevant or otherwise impermissible. If the Investigator or Decisionmaker, as appropriate, determines that a Party's question is relevant and not otherwise impermissible, then the question must be asked, except that questions that are unclear or harassing of a Party or witness will not be permitted. The Investigator or Decisionmaker, as appropriate, will give a Party an opportunity to clarify or revise a question that the Investigator or Decisionmaker has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question to satisfy the terms of this paragraph, the question will be asked.
- ii. The process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility, shall:
  - a. allow the Investigator or Decisionmaker to ask such questions during individual meetings with a Party or witness; and
  - b. allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Investigator or Decisionmaker during one or more individual meetings, including follow-up meetings, with a Party or witness, subject to the requirements described in subsection (i) above.

*Written Determination.* Following an investigation, the School will issue a written determination to the Parties simultaneously. The Decisionmaker will use the preponderance of the evidence standard of proof to determine, based on an evaluation of the relevant information collected over the course of the investigation, whether Respondent's conduct violated Title IX and/or this Policy. The written determination must include the following:

- i. a description of the alleged conduct opened for investigation;
- ii. information about the policies and procedures that the School used to evaluate the allegations;
- iii. the Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex discrimination or other conduct in violation of Title IX occurred;
- iv. when the Decisionmaker finds that sex discrimination or other conduct in violation of Title IX occurred, any disciplinary sanctions the School will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the School to the Complainant, and, to the extent appropriate, other students identified by the School to be experiencing the effects of the sex discrimination; and
- v. the School's procedures for the Parties to appeal the written determination.

The determination regarding responsibility becomes final either on the date that the School provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely, as described in Section VIII(J) below.

## J. APPEALS

Any Party may appeal a written determination regarding responsibility or the dismissal of a complaint on the following bases:

- i. procedural irregularity that would change the outcome of the determination or dismissal;
- ii. new evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made; or
- iii. the Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

An appeal of a written determination regarding responsibility or the dismissal of a complaint is considered timely if a Party submits it to the Appeals Arbiter within five (5) calendar days of the issuance of the written determination or the dismissal, as described in Section VIII(I) and Section VII(B), respectively. Appeals can be submitted to the Appeals Arbiter at [scallahan@salemacademycs.org](mailto:scallahan@salemacademycs.org).

If a Party appeals a written determination regarding responsibility or the dismissal of a complaint, the School will:

- i. notify the Parties in writing of any appeal, including notice of the allegation(s), if initial notice, as described in Section VIII(B) above, was not previously provided to the Respondent;
- ii. implement appeal procedures equally for the Parties;
- iii. ensure that the Appeals Arbiter did not take part in an investigation of the allegation(s) or dismissal of the complaint;
- iv. ensure that the Appeals Arbiter has been trained consistent with the Title IX regulations;
- v. communicate to the Parties in writing that the School will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- vi. notify the Parties in writing of the result of the appeal and the rationale for the result within a reasonable timeframe taking into consideration the complexity of the matter.

## K. DISCIPLINARY SANCTIONS AND REMEDIES

Any Respondent determined to be responsible for conduct prohibited by Title IX may be subject to disciplinary action in accordance with the School's policies, ranging from verbal or written warning to expulsion. To the extent a Respondent is an employee, the Respondent may be subject to disciplinary action ranging from verbal or written warning to termination of employment for conduct prohibited by Title IX, violation of this Policy or grievance procedures, and/or violation of the School's employment policies.

If there is a determination that a Respondent's conduct violated Title IX and/or this Policy, a Title IX Coordinator will coordinate the provision and implementation of remedies to a Complainant and any other person(s) the School identifies as having had their equal access to the School's education program or activity limited or denied by any sex discrimination conducted by the Respondent, in accordance with School policies. Such remedies may include, but are not limited to, ensuring that a Complainant can move safely between classes and while at school or on campus such as by providing a campus escort; making changes to class schedules and extracurricular activities to ensure the Parties are separated; providing services, including medical support and counseling; providing academic resources and support; and any other remedies the School deems appropriate.

#### L. RETALIATION PROHIBITED

Retaliation against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual has reported information, made a complaint, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or informal resolution is strictly prohibited. Intimidation, threats, coercion, or discrimination against any person by the School, a student, or an employee or other person authorized by the School to provide aid, benefit, or service under the School's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures outlined herein.

#### M. RECORDKEEPING

The School will maintain for a period of at least seven (7) years:

- i. for each complaint of sex discrimination, records documenting the grievance procedures or the informal resolution process, as applicable, and the resulting outcome;
- ii. for each notification a Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the School took to respond to the information; and
- iii. all materials used to train Title IX Coordinators, Investigators, Decisionmakers, Appeals Arbiters, facilitators of an informal resolution process, and all School employees. The School will make these training materials available upon request by members of the public.

## IX. TRAINING

The School will ensure that its employees, and any other persons responsible for implementing the School's grievance procedures under this Policy, receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this Policy, and annually thereafter. This training must not rely on sex stereotypes.

- i. All employees<sup>2</sup> must be trained on:
  - a. the School's obligation to address sex discrimination in its education program or activity;
  - b. the scope of conduct that constitutes sex discrimination under Title IX or otherwise violates this Policy, including the definition of sex-based harassment; and
  - c. all applicable notification and information requirements described in this Policy.
- ii. In addition to the training requirements for employees, described in subsection (i) above, all Title IX Coordinators, Investigators, Decisionmakers, Appeals Arbiters, and other persons who are responsible for implementing the School's grievance procedures or have the authority to modify or terminate supportive measures must be trained on the following topics to the extent related to their responsibilities:
  - a. the School's obligations to respond promptly and effectively upon receipt of information regarding conduct that may reasonably constitute sex discrimination in the School's education program or activity;
  - b. the School's grievance procedures, as described in this Policy;
  - c. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
  - d. the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.
- iii. In addition to the training requirements for employees, described in subsection (i) above, all facilitators of an informal resolution process, as described in Appendix A to this Policy, must be trained on the rules and practices associated with the School's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
- iv. In addition to the training requirements in subsections (i) through (iii) above, the Title IX Coordinators and their designee(s) must be trained on their specific responsibilities, as described throughout this Policy; the School's recordkeeping system, as described in Section

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<sup>2</sup> The term "employee(s)", as used in Section IX(i), includes individuals employed directly by the School as well as independent contractors, volunteers, advisors, and third-party agents who are performing roles that are directly involved in carrying out the School's Title IX duties, i.e., roles involving the responsibilities of Title IX Coordinators, Investigators, Decisionmakers, facilitators of an informal resolution process, and Appeals Arbiters, as described in this Policy.

VIII(M) above; and any other training necessary to coordinate the School's compliance with Title IX.

**X. QUESTIONS?**

Inquiries concerning the application of Title IX and its implementing regulations may be referred to a Title IX Coordinator designated in Section IV of this Policy and/or to one or more of the agencies listed below.

The Complainant may also file a complaint with one or more of the following agencies, each of which has time limits for filing a claim:

Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8th Floor  
Boston, MA 02109  
Phone: 617-289-0111

Massachusetts Commission Against Discrimination  
1 Ashburton Place, Room 601  
Boston, MA 02108  
Phone: 617-994-6000

United States Equal Employment Opportunity Commission  
John F. Kennedy Federal Building, Room 475  
15 New Sudbury St.  
Boston, MA 02203  
1-800-669-4000

**APPENDIX A: INFORMAL RESOLUTION**

At any time prior to determining whether a Respondent's conduct violated Title IX, the School may, but shall not be required to, offer to a Complainant and Respondent an informal resolution process, subject to the following provisions:

- i. the School has discretion to determine whether it is appropriate to offer an informal resolution process to Parties when it receives information about conduct that reasonably may violate Title IX or when a complaint of sex discrimination is made;
- ii. the School may decline to offer informal resolution (i) despite one or more of the Parties' wishes or (ii) if the School determines that the alleged conduct would present a future risk of harm to others, among other reasons, at the School's discretion;
- iii. informal resolution will not be offered to Parties if the alleged conduct includes an allegation of sex-based harassment against a student committed by an employee or if such a process would conflict with federal, state, or local law;
- iv. a Party's participation in an informal resolution process is not required; it is a voluntary process to which a Party must provide their consent if they wish to participate;
- v. before initiation of an informal resolution process, the School will provide each Party notice that explains the following:
  - a. the allegation(s);
  - b. the requirements of the informal resolution process;
  - c. that any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
  - d. that if the Parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
  - e. the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
  - f. what information the School will maintain and whether and how the School could disclose such information for use in these grievance procedures if such procedures are initiated or resumed.
- vi. the facilitator of the informal resolution process shall not be the same person as the Investigator or the Decisionmaker in the School's grievance procedures; any person designated by the School to facilitate an informal resolution process shall receive training and shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- vii. prior to agreeing to a resolution at the conclusion of an informal resolution process, any Party has the right to withdraw from the informal resolution process and to initiate or resume the School's grievance procedures, as described in Section VIII above;
- viii. potential terms that may be included in an informal resolution agreement include, but are not limited to, restrictions on contact and restrictions on the Respondent's participation in one or more of the School's programs or activities or attendance at specific events; and
- ix. if the Parties come to an agreement, they will each sign an informal resolution agreement that is binding only on the Parties, and the School will maintain records of the informal resolution



process, including any informal resolution agreement the Parties may execute, in accordance with Section VIII(M) above.