



# UNIVERSITY VIEW ACADEMY

## **Title IX Policy and Procedures**

In order to maintain a safe, civil, and supportive learning environment, all forms of sexual harassment and discrimination on the basis of sex are prohibited. This policy covers all University View Academy employees, employees' behaviors, students, and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop in accordance with federal law.

University View Academy's Title IX Coordinator is Lekisha Chambers who can be reached at [lchambers@uview.academy](mailto:lchambers@uview.academy).

### Definitions

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

"Respondent" is an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

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

1. A school employee conditioning an aid, benefit, or service of an education program or activity 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 education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state and federal law.

Behaviors that constitute sexual harassment may include, but are not limited to:

1. Sexually suggestive remarks
2. Verbal harassment or abuse
3. Sexually suggestive pictures
4. Sexually suggestive gesturing

5. Harassing or sexually suggestive or offensive messages that are written or electronic
6. Subtle or direct propositions for sexual favors
7. Touching of a sexual nature

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

“Supportive measures” are non-disciplinary, non-punitive, individualized services and shall be offered to the complainant and the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling
2. Course modifications
3. Schedule changes
4. Increased monitoring or supervision

The measures offered to the complainant and the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the authorized charter school or district to provide the supportive measures.

#### Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment of a student may constitute sexual abuse as defined under state law. In such situations, University View Academy will comply with applicable law and school policies regarding the reporting of suspected abuse to appropriate authorities.

### **Title IX Procedures**

#### Reporting an Incident of Sexual Harassment or Retaliation

It is the express policy of the school to encourage those who have experienced sexual harassment to report such claims. Any student who believes that s/he has been subjected to sexual harassment by any employee, agent, or student of University View Academy should report the incident to the Title IX Coordinator. Students who believe that they have witnessed unlawful sexual harassment should report the incident and the names of the persons involved to the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) in person, by mail, by telephone, or by electronic mail, using the contact information

listed for the Title IX Coordinator herein, or by any other means that results in the Title IX Coordinator receiving the person's report, and such a report may be made at any time, including during non-business hours. Confidentiality will be maintained, and no retaliation will be allowed to occur as a result of good faith reporting of sexual harassment.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the school strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude students who believe they are being subjected to discriminating or harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

### Evidentiary Standard

The respondent is presumed not responsible for the alleged conduct. The school uses the clear and convincing evidence standard in investigations of complaints alleging sexual harassment and any related violations. This means that the investigation determines whether the allegations are highly and substantially more likely to be true than untrue.

### Supportive Measures

The school offers a wide range of supportive measures for students and employees before or after the filing of a formal complaint, or where no formal complaint has been filed. Supportive measures are non-punitive, free individualized services offered as appropriate and as reasonably available to the reporting and responding parties involved in an alleged incident of sexual harassment and that are designed to restore or preserve equal access to the school's education program and activity without unreasonably burdening the other party. Supportive measures include counseling, extensions of deadlines, modification of work/class schedules, and mutual restrictions on contact.

A student may request to receive supportive measures even if they do not choose to participate in the school's complaint resolution process. Requests for supportive measures in connection with an incident of sexual harassment should be made to the Title IX Coordinator. University View Academy will grant such supportive measures, provided they are reasonable and available. The Title IX Coordinator may also initiate supportive measures to immediately respond to the situation.

### Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the complainant and campus community as a whole. The school has the right to order the emergency removal of a respondent, or if the respondent is an employee, place the employee on administrative leave.

### Emergency Removal and Administrative Leave

The school may remove a non-employee respondent from the school's education program or activity on an emergency basis after it conduct an individualized safety and risk analysis and 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. If emergency removal is deemed appropriate, the person the school is removing will be provided with notice and an opportunity to challenge the basis of his/her/their removal. The school may place an employee respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below.

### Time Frame for Investigation and Resolution

While the time frame to resolve a reported incident may vary from case to case, depending on the specific facts and circumstances, it is expected that in most cases complaints will be resolved within 90 days. If the process takes longer than 90 days, both the complainant and respondent will be notified in writing.

### Initial Assessment of Sexual Harassment Allegations

Once a complaint or notice of any allegation of sexual harassment is received, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report, including promptly contacting the complainant to discuss the availability of supportive measures and the process for filing a formal complaint.

### Formal Grievance Procedures

Upon receipt of a formal complaint (a written complaint signed by the complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation), the Title IX Coordinator will provide a notice in writing to the known parties that will:

- Provide notice of the school's Title IX grievance process
- Provide notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview
- Contain a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney
- Inform the parties of any provision in the recipient'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 notice, the Title IX Coordinator will provide notice of additional allegations to the parties whose identities are known.

### Investigation

University View Academy will thoroughly, promptly, and impartially investigate any reported allegations of sexual harassment or retaliation. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge. No information protected by a legal privilege can be used during an investigation unless an individual voluntarily waives it. University View Academy will maintain confidentiality throughout the investigatory process to the extent practicable and as permitted by law.

The school will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to an individual whose participation is invited or expected, with sufficient time for the individual to prepare to participate.

### Evidence Review

Both parties will 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.

Prior to the preparation of the investigative report, the school will send to each party and his/her advisor, if any, the evidence subject to inspection and review. The parties will have at least ten (10) days to submit a written response. The investigator must consider the written response prior to completing the investigative report.

### Investigative Report

The results of the investigation of a formal complaint will be set forth in a written report that will fairly summarize relevant evidence. At least ten (10) days prior to the time of determination regarding responsibility, each party will be able to review the investigative report and provide a written response to it.

### Questions to the Other Party

After the investigative report is sent to the parties and before reaching a determination regarding responsibility, each party will be given the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The 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) will explain to the party proposing the questions any decision to exclude a question as not relevant.

### Dismissal

Upon investigation, a formal complaint must be dismissed under Title IX if:

- (1) the alleged conduct does not meet the requirements for sexual harassment
- (2) the complaint alleges conduct that did not occur in the school's education program or activity; or
- (3) the alleged conduct did not occur in the United States

A formal complaint may be dismissed under Title IX if:

- (1) Respondent is no longer enrolled or employed by University View Academy; or
- (2) Specific circumstances prevent the school from gathering evidence sufficient to reach a determination about the allegation(s).

If a formal complaint is dismissed, the Title IX Coordinator will provide the parties with written notice of the dismissal and the reason(s) therefor. The parties will also receive notice of the parties' right to appeal.

#### Decision-maker

The decision-maker will be free from conflict of interest or bias. In cases where the complainant or respondent objects to the decision-maker on the basis of a conflict of interest, the complainant or respondent may request that the Title IX Coordinator select a different decision-maker. This request must be made to the Title IX Coordinator in writing no later than five (5) business days after the school identifies the decision-maker to the parties.

#### Notice of Outcome

The complainant and respondent will receive simultaneous written notice of the outcome of the investigation. The decision-maker(s), who will not be the same person as the Title IX Coordinator or the investigator and who will be free of conflict of interest or bias, will issue a written determination regarding responsibility that will include the following:

- Identification of the allegations potentially constituting sexual harassment
- 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, methods used to gather other evidence, and hearings held
- Findings of fact supporting the determination
- Conclusions regarding the application of the recipient's code of conduct to the facts
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant
- The recipient's procedures and permissible bases for the complainant and respondent to appeal

#### Disciplinary Sanctions and Remedies

Possible disciplinary sanctions and remedies include written or verbal reprimand, training or counseling, non-academic probation, suspension, and expulsion.

### No Retaliation

The school prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation or proceeding. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

### Responsive Action

Misconduct constituting sexual harassment or retaliation will be dealt with promptly and appropriately. Dishonesty during an investigation or making a false complaint, in bad faith, also constitutes actionable misconduct. Responsive actions for misconduct may include, for example, referral to counseling, monitoring of the offender and/or disciplinary action such as warning or reprimand, suspension, or removal from the school community.

### Appeal

Both the respondent and complainant may request a prompt review of the outcome of the investigation. A party may seek an appeal under the following circumstances:

1. After a mandatory or discretionary dismissal
2. A procedural irregularity affected the outcome of the matter
3. New evidence has been discovered that was not reasonably available at the time of the determination; or
4. A conflict of interest on the part of the Title IX Coordinator, an investigator who compiled the evidence, or a decision-maker, and the conflict of interest affected the outcome of the case.

A request to appeal the outcome of an investigation may be made in writing to the Title IX Coordinator, providing the basis for that request and any evidence to support the request. Upon receipt, the Title IX Coordinator will inform the other party of the request and provide the other party with 7 days to respond, including the submission of evidence if desired. After considering the parties' written statements, the decision-maker on appeal will issue a written decision and send it to the parties simultaneously.

### Informal Resolution

If a formal complaint is appropriate for informal resolution, the school may provide the parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility. The school will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. Similarly, the school will not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.

To commence the informal resolution process, the school will:

- Provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- Obtain the parties' voluntary, written consent to the informal resolution process; and

The school will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.