

## **The Learning Center Title IX Policy**

### **SEXUAL HARASSMENT GRIEVANCE PROCEDURE FOR EMPLOYEES**

The board takes seriously all complaints of discrimination. Any employee with a complaint of discrimination or harassment, other than sexual harassment, is encouraged to notify school officials and seek either an informal resolution or submit a grievance.

### **DEFINITIONS**

*Respondent:* the employee, student or visitor alleged to have harassed the complainant.

*Complainant:* employee complaining of being sexually harassed.

*Days:* The working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance.

*Coordinator:* Publicly known representative of The Learning Center who is responsible for monitoring the overall implementation of policies and compliance with Title IX in all areas covered by the regulations.

*Investigator:* The school official responsible for facilitating interviews of the complainant, witness(es) and respondent, documenting and making the concerned parties aware of the status of investigation proceedings, and issuing an investigative report summarizing evidence before a determination regarding responsibility is made.

*Decision Maker:* The school official tasked with issuing a determination regarding responsibility after reviewing the evidence and findings of the investigation

*Appeals Board:* The job of the appeals board is to review the case and determination and issue a ruling at the conclusion of the review.

### **TIMELINESS OF PROCESS**

The number of days indicated at each level should be considered a maximum and every effort should be made to expedite the process.

Failure by the investigator at any step to communicate a decision within the specified time limit will permit the complainant to appeal the complaint to the next step unless the investigator has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation or report. The investigator will make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays are not permitted that interfere with the exercise of any legal rights.

Failure by the complainant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay in writing, the reason for the delay and the investigator has consented in writing to the delay.

### **GENERAL REQUIREMENTS:**

- No reprisals of any kind will be taken by the appeals board or by an employee of the school against any complainant or other student or employee on account of his or her participation in a complaint filed and decided pursuant to this policy.
- All meetings and hearings conducted pursuant to this policy will be private.

- The appeals board and school will consider requests to hear complaints as a group, but the appeals board and officials have the discretion to respond individually to complainants.
- The complainant may have a representative, including an attorney, at any stage of the complaint.

## **PROCESS FOR COMPLAINT**

The steps for reporting a Title IX complaint are as follows, and are detailed below:

1. Assess the Situation
2. Evaluate Appropriate Interim Measures
3. Establish Timelines and Initiate an Investigation
4. Interview the Complainant, Witnesses, and the Respondent
5. Prepare a Summary or Report
6. Issue Investigation Findings
7. Keep Records

### **1. Assess the Situation**

The Coordinator will:

- Receive the initial complaint, orally or in writing, from the complainant.
- Determine the initial investigation strategy, determine any mandatory and discretionary reporting obligations, and provide a written notice of the allegations to both the complainant and respondent.

Note: A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. The grievance must include at a minimum, a description of the events or circumstances giving rise to the complaint and, if known, the names of any individuals the complainant believes are responsible for or have knowledge concerning the alleged harassment. For a grievance submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, the Coordinator will determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations.

### **2. Evaluate Appropriate Interim Measures**

The Coordinator will:

- Determine any interim non-disciplinary, non-punitive measures that need to be put into place to protect or support the complainant and/or respondent.

### **3. Establish Timelines and Initiate an Investigation**

The Coordinator will:

- Notify the complainant of the timeline for completing the investigation
- Notify the respondent that a complaint has been filed against him/her
- Send written notice to the parties of any investigative interviews, meetings, or hearings
- Update the timeline as need and keep the parties apprised of any delays or extensions while documenting these delays

### **4. Interview Complainant, Witnesses and Respondent**

The Investigator will:

- Determine who should interview the parties
- Obtain all facts regarding the incident

- Preserve evidence and documentation provided by the parties
- Allow the complainant/witness(es)/respondent to have an advisor (who may be an attorney) to support person present
- Ask for the names of other potential witnesses
- Maintain neutrality
- Listen calmly and respectfully

#### 5. Prepare a Summary or Report

Investigator will:

- Send all parties, and their advisors, all evidence directly related to the allegations.
- Provide at least 10 days for the parties to inspect, review, and respond to the evidence.
- Allow each party the opportunity to submit written, relevant questions that a party wants asked of any part or witness, provide each part with the answers, and allow for additional limited follow-up questions from each party

#### 6. Issue Investigation Findings

Decision Maker will:

- Prepare an investigation findings letter for the complainant and respondent
- Detail the steps taken during the investigation and the evidence considered

The investigation findings letter will include:

- The findings of fact based on evidence gathered
- Conclusions of law about whether the alleged conduct occurred
- Disposition of the complaint, with rationale for the disposition as to each allegation
- Corrective actions taken
- Whether remedies will be provided to the complainant
- Notice to both parties of their right to appeal the decision

Both Complainant and Respondent may appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or an allegations therein

#### 7. Record Keeping

The school will keep the following records for 7 years:

- Sexual harassment documents
- Appeals and results therefrom
- Informal resolution and results therefrom
- All materials used to train staff members

### **INFORMAL RESOLUTION**

The board acknowledges that reports of harassment, including sexual harassment, may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the director or other appropriate personnel must notify the complainant of his or her option to request formal procedures at any time and must make a copy of this policy and other relevant policies available. In those circumstances where informal procedures fail or are inappropriate or where the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the following procedure. No student is required to resolve the issue of harassment directly with the individual alleged to have harassed him or her. In some cases, informal resolution is not appropriate even on a voluntary basis.

**NOTICE**

The Head of School is responsible for providing notice to students, parents and employees of the procedures for reporting and investigating complaints of sexual harassment. This shall include posting the Sexual Harassment Complaint Procedure for Employees in school buildings.

Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. 200e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commissions' "Final Amendment Guidelines on Discrimination Because of Sex"

*Approved August 11, 2020*