



Carlos Rosario International Public Charter School

I. DISCIPLINE POLICY

DISCIPLINARY POLICIES

The Carlos Rosario International Public Charter School is a place where all students have the right to come and learn. To allow all students to learn, all students must be respectful of the diverse community. Carlos Rosario students are expected to adopt the shared values of the School community. Carlos Rosario students are lifelong learners who are caring, productive, confident and civic minded. They must be conscientious of the implications of their decisions and should demonstrate empathy, compassion, and respect towards others and themselves.

Student Behavior Expectations

Respect is critical in our diverse community. Students must demonstrate respect through their appropriate actions, words, tone and body language. Unacceptable behavior includes any behavior that infringes on another student's right to learn. These behaviors include, but are not limited to, offensive language and gestures, disrespecting a staff or faculty member, damage to school property, improper use of school equipment, theft, and sexual harassment, making threats against others, harming others, and fighting or committing assaults. Behavior that poses a threat to the health and safety of others may be grounds for immediate expulsion.

Drugs and Alcohol

Students cannot be under the influence of or in possession of non-prescribed drugs, alcohol or any controlled substance while at school or at any school event. Students' use, possession, distribution and sale of drugs/paraphernalia or alcohol is strictly prohibited on school property or at any school sanctioned activities occurring off-site. Distribution or sale of drugs/paraphernalia or alcohol or the intent to do so may warrant an immediate expulsion and possible reporting to authorities.

Weapons

All weapons including, but not limited to, guns, knives, explosives, are strictly prohibited at the School. Violations will lead to DC Metropolitan Police Department involvement and may be grounds for immediate expulsion. Items that appear to be weapons are banned as well.

Discipline Review Process

When a teacher or staff member finds that a student has committed an infraction that may merit expulsion or suspension, he or she will inform a school official of the infraction. The school official will meet with the student to inform the student of the infraction in question and learn what happened from the student's perspective. If the school official finds that the student is in violation and further concludes that the infraction merits expulsion or suspension, the school official will ensure the discipline review process is followed.



Discipline Review Process Policy for Expulsions and Suspensions

Should a student's behavior be deemed to be a serious violation or infraction, the incident will be reported to a designated school official. The school official will meet with the student, hear the student's perspective on the incident, and then as warranted engage in a variety of appropriate interventions that are commensurate with the nature of the infraction. These interventions can range in a variety of measures including but not limited to a verbal or written warning, mandatory consultations with a counselor and/or follow up conferences with a school official. Violations relating to the sale or distribution of drugs, weapons violations or other serious violations that threaten the health and safety of the school community may result in a suspension or an expulsion.

The Discipline Review Process Policy may include the following:

1. Oral or written notice of the charges based on the School's investigation;
2. If the charges are denied, a student must be given an opportunity to explain his/her version of the events to the suspending school official;
3. A suspension may range from 1 to 10 days in length;
4. Expulsion can be for the rest of the semester or the rest of the school year and, in extreme cases, expulsion can be indefinite;
5. The School will conduct an investigation prior to rendering a decision; any decision rendered will be based upon the School's investigation;
6. With respect to any suspension invoked, the student will be informed of its beginning and ending dates;
7. If the student wishes to appeal the decision, the student may submit his/her appeal in writing to the Chief Executive Officer (CEO) of the School. The student is not entitled to appear and discuss the suspension at this second level of appeal. Instead, the appeal will be based on the written submission of the student and other relevant information.

Code of Conduct

In an attempt to provide the best possible instruction everyone must establish a peaceful and harmonious environment for all students, faculty and staff. Carlos Rosario School decisions regarding student behavior and discipline will respect individuals, balance the interests of the school community, and minimize disruption of academic instruction.

All faculty and staff are trained to respond to Code of Conduct violations. However, disciplinary action will be executed only by a Principal or Assistant Principal.

EXPULSION	= Not permitted to attend classes for up to 1 year, or longer in extreme cases
MAJOR SUSPENSION	= Suspension of 6 to 10 days
MINOR SUSPENSION	= Suspension of 1 to 5 days



<u>Major Infraction</u>	<u>Disciplinary Action</u>
1. Possession of, distribution of, or sale of drugs, drug paraphernalia or alcohol	Expulsion or Major Suspension
2. Attending school or school event under the influence of drugs or alcohol	Expulsion or Major Suspension
3. Bringing a firearm or explosive materials to school	Expulsion
4. Providing fake information for enrollment eligibility (i.e., DC Residency)	Expulsion
5. Making Threats	Expulsion or Major Suspension
6. Fighting or assault	Expulsion or Major Suspension
7. Falsely activating alarm system	Major Suspension
8. Sexual harassment	Major Suspension
9. Failure to adhere to health & safety rules (i.e., Fire Drills, etc.)	Major Suspension
10. Possession of a weapon (Including but not limited to: knives, brass knuckles, nunchucks, taser, stun guns, pepper spray, mace or use of everyday items as a weapon)	Major Suspension
<u>Minor Infractions</u>	<u>Disciplinary Action</u>
1. Smoking/Vaping in school (including e-cigarettes)	Minor Suspension
2. Cheating/Plagiarism	Minor Suspension
3. Profane language	Minor Suspension
4. Disruptive behavior/willfully interruption the learning process	Minor Suspension
5. Damage to school property	Minor Suspension
6. Improper use of school equipment	Minor Suspension
7. Solicitation	Minor Suspension
8. Defiant/Confrontational behavior	Minor Suspension



9. Theft	Minor Suspension
10. Vandalism	Minor Suspension
11. Disrespect to any staff or student	Minor Suspension
12. Graffiti or defacing school property	Minor Suspension
13. Improper use of technology equipment	Minor Suspension

Disciplinary action will be executed by the Chief Executive Officer (CEO), Principal, or Assistant Principals with appropriate documentation.

II. ATTENDANCE POLICY

It is important and necessary to attend class every day and to be on time. If a student is going to be absent for any reason, the teacher should be notified in advance. If a student cannot go to class because he/she is sick or has to work the student must notify the teacher directly, or if not possible, call the main office at (202) 797-4700 for the Harvard St. campus or (202) 734-4900 for the Sonia Gutierrez campus, giving the reason and dates of the absence(s). Your teacher may drop you from class if you have lower than 75% attendance in a month. If the School drops a student due to excessive absences (regardless of the nature of the absence), the student may be reinstated depending on timing in the semester and space available. Our policy aligns with what is appropriate for non-compulsory adult basic education. The School makes every effort to accommodate students who wish to return to our programs after exiting.

For School Year 2020-2021, our fall semester will be delivered through Distance Learning. The School serves adult students with significant home, workforce, and parenting responsibilities, and who are not required to be in School, yet even now, during this pandemic, demonstrate significant drive to gain the language and life skills necessary to best navigate and protect their families. The School will continue to employ proven best practices in the field of adult education, including centering student learning in responding to students’ present and longer term goals. The adult learners we serve are among the hardest hit by the COVID19 pandemic, experiencing some of the highest rates of unemployment and COVID19 infection. Their present learning goals primarily relate to workforce (i.e., gaining the skills necessary to regain lost employment and prepare to access future workforce opportunities); basic needs (i.e., learning about and accessing District of Columbia resources and supports); parenting (i.e., supporting their children so they do not fall behind in their education); and their and their family members’ health and wellness during the pandemic. To that end, all elements of the design of the Carlos Rosario School plans are necessarily in alignment with their goals and needs, including attendance monitoring.



III. GRIEVANCE PROCEDURES

COMPLAINT RESOLUTION PROCESS

Carlos Rosario School encourages all students to bring complaints, concerns or grievances to the attention of appropriate Carlos Rosario School officials. A grievance exists when a student claims that a violation, misapplication, or misinterpretation of a Carlos Rosario policy, procedure, or practice has occurred. This process should be used for matters other than discrimination or harassment, which are covered above by separate grievance/complaint procedures. During the Complaint Resolution Process, the School will maintain confidentiality to the greatest extent possible, and the School requests that participants in the complaint resolution process do so as well.

A student who wishes to file a complaint or grievance other than those related to discrimination or harassment, which should be immediately reported to the Chief Executive Officer (CEO), should first attempt to informally resolve the issue at its source with the person whom he or she believes has violated, misapplied, or misinterpreted the policy or procedure. If the student does not believe that he or she is capable of resolving the matter in this way, he or she is encouraged to meet and discuss the incident with the appropriate supervisor/ administrator/official, or with the director of supportive services, who is available to provide guidance through the informal process.

If the student is not satisfied with the result of the informal process, the student may pursue the matter submitting in writing to the Chief Executive Officer (CEO) a detailed account of the complaint or grievance committed and a reason for which the grievance could not be resolved informally. The Chief Executive Officer (CEO) will make the final decision regarding the grievance.

Below you will find a listing of all current Board Member names and titles. If you wish to contact the Board of Trustees because the issue cannot be resolved with School leadership alone, please call: 202-797-4700 ext. 720.

Members:

- Patricia Sosa - Chair
- Brahim Rawi - Vice Chair
- Margaret Yao - Secretary
- James Moore - Treasurer
- Yeshimebeth T. Belay - Member
- Allison R. Kokkoros - *Ex Officio* Member
- Bo Pham - Member
- Vilma Rosario- Member
- Hector Torres - Member
- Johan Uvin – Member



IV. NON-DISCRIMINATION POLICY

Carlos Rosario International Public Charter School does not discriminate on the basis of race, color, national origin, sex, disability or age in its program and activities. Carlos Rosario School also prohibits discrimination in its programs and activities with regard to religion, ethnicity, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, political affiliation, familial status, source of income, or other status protected by applicable law.

V. FAMILY AND EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA) NOTICE

The federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, gives Eligible Students (Students who are age 18 or older) and their Parents (for Students under age 18) certain rights with respect to the Student's education records.

- (1) **The right to inspect and review** the student's education records within 45 days of the day the School receives a written request for access. Eligible Students or Parents should submit to the Registration Department a written request that identifies the particular record(s) they wish to inspect. The Registrar or other appropriate school official will arrange for access and notify the Eligible Student or Parent of the time and place where the records may be inspected.
- (2) **The right to request amendment** of the Student's education records that the Eligible Student or Parent believes are inaccurate (e.g., clerical error), misleading or otherwise in violation of the Student's privacy rights under FERPA. Amendments requests regarding substantive matters (such as academic decisions or disciplinary matters) are not covered by FERPA and as a result are not covered by this procedure. Eligible Students or Parents who wish to ask the School to amend the Student's education records should write the School's Registrar, clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the Eligible Student or Parent, the School will notify the Eligible Student or Parent of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the Eligible Student or Parent when notified of the right to a hearing.
- (3) **The right to provide written consent to disclosures of personally identifiable information (PII)** contained in the Student's education records, except to the extent that FERPA authorizes disclosure without contest. For example, one exception which permits disclosure without consent is disclosure to School officials with legitimate education interests. A School official is a person employed by the School as an administrator, supervisor, instructor, academic support or other support staff member (including student services, accountability and assessments staff); a person serving on the School's Board; a person, company or organization with whom the School has contracted to perform certain tasks (such as security, testing, or consulting); an official of another school or program where a Student seeks or intends to



enroll, or where the Student is already enrolled; or a parent, student or other volunteer serving on an official School committee or assisting another School official in performing School tasks. A School official has a legitimate education interest if the official needs to review an education record in order to fulfill their professional responsibility.

- (4) **The right to withhold disclosure of directory information.** At its discretion, the School may disclose basic “directory information” that is generally not considered harmful or an invasion of privacy without the consent of Parents or Eligible Students in accordance with the provisions of DC requirements and FERPA. In general, the purpose is primarily to allow the School to include Student information in certain School programs or publications, such as the Annual Report and School graduation programs. Directory information includes:
1. Student name, including legal name and chosen name
 2. Address
 3. Telephone number
 4. E-mail address
 5. Photograph
 6. Date and place of birth
 7. Country of origin
 8. Grade level
 9. Program and level enrolled in or completed
 10. Dates of attendance
 11. Participation in officially recognized activities, clubs and sports
 12. Degrees, certificates, honors, and awards received
 13. Program completion or graduation
 14. Other educational institutions admitted to, attending or attended
 15. Results of School lottery for available class spaces, which may include lottery ticket number, partial student ID number, and class space randomly selected for, in addition to other directory information.

Eligible Students or Parents may instruct the School to withhold any or all of the directory information identified above by completing the attached “Directory Information Opt-Out Form.” Eligible Students or Parents need to complete and submit this Form to the Registration Department within the first two weeks of the semester or, for those who enroll later, within two weeks of enrolling in School and receiving this Notification. A new Notice and Opt-Out Form will be distributed each school year.

- (5) **The right to file a complaint** with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-8520.
- (6) This Notice will be provided to Eligible Students or Parents at least once a year, and more frequently if appropriate.



- (7) Anyone with questions should contact the School's designated FERPA Coordinator, Lynold McGhee, the School's Director of Learning and Evaluation, who may be reached at (202) 797-4700 ext. 196 or lmcghee@carlosrosario.org.

Student on Student Sexual Harassment Policy under Title IX

Sexual Harassment Prohibited

Sexual harassment is strictly prohibited on School grounds, property immediately adjacent to School grounds, at School sponsored or School related activities, functions or programs whether on or off School grounds, on or off School bus or other vehicles owned, leased or used by the School, or through the use of technology or an electronic device owned, leased or used by the School.

Retaliation against a student, volunteer or staff member who reports sexual harassment, provides information about any such acts, witnesses any such acts, or who testifies, assists, participates or refuses to participate in an investigation, proceeding or hearing is also prohibited.

Administrators will make expectations clear to students and staff that sexual harassment will not be tolerated and will be the grounds for disciplinary action up to and including suspension and dismissal for students. In the event that anyone designated with Title IX responsibilities under this policy is the subject of a Title IX complaint, another person will be designated.

Title IX Coordinator

The individual designated to coordinate the School's response to reports or complaints of sexual harassment and for overseeing the School's compliance with Title IX as it relates to students is:

Kristine Dunne, General Counsel, Carlos Rosario International Public Charter School, 1100 Harvard St, NW, Washington, DC 20009, 202-797-4720, kdunne@carlosrosario.org

Definitions

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

Formal complaint means a document filed by a complainant, complainant's parent/guardian (if complainant is a minor) or by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

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

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

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)¹, “dating violence” as defined in 34 U.S.C. 12291(a)(10)², “domestic violence” as defined in 34 U.S.C. 12291(a)(8)³, or “stalking” as defined in 34 U.S.C. 12291(a)(30)⁴.

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

Dating violence is defined as violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

Retaliation is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX.

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 recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive

¹ An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

² Violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

³ Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

⁴ Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

measures may include, for example, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Response to Reports

Any individual may report sexual harassment, sexual assault or dating violence – reports do not have to be made by the victim. Such reports can be made in person, by mail, by telephone, or by email, using the contact information listed for the Title IX coordinator or by any other means that result in the Title IX coordinator receiving the report.

All staff members are required to report any sexual harassment, sexual assault, or dating violence they witness or are made aware of. Staff members should immediately record all such incidents in accordance with School procedures and notify the Title IX Coordinator or other administrator on duty.

Any student who believes that they have been the target of sexual harassment or who is aware of such acts is strongly encouraged to promptly report the matter orally or in writing to the Title IX Coordinator Kristine Dunne (address: Carlos Rosario International Public Charter School, 1100 Harvard St, NW, Washington, DC 20009, phone: 202-797-4720, email: kdunne@carlosrosario.org), an administrator, or to any other faculty or staff member or member with whom the student is comfortable speaking. Also, any student who is subject to retaliation in violation of this policy or who knows of another student who has been subject to retaliation is urged to report it as soon as possible.

Anyone else who witnesses or becomes aware of sexual harassment, sexual assault or dating violence is also strongly urged to promptly notify the Title IX Coordinator.

When a report is made without a formal complaint, the Title IX Coordinator will:

- Promptly contact the complainant to discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint;
- Explain to the complainant the process for filing a formal complaint.

If the complainant does not wish to proceed with a formal complaint, the complainant's wishes will be respected unless the Title IX Coordinator determines that initiating an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

The School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the School's ability to provide the supportive measures. Supportive measures provided on a case-by-case basis may include, but are not limited to, the following:

- Developing a safety plan;
- Providing counseling or other related supports;
- Extension of deadlines or other course-related adjustments;
- Class/schedule changes;
- Leaves of absence;
- Allowing the complainant to withdraw from a class without penalty;
- Providing increased monitoring, supervision, or security at the locations or activities where the misconduct occurred;
- Providing an escort to ensure that the reporting student feels safe throughout the School building;
- Requiring mutual restrictions on contact between the parties;
- Providing academic support, such as tutoring, for the reporting student;
- Providing referrals to community-based services;
- Providing training and education materials for students and employees;
- Distributing the School's policies on sexual misconduct; or
- Conducting climate surveys regarding sexual misconduct.

The School may not impose disciplinary sanctions (or other sanctions that are not “supportive measures”) against the respondent without conducting a formal investigation. However, the School may remove a respondent on an emergency basis if:

- It undertakes an individualized safety and risk analysis;
- Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

A formal complaint may be filed by the complainant, the complainant's parent/legal guardian (if complainant is a minor), or the Title IX coordinator if they determine that a formal investigation is needed.

Mandatory Reporting

If the School becomes aware of a report or allegation of sexual assault, sexual abuse, child abuse, or child neglect in addition to its own response, the School will also make a referral to DC Child and Family Services Agency (CFSA) (for minors) and/or DC Metropolitan Police Department (MPD) pursuant to mandatory reporting requirements.

Informal Resolution Processes

The Title IX Coordinator may offer and facilitate informal resolution, such as mediation, so long as both parties give voluntary, informed, written consent to attempt informal resolution. The School will not require participation in informal resolution as a condition of enrollment. The School will not condition informal resolution on the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The School will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed. At

any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation process with respect to the formal complaint.

Training

Title IX personnel involved in the informal resolution process and/or reporting and investigation processes will receive training on the following:

- The definition of sexual harassment;
- The scope of the School's education program or activity;
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes that protects the safety of complainants and promotes accountability;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- Issues of relevance, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigations of Formal Complaints

The School will promptly investigate any formal complaints received. Respondents will be presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.

Once an investigation is concluded, further steps will be taken as needed to interrupt or stop each specific act of sexual harassment, prevent its recurrence, and address its effects, regardless of whether the incident is the subject of a criminal investigation.

Formal complaints by students against other students⁵ will be investigated by the School Vice Principal (Harvard Street Campus Vice Principal Alice-Ann Beachy or Sonia Gutierrez Campus Vice Principal Aracelly Watts). Once the investigation is complete, a decision will be rendered based on all of the evidence available. The decision-maker will be the School Principal (Harvard Street Campus Principal HollyAnn Fresno-Moore or Sonia Gutierrez Campus Principal Karen Rivas) or designee.

Information for Complainants

Within two (2) business days of receipt of a formal complaint, the Title IX Coordinator will provide information to the complainant about:

⁵ Formal complaints by students against School employees or third parties will be investigated under the Employee Sexual Harassment Policy under Title IX. Formal complaints by School employees against students will also be investigated under the School's Employee Sexual Harassment Policy under Title IX.

- The investigation process and informal resolution process including 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 investigation process;
- The allegations including sufficient details known at the time including the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, sexual assault and/or dating violence, and the date and location of the alleged incident, if known;
- The complainant's right to have an advisor of his/her choice who may be, but is not required to be, an attorney;
- The right to inspect and review evidence;
- The prohibition against knowingly making false statements or knowingly submitting false information during the investigation process; and

Information for Respondents

Within two (2) business days of receipt of a formal complaint, the Title IX Coordinator will provide information to the respondent about:

- The investigation process and informal resolution process including 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 investigation process;
- The allegations including sufficient details known at the time including the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, sexual assault and/or dating violence, and the date and location of the alleged incident, if known;
- The respondent's right to have an advisor of his/her choice who may be, but is not required to be, an attorney;
- The right to inspect and review evidence; and
- The prohibition against knowingly making false statements or knowingly submitting false information during the investigation process.

Investigation

Complaints of sexual harassment covered by this Title IX Policy will be investigated in an adequate, reliable and impartial manner. (All other sexual harassment concerns will be addressed through the School's Complaint Procedure for Discrimination or Harassment.) The School will make every effort to complete the investigation within thirty (30) days of receipt of a formal complaint. Extensions of this timeline will be permitted for good cause. If such an extension is exercised, the investigator will notify each party in writing of the reason for the extension. At the conclusion of the investigation period, the investigator will prepare an investigative report to share with the parties and decision-maker as outlined below.

The School will make every effort to protect confidentiality during the course of the investigation. The individual responsible for conducting the investigation will be responsible for making determinations about confidentiality.

Each investigation will include an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The School will bear the burden of gathering evidence to reach a determination regarding responsibility for the alleged conduct. This investigation will include, as necessary, interviewing witnesses, obtaining documents, and allowing the complainant and respondent to present any inculpatory and exculpatory evidence including witnesses.

The complainant and respondent will have the same opportunity to have others share information on their behalf during any investigative proceeding and to be supported during any proceeding by an advisor of their choice who may be, but is not required to be, an attorney. The parties will be provided written notice if they are invited to participate in any investigative proceeding in person. The notice will include the date, time, location, participants, and purpose of any such proceeding, with sufficient time for the party to prepare to participate.

Each party will have the same opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Subject to the parties' agreeing to follow nondisclosure requirements, the evidence will be sent to each party in electronic format or hard copy at least 10 days prior to the completion of an investigative report so that the parties have an opportunity to submit a written response.

Upon its completion, the investigator will send to each party and the decision-maker an investigative report that fairly summarizes relevant evidence. The parties will be given at least ten (10) days to respond to the investigative report as outlined below.

Decision Making

At least ten (10) days prior to a decision being rendered, each party will have an opportunity to submit a written response to the investigative report which may include written, relevant questions that a party wants asked of any other party or witness. The decision maker will gather responses to those questions and provide those responses in writing to each party. The parties will have three (3) additional days to submit additional, limited follow-up questions. The decision-maker will make determinations about what questions are relevant. 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 will review all evidence gathered through the investigative report and responses from each party and will make a determination as to responsibility for the alleged conduct. The decision-maker will use a preponderance of the evidence standard (i.e., preponderance evidence establishes that the allegation is more likely than not to have occurred) to determine responsibility. Once a determination is made, a written decision will be issued to both parties and will include the following:

- Summary of the allegations;
- Summary of the course and outcome of the investigation including any notifications to the parties, interviews with parties and witnesses, and other methods used to gather evidence;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the policy and 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 to be imposed on the respondent, and what other supportive measures will be made available to the complainant;
- Information about the procedures for appeal.

The decision-maker may notify appropriate law enforcement agencies if School staff determine that the behavior cannot be safely and appropriately handled through School-based disciplinary action. Law enforcement agencies will be notified if mandatory reporting requirements are triggered.

Appeals

Any party who not satisfied with the outcome of the investigation may appeal in writing to the CEO Allison R. Kokkoros or their designee. Appeals must be made within 30 days of the conclusion of the initial investigation. When an appeal is made, both parties will be notified of the appeal and will be given an opportunity to respond. The decision-maker for the appeal will not be the same decision-maker that reached the determination regarding responsibility, the investigator or the Title IX Coordinator.

The secondary investigation shall be completed within 30 days of receipt of an appeal, unless: (1) circumstances require additional time to complete a thorough investigation; (2) the higher-level authority sets forth those circumstances in writing; (3) the additional time is not to exceed 15 days. Upon completion of the appeal, the complainant and respondent will be notified in writing of the outcome of the appeal and the rationale for the result, any change to the result of the initial investigation and when such results become final.

Possible Responses When it is Determined that Sexual Harassment, Sexual Assault or Dating Violence Occurred

Remedies after an investigation concludes may include but are not limited to the following:

- Disciplinary responses consistent with the student code of conduct
- Restriction on student involvement in School programs and activities
- Restrictions on student movement in the building

- Counseling or other support services for the respondent
- Safety plan/no contact requirements