



Title IX Policy for Sexual Harassment

I. Purpose

Blue Ridge Academy (“School”) is committed to maintaining a safe and respectful school environment that is free from discrimination and harassment. Title IX of the Education Amendment Act of 1972 (“Title IX”) prohibits discrimination on the basis of sex, including sexual harassment, in the School’s education programs and activities.

II. Scope and Jurisdiction

This Policy applies only to complaints that fall within the definition of “Sexual Harassment” under Title IX. Sexual Harassment under Title IX means conduct on the basis of sex that falls within one or more of the following categories:

1. A school employee conditioning the provision of a school aid, benefit, or service on an individual’s participation in unwelcomed sexual conduct.
2. Unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking (as those terms are defined in 34 CFR section 106.30).

All other sex discrimination or sexual harassment-related complaints or allegations that do not fit the definition of Sexual Harassment will be investigated through the School’s Uniform Complaint Procedures. The School’s Title IX Coordinator shall determine whether allegations should be investigated under this Title IX Policy or under the Uniform Complaint Procedures.

III. Title IX Personnel

The School has designated the following individual as its Title IX Coordinator to coordinate its efforts to comply with Title IX:

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| Name: | Samantha Haynes |
| Address: | 955 Stanislaus Street Maricopa, CA 93252-9779 |
| Phone: | (805) 638-7321 |
| Email: | samantha@theblueridgeacademy.com |

The Title IX Coordinator may designate other individual(s) to fulfill all or part of their duties. In addition to the Title IX Coordinator, the following Title IX Personnel will be involved in the formal complaint process:

- **Investigator**: The individual responsible for gathering all evidence related to the complaint. This individual will create an “Investigation Report” which will summarize the relevant evidence.
- **Decision-Maker**: The individual responsible for evaluating evidence in order to make a determination regarding the formal complaint. The Decision-Maker submits a written determination of findings to the parties. The Decision-Maker cannot be the Title IX Coordinator, the Investigator, or any individual involved in the investigation of the complaint.
- **Title IX Appeals Officer**: If applicable, this individual is responsible for evaluating an appeal of the final determination. The Title IX Appeals Officer cannot be the Title IX Coordinator, Investigator, or any individual involved in the investigation of the complaint.

All Title IX Personnel will receive training in accordance with Title IX requirements. Title IX Coordinator must ensure individuals responsible for investigating a formal complaint are neutral.

IV. Reporting Allegations of Sexual Harassment

Any individual (e.g., an individual who is alleged to be a victim of Sexual Harassment or a parent/guardian of a student who is alleged to be a victim of Sexual Harassment), may submit a report of Sexual Harassment to the School’s Title IX Coordinator, or any other available School employee who shall immediately forward the report to the Title IX Coordinator.

Upon receiving such a report, the Title IX Coordinator will inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.

A formal complaint, with the complainant’s physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, or by e-mail. A complainant may use the attached Title IX form to submit a formal complaint.

V. The School’s Initial Response to Report of Sexual Harassment

Upon receipt of a report (written or oral) of Sexual Harassment, the Title IX Coordinator or his/her designee will take the following steps:

1. **Contact Complainant and Determine Need for Supportive Measures**: Title IX Coordinator will immediately contact the complainant and respondent¹, whether or not a formal

¹ The “complainant” is the individual who is alleged to be the victim of conduct that could constitute Sexual Harassment. The “respondent” shall mean the individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

complaint has been filed, to discuss the availability of supportive measures to stop the harassment, protect students, and ensure access to the educational program. If a formal complaint was not filed, explain to complainant the right to file a complaint and the process for filing a formal complaint.

- a. Supportive measures will be nondisciplinary and nonpunitive and shall be available at any point during the Title IX investigation. Supportive measures may include, but may not be limited to: wellness check-ins, counseling services, extension of deadlines or course-related adjustments, modifications of work or class schedules, or changes of work locations, leaves of absences. Title IX Coordinator is responsible for implementing the supportive measures.
2. Determine Need for Emergency Removal: Title IX Coordinator will review the facts to determine whether the respondent (either student or staff) may need to be removed from the School setting to prevent any further sexual harassment and/or maintain the safety of students and staff.
 - a. If the respondent is a student, the School may determine that removal from the educational program is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations. The School will conduct an individualized safety and risk analysis before the removal. The School shall provide the student with notice and opportunity to challenge the decision immediately following the removal consistent with expulsion procedures set forth in the charter. The School will comply with applicable laws concerning disciplining or expelling students with exceptional needs.
 - b. If the respondent is an employee, the employee may be placed on administrative leave during the pendency of the formal complaint process.
3. Use of Informal Resolution Process: At any time after a formal complaint has been filed, but before reaching a determination regarding responsibility, the School may offer an informal resolution process (such as a mediation) to the parties. The informal resolution process is not available where the complainant alleges that an employee sexually harassed a student.
4. Refer to Title IX Grievance Procedures or Uniform Complaint Procedures: If a formal complaint is filed, the Title IX Coordinator will review the complaint to determine whether the complaint raises allegations that fall within the definition of Sexual Harassment under Title IX as described above.

If it does, the Title IX Coordinator will initiate this Policy's Title IX Grievance Procedures. If it does not, the Title IX Coordinator will determine whether the complaint should be dismissed (as explained below) or investigated pursuant to the School's Uniform Complaint Procedures.

VI. Review for Mandatory or Permissive Dismissal

Potential Dismissal of Complaint: Under certain circumstances, the Title IX Coordinator may determine that the complaint must or should be dismissed. The Title IX Coordinator should make this determination no more than **ten (10) days** from the date it receives the complaint, unless otherwise extended by the Title IX Coordinator.

- a. Mandatory Dismissal: The Title IX Coordinator must dismiss the formal complaint if any of the following is determined:
 - i. The alleged conduct would not constitute Sexual Harassment as defined under Title IX even if proved.
 - ii. The alleged conduct did not occur in the School's education program or activity or did not occur against an individual in the United States.
- b. Permissive Dismissal: The Title IX Coordinator may dismiss a formal complaint if any of the following is determined:
 - i. The complainant notifies the School, in writing, that he/she would like to withdraw the complaint or any allegations in the complaint.
 - ii. The respondent is no longer enrolled in, or employed by, the School.
 - iii. Sufficient circumstances prevent the School from gathering evidence to reach a determination with regard to the complaint.
- c. Written Notice of Dismissal: If the Title IX Coordinator dismisses the complaint, he/she must send written notice of the dismissal.
 - i. The written notice should state the reason(s) for the dismissal and inform the parties of their right to appeal the dismissal of a formal complaint or any allegations in the complaint in accordance with the appeal procedures described in the "Appeals" section below.
 - ii. If the Title IX Coordinator determines the Uniform Complaint Procedures is the appropriate grievance procedure for the complainant's allegation(s), the Title IX Coordinator shall inform the parties of the School's intent to investigate the complaint through the Uniform Complaint Procedures policy.
 - iii. The written notice must be sent simultaneously to both parties (complainant and respondent).

VII. Title IX Grievance Procedures

Upon receipt of a formal written complaint, the School will initiate the following Title IX Grievance Procedures. The School will complete its investigation and issue a Written Decision within **ninety (90) days of receipt of the formal complaint** unless the parties agree to an extension of time.

Step 1: Send Written Notice of Formal Complaint

If a formal complaint is filed, the Title IX Coordinator will seek to provide the parties with a Notice of Formal Complaint **within ten (10) days of receipt of the formal complaint**. The notice shall include: (1) copy of this Policy; (2) description of allegations potentially constituting Sexual Harassment with sufficient details known at the time; (3) statement that the respondent is presumed not responsible for conduct and that a determination regarding responsibility is made at the conclusion of complaint process; (4) statement informing parties of opportunity to have an advisor of their choice and the ability to inspect and review evidence; (5) statement informing parties that they must not knowingly make false statements or submit false information.

Step 2: Investigator Conducts Investigation

Upon receipt of the formal complaint, the Investigator will initiate the investigation process, which will consist of gathering and reviewing evidence related to the allegations. This can include, but is not limited to, interviewing parties or witnesses, as well as reviewing relevant evidence. The parties will have the right to be accompanied to any related meetings by an advisor of their choice.

Step 3: Investigator Provides Parties Equal Opportunity to Review Gathered Evidence

Within **fifty (50) days of School's receipt of a formal complaint**, the Investigator will seek to provide both the complainant and respondent with an equal opportunity to review the evidence gathered over a period of **10 days**. The parties will have opportunities to ask the Investigator for additional relevant questions to be considered and to provide more evidence before the Investigation Report is provided to the parties.

Step 4: Investigator Shares Investigative Report

The Investigator will prepare an Investigative Report summarizing the relevant evidence. The Investigative Report is not the School's final written decision. The Investigator will send to the parties and their advisors, if any, the Investigative Report for their review and written response within **seventy (70) days of School's receipt of the formal complaint**.

The report must offer the parties an opportunity to submit written, relevant questions that the party wants asked of any party or witness to Decision-Maker **within ten (10) days of receipt of Investigative Report**. The Decision-Maker is responsible for providing the responses (if any) to both parties to these questions.

Step 5: Decision-Maker Issues Written Decision

The Decision-Maker will issue a Written Decision to both parties simultaneously. The Decision-Maker shall use the "preponderance of evidence" standard (i.e., it is more likely than not that the respondent committed the alleged conduct).

The written decision will include all of the following:

1. Identification of the allegations potentially constituting Sexual Harassment.
2. A description of the procedural steps taken by the School during the investigation process (e.g., notifications to the parties, interviews with parties and witnesses, site visits, or methods used to gather other evidence).
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the School's policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's educational program will be provided by the School to the complainant.
6. The School's procedures and permissible bases for either party to appeal the decision.

The written decision will be issued within **ninety (90) days from the receipt of the formal complaint**. The 90-day timeline may be extended if both parties agree to an extension in writing or for good cause, as defined under 34 CFR section 106.45.

Remedies

If the School determines that the respondent engaged in Sexual Harassment, the School will provide remedies to the complainant, as appropriate. This may include supportive measures described above. Remedies may also include: transfer from a class; parent/student conference(s); positive behavior support; warnings; detention; and formal discipline, such as suspension and expulsion. When an employee is found to have committed Sexual Harassment, the School will take appropriate disciplinary action, up to and including termination, in accordance with School policies.

VIII. Appeals

Either party may appeal the School's Written Decision or Dismissal of a formal complaint or any allegation in the complaint within **five (5) days of the issuance of the Written Decision**. An appeal may be made on the following bases:

1. A procedural irregularity affected the outcome.
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.
3. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against complainant or respondent that affected the outcome of the matter.

Upon receipt of an appeal, the School will provide a written notification to the other party about the appeal that gives both parties a reasonable, equal opportunity to submit a written statement in support of/challenging the appeal.

The Title IX Appeals Officer (not Decision-Maker, Title IX Coordinator, or Investigator) shall issue written decision of an appeal within **thirty (30) days from the receipt of the appeal.**

IX. Record Keeping

The School will maintain for a period of seven (7) years records pertaining to Title IX Sexual Harassment allegations, as well as all material used to train Title IX Personnel.



Title IX Sexual Harassment Complaint Form

Instructions: This form can be completed by any individual who has knowledge of a sexual harassment conduct occurring within Blue Ridge Academy's ("School") education program or activity. Please complete the information below to the best of your ability. Should you need additional space or would like to provide documentation to support the allegations in the complaint, you can attach those to this complaint form. If you have any questions, please contact the School's Title IX Coordinator listed below.

Contact Information and Complainant's (Person Making Complaint) Information

Full Name of Person Filing the Complaint Name: _____
Address: _____
Phone: _____ Email: _____
Complainant's Full Name (if different from above): _____

Respondent's (Accused) Information

Respondent's Full Name: _____
Is the accused a student? No Yes
If yes, what is the student's grade and relation to complainant: _____
Is the accused a School staff member? No Yes Other
If yes, what is the staff member's relation to the complainant (e.g., teacher)? _____
If other, what is the affiliation or organization: _____

Details of Complaint

Date of the Alleged Incident: _____ Location of Alleged Incident: _____

Please describe the facts underlying your complaint. Provide details such as the names of those involved, the dates of the incident, whether witnesses were present and the names of any witnesses, etc. Please provide any details which you feel might be helpful to the complaint investigator.

Did the harassment occur within or during the School's program or activity? If so, please describe below:

Did this incident interfere with your ability to access or participate in the School's education program or activity? If so, please describe below:

List the individuals involved in the relevant incident(s):

List any witnesses to the incident(s):

Acknowledgements

By submitting this form to the School's Title IX Coordinator, I wish to initiate the School's formal Title IX Grievance Procedures.

Signature of Person Filing Complaint

Date

Once you have completed this form, please submit it to:

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