

## DEARBORN ACADEMY TITLE IX POLICY

**20 U.S.C. § 1681** states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance”

Our school is committed to the health, safety and welfare of our students and employees. We do not and will not tolerate any form of discrimination on the basis of sex in our educational program or activities. We are committed to fostering and maintaining an educational environment and workplace that is free from all forms of sexual misconduct, including sexual assault and harassment. This policy covers all faculty, staff, Board members and volunteers.

### **Definitions**

#### **Sexual Harassment**

1. Any instance of quid pro quo harassment by an employee; or
2. Unwelcome conduct on the basis of sex that is sufficiently severe and pervasive and objectively offensive, effectively denying a person equal educational access; or
3. Any instance of sexual assault, dating violence, domestic violence, or stalking.

Sexual harassment is conduct that is sexual in nature; is unwelcome; and denies or limits a student or employee's ability to participate in or benefit from the school environment. Examples may be unwelcome sexual advances, sexual exploitation, requests for sexual favors and other verbal or non-verbal or physical conduct of sexual nature. These lead to the creation of intimidating, hostile and offensive working environments. Such conduct can be carried out by school employees, students, non-employee third parties, etc. Examples of sexual harassment include:

Engaging in unwelcome sexual conduct towards an individual including offensive comments, touching or sexual propositions;

Conditioning a performance evaluation, promotion, salary increase, vacation, or other job benefit on an individual's submission to sexual demands; or

Taking or failing to take personnel action as a reprisal against any individual for reporting incidents of sexual harassment or cooperating in an investigation of sexual harassment.

This conduct may occur in school facilities or at off-campus locations (on a bus, during a field trip, at a training, etc.). Such conduct does not generally include legitimate nonsexual touching or conduct. However, if such conduct takes on sexual connotations, this conduct could rise to the level of sexual harassment.

Sexual Violence is a type of sexual harassment, referring to physical sexual acts perpetrated against a person's will or where a person is unable to give consent.

Gender-Based Harassment is another type of sexual harassment, referring to harassment based on gender identity or nonconformity with sex stereotypes. This type of harassment may not involve conduct that is sexual in nature.

Consent indicates clear, voluntary and knowing agreement and permission. It may be withdrawn at any point. Consent may not be possible due to age or disability.

Under Title IX, all students and employees are protected from sex-based harassment, regardless of the sex of the perpetrator or complainant. Included in such prohibition are claims of discrimination based on gender identity and sexual orientation.

It is our responsibility to be sure any sexual violence does not sufficiently limit or deny any of our student's or employee's ability to participate in or benefit from our educational environment, respond with prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent recurrence, and as necessary remedy its effects.

**The Process:** We encourage the reporting of all incidents of sexual harassment regardless of whom the offender may be or where the incident occurred. Any employee who believes that they have been subjected to sexual harassment is urged to take the matter up immediately with their supervisor, Program Director/Head of School or the Schools for Children Executive Director. Anyone who knows or has reason to believe that another person is or has been subjected to sexual harassment should report the matter promptly in a similar fashion.

Upon receiving any information to suggest sexual harassment/discrimination/violence we will begin the grievance process (as described below under "Grievance Procedures") to assess the situation and, as appropriate, consider supportive measures, conduct an investigation, make a determination of responsibility, take appropriate actions including any disciplinary measures, and provide for an appeal. If the investigation identifies a hostile environment, we will take necessary steps reasonably calculated to eliminate the hostile environment, prevent recurrence, and as necessary remedy its effects.

We are required under Title IX to protect the complainant and ensure this individual's safety, which may require taking interim steps to protect the individual during the investigation. Interim steps minimizing the burden on the complainant will be determined considering the specific incident and situation currently affecting the complainant. Title IX allows for emergency removal under certain conditions (such as an immediate threat to the physical health or safety of the complainant). In relation to employees, it additionally allows for administrative leave during an investigation. We will provide the complainant with updates on the status of the investigation as it progresses. We will also provide the complainant with knowledge of all resources available to them and the right to report the incident to local law enforcement.

Any sexual violence towards any of our students with disabilities may require additional assistance and support. Any sexual conduct will also fall under other federal civil rights laws (Rehabilitation Act of 1973- Section 504 and Title II of the American Disabilities Act of 1990).

Questions concerning Title IX may be directed to the director/head of school or to the Title IX coordinator. The Title IX coordinator is part of a team that includes the roles of informal resolution facilitator, investigator, decision maker, and appeal officer. Their roles and responsibilities are also listed below under "Grievance Procedures."

**Policy Training and Dissemination:** Our school employees are trained and aware of their obligations under state and local laws in this area. They are also aware of the consequences for failing to satisfy those obligations. Our trainings inform employees on their obligation to report, who and how to report possible incidents, and the appropriate steps that need to be taken after notification of sexual violence or harassment has occurred.

Our Title IX policy is distributed and made available to students, families of students, and employees. We will work with our students to help them better understand our sexual violence, harassment, and discrimination prevention policies and procedures. If a student does experience sexual violence, we will provide supports and assistance as necessary.

We will endeavor to ensure that all employees are familiar with this policy and know that any complaint received will be thoroughly investigated and appropriately resolved. Beyond the investigation which will occur by this agency in any instance of reported sexual harassment, employees are advised that the Massachusetts Commission Against Discrimination (located at One Ashburton Place, Boston, Massachusetts), the Equal Employment Opportunity Commission (located at One Congress Street, Room 1001, Boston, Massachusetts) and the Department of Education's Office for Civil Rights investigate formal complaints of sexual harassment.

**Retaliation:** Retaliation from the perpetrator or any individual from our school in response to a complaint is prohibited under Title IX. Prohibited retaliation includes any retaliation against any individual who filed the complaint or any individual participating in the Title IX investigation, hearing or proceeding. Our school will ensure that individuals are not intimidated, threatened, coerced or discriminated against for engaging in this process.

**Discipline:** Anyone who sexually harasses another person will be subject to disciplinary action up to and including termination of their relationship with the agency. Any unlawful retaliatory action including intimidation, threats or coercion taken against a person because the person complains of sexual harassment in good faith or assists in an investigation of sexual harassment will also result in disciplinary action up to and including termination. Schools for Children does not permit retaliatory action based on good faith complaints of sexual harassment.

Under Title IX regulations, the school cannot discipline for any violation of the code of conduct until the complaint goes through the Title IX process. Title IX regulations take precedence. Only after a written determination of responsibility has been made and the appeal process has been completed (or the timeline for an appeal has expired) can a process begin under which potential discipline under separate cover is considered.

**Grievance Procedures:** Students, faculty, staff, administrators and other members of the Schools for Children community who believe they have been sexually harassed or discriminated against on the basis of sex (whether by students, faculty, staff, administrators, contractors or others) should contact the Title IX Coordinator. Schools for Children strongly encourages each

complainant to put his or her complaint in writing, providing a detailed description of the alleged events that are the basis for the complaint and a list of witnesses to the events. Written complaints should be submitted directly to the Title IX coordinator.

Upon notification of a complaint, the Title IX Coordinator will conduct a prompt and thorough investigation of any sexual harassment or discrimination complaint, interviewing the complainant and other witnesses as needed. The investigation will be kept as confidential as is feasible in light of the duty of Schools for Children to review and address sexual harassment and other forms of sex discrimination.

The complainant will generally not be provided information of specific disciplinary action taken against other persons, unless the disciplinary action will directly impact the complainant, such as whether and/or when the subject(s) of the complaint may be present in the school environment.

The roles and responsibilities of the Title IX team through the grievance process are as follows:

- The **Title IX coordinator** is responsible for overseeing our school's response to all reports and complaints of sex discrimination. They receive informal report and/or formal complaints of sexual harassment, consider supportive measures, conduct an initial assessment, and determine if a complaint is dismissed or sent on to an investigator. Upon first receiving a complaint, the Title IX coordinator and director/head of school may review the situation and implement interim (non-disciplinary) supportive measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe education and work environment. Examples of potential supportive measures include counseling, extension of deadlines, modifications of work or class schedules, mutual restrictions of contact, escort services, changes in work locations, increased security and monitoring. Supportive measures must be kept confidential unless both parties need to know, such as in the case of a no-contact or stay-away order.
- Prior to the initiation of a formal procedure, but *after* a formal complaint has been filed, an **informal resolution facilitator** may engage the parties in a voluntary process, such as mediation or restorative justice, for informal resolution. This is not a confidential process, and any party can withdraw from it at any time. The informal resolution process may not be used in cases that involve sexual assault, that involve the sexual harassment of a student by an employee, or when the complaint is also the subject of a criminal complaint or investigation.
- The **investigator** is responsible for completing an impartial investigation by seeking and gathering evidence, interviewing parties and witnesses, maintaining investigation records and notes, and writing an investigative summary report. (Note: The Title IX coordinator may serve as the investigator or the informal resolution facilitator, but not both of these other roles.) The investigator must provide all parties with the opportunity to review all evidence *directly related* to the allegation. The investigator may request confidentiality, but parties can still discuss the allegations and gather and present relevant evidence. They cannot give a "gag order."

- The director or head of school, in the role of the **decision maker**, will review the investigative report, evidence, and statements from all parties. Based on their determination of the facts and whether those facts meet the definition of sexual harassment under Title IX, the decision maker will make a determination of responsibility or non-responsibility. The decision maker will determine appropriate sanctions against the perpetrator and remedies for the complainant. The written determination should include the procedural steps taken, the findings of fact, the conclusions as to whether the alleged conduct occurred, the disciplinary sanctions to which the respondent may be subject, whether remedies were provided to the complainant, and procedures and bases for appeal. Any remedies provided to the complainant designed to restore or preserve equal access to their education program must be kept confidential; the written determination should indicate whether there were remedies (without detailing them).
- An appeal can be made to the **appeal officer**, the Executive Director of Schools for Children. Notice of the right to appeal, along with the contact information is required. The appeal officer will determine if an appeal can move forward, will review the investigation report and other evidence, along with statements from all parties, and complete a written determination describing the outcome of the appeal and the rationale. Appeals can be made based only on a procedural irregularity that affected the outcome, a newly-discovered evidence that could affect the outcome, and/or a Title IX staff member who had a conflict of interest or bias that affected the outcome.

Not all forms of sex-based misconduct will be deemed to be equally serious offenses, and the school reserves the right to impose different sanctions depending on the severity of the offense and/or offender history.