



Spectrum Academy Board of Directors		
Policy: Sexual Harassment Prohibition		
Approved: October 16, 2019	Revised: October 21, 2020	Monitoring: Annually

Purpose

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., 20 U.S.C. 1681-86 (Title IX), and the Utah Anti-Discrimination Act, Utah Code 34-35-2 et seq.

It is policy of Spectrum Academy to maintain a learning and working environment that is free from sexual harassment. Spectrum Academy prohibits any form of sexual harassment. The School will train staff and students appropriately, and will take appropriate disciplinary action which may include warning, suspension, or termination, to prevent the occurrence or recurrence of sexual harassment.

It shall be a violation of this policy for any student or employee of Spectrum Academy to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

Spectrum Academy will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of Spectrum Academy. This policy applies to any incident that occurs during all programs or activities, on or off campus, that is sponsored by Spectrum Academy and occurs in the United States. It also applies to all vendors, volunteers, and interns.

Definitions

1. Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment. Spectrum Academy expressly recognizes the legal rights of parents and guardians to act on behalf of parties (including by filing a formal complaint) in Title IX matters. Prior to taking any formal action with a report of sexual harassment, the school will obtain written permission from the complainant and/or their legal guardian.
2. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

3. Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. - At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
4. Recipient: The institution receiving reports of sexual harassment. For the duration of all procedures the Title IX Coordinator is responsible for complete oversight of the recipient's actions and is tasked with ensuring compliance with all Title IX Regulations.
5. Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.
 - a. Such measures are designed to restore or preserve access to the recipient's education program or activity, without unreasonably burdening the other party; protect the safety of all parties and the recipient's educational environment; and deter sexual harassment.
 - b. Supportive measures may include counseling, course related adjustments, modifications of work or class schedules, campus escort services, increased security and monitoring of certain areas of campus, and mutual restrictions on contact between the parties.
6. Sexual Harassment: Actions from one individual to another that consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. The conduct takes the form of Quid Pro Quo (something in exchange for something):
 - i. Submission to the conduct is made explicitly or implicitly a term or condition of employment or a student's education (including any aspect of the student's participation in school-sponsored activities);
 - ii. Submission to or rejection of the conduct is used as the basis for employment decisions or a student's education (including academic performance, participation in school-sponsored activities, or any other aspect of a student's education).
 - b. 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
 - c. Sexual assault (as defined by Clery Act (34 CFR 668.46 (a)) including dating violence, and domestic violence or stalking as defined in the Violence Against Women Act (VAWA).

It will also be considered sexual harassment for any staff member to have romantic contact with a student, regardless of the student's age.

7. Response Obligations: Formal processes that are initiated when the Recipient is On Notice, this process occurs whether or not there is a written formal complaint. Obligations should include:
 - a. Timelines that are reasonably prompt and equitable in light of the circumstances. Title IX Coordinator must promptly contact complainant to discuss the availability of supportive measures in consideration of the complainant's wishes.
 - b. Notification of the process of filing a written formal complaint must be explained; emergency removal is an option if the respondent poses immediate threat to anyone's physical health or safety.
 - c. Offer of supportive measures for both parties.
 - d. Emergency removal of the respondent if they pose an immediate threat to the physical health or safety of others.

8. Emergency Removal: Optional procedure if the respondent's behavior poses a threat to the physical health and safety of others. Respondent must be informed that they have the right to appeal immediately following the removal. Prior to enacting an emergency removal, the recipient must:
 - a. Conduct a risk analysis.
 - b. Provide the respondent with notice and opportunity to challenge the decision immediately following the removal.
 - c. Follow IDEA and 504 requirements.
 - d. Ensure removal is aligned to school policy.

9. Adviser: An individual who serves as support (legal or otherwise) to both the parties and is of the the complainant's and respondent's choosing. Advisers have the right to inspect evidence, participate in responses to notifications and reports, and be present for all meetings.

10. Title IX Coordinator: A School administrator trained on the updated Title IX Regulations and responsible for the following:
 - a. Upholding all processes and procedures outlined in the Title IX Regulations and Spectrum Academy's Sexual Harassment Policy.
 - b. Oversees all Title IX processes and procedures.
 - c. Coordinates the LEA's (recipient's) response to all complaints involving Title IX violations.
 - d. Responsible for the timely communication to both parties simultaneously regarding the status of the grievance process at regular intervals and upon request.

11. *School Committee for the Prohibition of Sexual Harassment*: Purpose of this committee is to review all policies, procedures, and processes related to sexual harassment annually. Duties of the committee may include review of Title IX activity. Such reviews will maintain the anonymity of all parties (complainant, respondent, parents/guardians, advisers, etc) and be FERPA compliant. The committee will consist of no less than one of each of the following representatives from each school campus:

- a. Parent
- b. Paraprofessional
- c. Teacher
- d. Support Staff (Related Services, Behavior)
- e. Human Resources Staff
- f. Building Administrator
- g. Director
- h. Board Member

Spectrum Academy's Title IX Coordinators

North Salt Lake
Christina Guevara, M.ED/SPE
Regional Director - North
552 Cutler Drive
North Salt Lake, Utah 84087
801-936-0318 x7020
cguevara@spectrumcharter.org

Pleasant Grove
Liz Banner
Regional Director - South
867 South 800 West
Pleasant Grove, Utah 84062
801-785-9019
lbanner@spectrumcharter.org

Policy

Any school related sexual harassment as defined when perpetrated on any student or employee will be treated as sexual harassment under this policy.

1. Sexual Harassment

Conduct that is reported as sexual harassment may include but is not limited to:

- a. Criminal Behavior such as: rape, attempted rape, sexual abuse, sexual assault, attempted sexual assault, lewdness, hazing, and other sexual and gender-based criminal activities as defined by the Utah Criminal Code.
- b. Quid Pro Quo (something in exchange for something) such as: Sexual invitations or requests for sexual activity in exchange for grades, favors, selection for extra-curricular activities, promotions, evaluations, etc.;
- c. Actions creating an hostile environment such as:
 - i. Unwelcome or offensive public displays of affection, including kissing, inappropriate touching of oneself or others, massages, etc.;
 - ii. Offensive communication, leers, stares, or gestures that are sexually suggestive, sexually degrading, or imply sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance, or activities; sexual gestures; public conversations about sexual activities; sexual rumors; catcalls or whistles; sexually graphic messages or games; etc.;
 - iii. Offensive name calling, slang, or profanity of a sexual nature;
 - iv. Offensive physical contact or closeness of a sexual nature such as spanking, pinching, hugging, following, etc.;
 - v. Offensive physical pranks such as touching or pulling the clothes of another, bra-snapping, "pantsing," etc.;
 - vi. Offensive exposure such as "mooning" or streaking;
 - vii. Offensive written or visual displays or distribution of pornographic or sexually explicit materials such as magazines, videos, films, posters, etc.
- d. Any other offensive or unwelcome gender-based behavior that is degrading, intimidating, demeaning, or based on sexual stereotypes or attitudes, or any romantic contact between a staff member and a student.

2. Reporting Procedures

Any person who participates in the LEA's program or activity (student or employee) and believes he or she has been sexually harassed by a student or an employee or other person under the control of Spectrum Academy, or any third person with knowledge or belief of conduct which may constitute sexual harassment may submit a verbal or written formal complaint of the alleged acts immediately to the Spectrum Academy Title IX Coordinator for the campus the individual attends or works at. Spectrum Academy encourages the reporting party or complainant to use the

complaint form available from the principal of each building, available from the School office, and located on the Title IX Information page on the school's website. Any individual named as a respondent in a report of alleged sexual harassment is presumed innocent until the grievance process is complete and a determination of responsibility has been made.

- a. In Each School Building. All employees fall into the pool of responsible employees and initiate the LEA's Response Obligation. Employee's need to take all reports of sexual harassment to the building principal as they are the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the Title IX Coordinator immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Director of Human Resources. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Title IX Coordinator. If the complaint involves the building principal, or the complainant is otherwise uncomfortable notifying the principal, the complaint may be filed directly with the Title IX Coordinator.
- b. School-Wide. The Spectrum Academy Title IX Coordinator shall receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. Complaints may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report may be made at any time, including non-business hours. Members of the School Committee for the Prohibition of Sexual Harassment may also receive reports or complaints of sexual harassment. If the complaint involves the Title IX Coordinator or other member of the School Committee, the complaint can be made with the Title IX Coordinator of the other campus, and if this is not sufficient, the complaint shall be filed directly with the President of the Board of Directors. Spectrum Academy shall conspicuously post the name of the Title IX Coordinator (including a mailing address and telephone number) in each building.
- c. Good faith submission of a complaint or report of sexual harassment will not adversely affect the individual's future employment, grades or work assignments. Spectrum Academy cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the school obtains that party's voluntary, written consent to do so.
- d. Use of formal reporting forms is not mandatory.

3. Grievance Process

- a. On Notice: Principal, or Title IX Coordinator, or any employee receives a harassment complaint. Title IX Coordinator implements the school's response obligations, including considerations of the following:
 - i. Did the incident of sexual harassment occur in the LEA's program or activity?
 - Yes - determine if the behavior meets the definition of sexual harassment.
 - No - formal complaint will be dismissed, supportive measures will be offered, and investigate the reported behavior as per School policy.
 - ii. Does the behavior meet the definition of sexual harassment?
 - Yes - ask the complainant to write a formal complaint.
 - No - investigate the reported behavior as per school policy.
 - iii. Is the complainant or respondent a student under 18 or over 18 with guardianship?
 - Yes - notify parents/guardian and law enforcement of the allegation and proceed with the grievance process.
 - No - proceed with grievance process and direct correspondence with the individual.
 - iv. Does the reported sexual harassment constitute sexual abuse or criminal activity?
 - Yes - notify law enforcement and proceed with the grievance process.
 - No - proceed with the grievance process,
 - v. Does the reported sexual harassment warrant an emergency removal?
 - Yes - Title IX Coordinator will:
 - Conduct a Risk Analysis.
 - Provide the respondent with notice and opportunity to challenge the decision immediately following the removal.
 - Follow IDEA and 504 requirements.
 - Ensure removal is aligned to school policy.
 - No - proceed with the grievance process.
- b. Response Obligations: Required processes initiated by the school's (recipient's) actual knowledge of a report of sexual harassment. Obligations must include:

- i. Timelines that are reasonably prompt and equitable in light of the circumstances. Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures in consideration of the complainant's wishes.
- ii. The process of filing a written formal complaint must be explained; emergency removal is an option if the respondent poses immediate threat to anyone's physical health or safety.
- iii. The offer of supportive measures for both parties and must be:
 - Non-disciplinary/non-punitive.
 - Appropriate, reasonably available, and free to both parties.
 - Confidential, if possible.
- iv. Emergency removal of the respondent if they pose an immediate threat to the physical health or safety of others. Prior to enacting an emergency removal, the recipient must:
 - Conduct a risk analysis.
 - Provide the respondent with notice and opportunity to challenge the decision immediately following the removal.
 - Follow IDEA and 504 requirements.
 - Ensure removal is aligned to school policy.

4. Formal Complaint

When the Title IX Coordinator has a formal written complaint in hand they are then responsible for initiating an investigation. The Title IX Coordinator to provide both parties with a written notice of the complaint including:

- i. Details of the complaint as outlined in the formal written complaint.
- ii. Statement of the presumption of innocence and that both parties are entitled to rights and protection.
- iii. Notification that parties are entitled to an adviser and that both parties and all advisers are allowed to inspect evidence.
- iv. Information regarding the school's code of conduct regarding false statements.
- v. Outline the informal resolution process, the determination of responsibility, and the appeals process.
- vi. List of the range of possible remedies and disciplinary sanctions following a Determination.
- vii. Notification of the standard of evidence to be used to determine responsibility. The preponderance of the evidence standard, or the clear and convincing evidence standard, and apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty.

5. Investigation

- a. Time Line: The Title IX Coordinator, upon receipt of a report or complaint alleging sexual harassment, must respond promptly to the complaint in a manner that is not deliberately indifferent, which means in a way that is not clearly unreasonable in light of the known circumstances. The mandatory response must include:
- i. Offering supportive measures to the complainant (i.e., the person alleged to be the victim).
 - ii. The Title IX Coordinator promptly contacts 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, and explain to the complainant the process for filing a formal complaint.
 - iii. Must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, as a way of responding in a non-deliberately indifferent manner.
 - iv. Must not restrict rights protected under IDEA 2004 or Section 504 of the Rehabilitation Act of 1973.
 - v. The investigation must be conducted by the Title IX Coordinator or by a third party who has been trained as a Title IX Investigator and all corresponding procedures. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Title IX Coordinator, Executive Director of Academics, and the Director of Human Resources. If the allegation is of a criminal nature and an investigation has been initiated by law enforcement, Spectrum Academy will comply with directives from said law enforcement.
- b. Scope. In determining whether alleged conduct constitutes sexual harassment, the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred should all be considered.
- i. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complainant filed (respondent), and others who have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
 - ii. In addition, the School may take reasonable steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment. The School will also

take measures to ensure that equitable access to the LEA's program or activity is restored for the complainant.

- c. Confidentiality: The School will respect the confidentiality of the complainant and the individual(s) against whom a complaint is filed (respondent) as much as possible, consistent with the School's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred. In addition, all persons involved in a sexual harassment complaint or investigation shall refrain from discussing the matter, except with those who have a legal need to know.
- d. Investigation Report: The Title IX Coordinator or Investigator shall make a confidential report to the executive directors upon completion of the investigation checklist (as described below). The report must state whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty.

After the school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party 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 decision-maker(s) must explain to the party proposing the questions any decision to exclude questions as not relevant.

6. Investigation Checklist

A Spectrum administrator will be trained in the role of Investigator and follow all investigation procedures as they are aligned with the Title IX Regulations. The process for investigation is as follows:

- i. Identify the circumstances surrounding the incident, including the gathering and review of all the details regarding the incident and the individuals involved in the incident.
- ii. Determine the nature of the harassment. In order for Spectrum to move forward with a Title IX Investigation, the reported conduct must meet the identified definition of sexual harassment. If harassment is criminal in nature, the Investigator and Title IX Coordinator will work with law enforcement.

- iii. Identify the relationship between involved parties, including the manner of interactions, the locations and dates of interactions of interacts, etc.
- iv. Identify the history of the involved parties including how long the parties have known each other.

7. School Action

Upon receipt of a recommendation that the complaint is valid, the school shall take such action as appropriate based on the results of the investigation.

- i. The result of each complaint investigated under these procedures will be reported in writing to the complainant and respondent, or their parents or guardians (as applicable) by the School. The report will document any disciplinary action taken as a result of the complaint.
- ii. If the complainant is an employee, no record of the complaint shall be kept in the complainant's personnel file.
- iii. When an employee has been the subject of an investigation, the substantive record of the investigation shall be classified as a "Protected Record," accessible only to employees of Spectrum Academy (1) for whom the record is necessary to perform their duties and functions (e.g. Director of Human Resources, Director's Designee, Director of Academics); or (2) who will use the record for continuing or additional investigations (e.g. designated investigator, subsequent investigator). The record shall be sealed, marked "Protected Record" and placed in a Protected Record file maintained by the Director of Human Resources. If the employee accused of sexual harassment is exonerated there shall be no reference to the accusation in the personnel file. If the employee is not exonerated, the employee's personnel file shall reference the allegation, the results of the investigation (including any action taken), and the presence of the accompanying Protected Record.
- iv. The Title IX Coordinator shall wait a reasonable period of time after the conclusion of the investigation and then check back with the complainant to ensure that sexual harassment has in fact ceased.

8. School Action Checklist

Under the direction of the Title IX Coordinator, consider that the purpose of this Policy is to stop sexual harassment and prevent its recurrence and (as necessary) use disciplinary actions including warnings, suspensions, or terminations accordingly.

- i. Invoke appropriate related disciplinary policies and procedures such as discipline, safe schools, and corrective discipline.

- ii. The Title IX Coordinator will report the result of the investigation to each complainant, including disciplinary action taken as a result of the complaint.
- iii. If the respondent is an employee of the School, the Title IX Coordinator places a record of the complaint, the outcome of the investigation, and report of disciplinary action (if complaint was substantiated) in the employee's personnel file. The Title IX Coordinator maintains all other substantive records gathered during the investigation in a Protected Record file.
- iv. All records relating to Title IX processes and procedures will be kept in a secure location for no less than seven years following the event.
- v. The Title IX Coordinator checks back with the complainant.

9. Non-Harassment

Spectrum Academy recognizes that not every advance or communication of a sexual nature between employees and students constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment or educational effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties and false, malicious complaints may subject the complainant to discipline.

10. Prohibition of Reprisal

The School will discipline any individual who retaliates against any person who reports alleged sexual harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

11. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse. Complainants may also register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The Office of Civil Rights may be reached at the following address and phone number:

U.S. Department of Education Office of Civil Rights,
Region VIII Federal Office Building

1244 Speer Boulevard, Suite #310
Denver, CO 80204

12. Sexual Harassment as Sexual Abuse

When a Spectrum Academy school Principal or the Title IX Coordinator receives a report which gives "reason to believe that a child has been subjected to incest, molestation sexual exploitation, sexual abuse, physical abuse, or neglect," or "observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect," the Principal, Title IX Coordinator, or Director of Academics shall immediately notify the appropriate police department or a local law enforcement agency.

13. Appeals Process

Federal law requires both parties be given opportunity to file an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter; 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; and/or the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter.

14. Informal Resolution

Informal resolution options are available, if both parties give voluntary, informed, written consent. Spectrum Academy does 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.

The informal resolution process is not available unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from informal resolution and resume the grievance process with respect to the formal complaint.

The informal resolution process may not be used to resolve allegations that an employee sexually harassed a student.

15. Notices

This policy shall be communicated to all employees at the time of hire and in annual updates. Notice of this policy shall be communicated to all students annually and posted on Spectrum Academy's website.

This is a living document. Policy revisions will be communicated to the students and staff following board approval.

16. Resources

a. Title IX Documents

- i. [Spectrum Academy Formal Complaint Form \(Title IX Sexual Harassment\) - Google Doc](#)
- ii. [Spectrum Academy Formal Complaint Form \(Title IX Sexual Harassment\) - Google Form](#)
- iii. Written Notice template (link to come)
- iv. Appeal Form template (link to come)
- v. Informal Resolution template (link to come)
- vi. Investigation Summary Report template (link to come)
- vii. Determination of Responsibility Form template (link to come)

b. Title IX Training

	Title IX Coordinators	Title IX Staff	Directors, Administrators	Board of Directors,	All Employees
An Overview of the New Title IX Regulations (H. Bell, USBE) Video: https://bit.ly/USBETitleIXRegulations2020	✓				
Title IX Coordinator Training (NACUA) Course: https://www.pathlms.com/nacua/courses/9173	✓				
Title IX Training Utah Division of Risk Management) Seminar: (LINK TO COME)	✓				
Spectrum Academy Title IX Training Presentation: https://prezi.com/view/y6sWbExIzOwv3kEqYBRu/ Video: (LINK TO COME)	✓	✓	✓	✓	
Sexual Harassment for K-12 Students (Safe Place to Learn) Modules: http://bit.ly/SafePlacetoLearn (modules 1-3)	✓	✓	✓		✓

17. Employee Acknowledgement

I acknowledge that I have received and read this Sexual Harassment Policy, and I agree to abide by its contents.

Name (Printed)

Date

Signature

Signature

18. Student/Parent Acknowledgement

I acknowledge that I have received and read this Sexual Harassment Policy, and I agree to abide by its contents.

Parent Name (Printed)

Student Name (Printed)

Parent Signature/Date

Student Signature/Date

18. Revision History

<i>Date revised</i>	<i>Substantive changes (in italics)</i>	<i>Changes made by</i>
10/5/20	<p>Definitions</p> <ul style="list-style-type: none"> ● Add: Complainant - <i>Prior to taking any formal action with a report of sexual harassment, the school will obtain written permission from the complainant and/or their legal guardian.</i> ● Add: <u>Response Obligation</u>- <i>formal processes that are initiated when the Recipient is On Notice, this process occurs whether or not there is a written formal complaint.</i> <i>Obligations include:</i> <ol style="list-style-type: none"> 1. <i>Must be reasonably prompt and equitable in light of the circumstances. Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures in consideration of the complainant's wishes.</i> 2. <i>The process of filing a written formal complaint must be explained; emergency removal is an option if the respondent poses immediate threat to anyone's physical health or safety</i> 3. <i>Offer of supportive measures for both parties.</i> 4. <i>Emergency removal of the respondent if they pose an immediate threat to the physical health or safety of others.</i> ● Add: <u>Emergency Removal</u>: <i>optional procedure if the respondent's behavior poses a threat to the physical health and safety of others. Respondent must be informed that they have the right to appeal immediately following the removal. Prior to enacting an emergency removal, the recipient must:</i> <ol style="list-style-type: none"> 1. <i>Conduct a risk analysis</i> 2. <i>Provide the respondent with notice and opportunity to challenge the</i> 	Christina Guevara

	<p style="text-align: center;"><i>decision immediately following the removal</i></p> <p style="text-align: center;">3. <i>Follow IDEA and 504 requirements</i></p> <p style="text-align: center;">4. <i>Ensure removal is aligned to school policy</i></p> <ul style="list-style-type: none"> ● Add: <u>Adviser:</u> <i>An individual who serves as support (legal or otherwise) to both the parties and is of the the complainant's and respondent's choosing. Advisers have the right to inspect evidence, participate in responses to notifications and reports, and be present for all meetings.</i> ● Add: <u>Title IX Coordinator:</u> <i>School administrator trained on the updated Title IX Regulations and responsible for the following:</i> <ul style="list-style-type: none"> ○ <i>Upholding all processes and procedures outlined in the Title IX Regulations and Spectrum Academy's Sexual Harassment Policy.</i> ○ <i>Oversees all Title IX processes and procedures.</i> ○ <i>Coordinates the LEA's (recipient's) response to all complaints involving Title IX violations.</i> ○ <i>Responsible for the timely communication to both parties simultaneously regarding the status of the grievance process at regular intervals and upon request</i> ● Add: <u>School Committee for the Prohibition of Sexual Harassment-</u> <i>purpose of this committee is to review all policies, procedures, and processes related to sexual harassment annually. Duties of the committee may include review of Title IX activity. Such reviews will maintain the anonymity of all parties (complainant, respondent, parents/guardians, advisers, etc) and be FERPA compliant. The committee will consist of no less than one of each of the following representatives from each school campus:</i> <ul style="list-style-type: none"> ● <i>Parent</i> ● <i>Paraprofessional</i> 	
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- *Teacher*
- *Support Staff (Related Services, Behavior)*
- *Building Administrator*
- *Director*
- *Board Member (minimum of one)*

Reporting Procedures

- **Add:** Any person who *participates in the LEA's program or activity (student or employee)* and believes he or she has been sexually harassed by a student or an employee or other person under the control of Spectrum Academy, or any third person with knowledge or belief of conduct which may constitute sexual harassment may submit a verbal or written formal complaint report of the alleged acts immediately to the Spectrum Academy Title IX Coordinator for the campus the individual attends or works at. Spectrum Academy encourages the reporting party or complainant to use the complaint report form available from the principal of each building, or available from the School office, *and located on the Title IX Information page on the school's website.*

Any individual named as a respondent in a report of alleged sexual harassment is presumed innocent until the grievance process is complete and a determination of responsibility has been made.

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- **Add:** If the complaint involves the Title IX Coordinator or other member of the School Committee, the complaint *can be made*

with the Title IX Coordinator of the other campus, and if this is not sufficient, the complaint shall be filed directly with the President of the Board of Directors.

Reporting Checklist **renamed to** Grievance Process

- **Add:** Did the incident of sexual harassment occur in the LEA's program or activity?
Yes - determine if of the behavior meets the definition of sexual harassment
No - formal complaint will be dismissed, supportive measures will be offered, and investigate the reported behavior as per School policy
- **Revision:** Is the complainant or respondent a student under 18 or over 18 with guardianship?
Yes - notify parents or guardians and law enforcement if the allegation and proceed with grievance process
No - proceed with grievance process and direct correspondence with the individual
- **Add:** Does the reported sexual harassment constitute sexual abuse or criminal activity?
Yes - notify law enforcement and proceed with the grievance process
No - proceed with the grievance process
- **Add:** Does the reported sexual harassment warrant an emergency removal?
Yes - Title IX Coordinator will:
 - Conduct a Risk Analysis
 - Provide the respondent with notice and opportunity to challenge the decision immediately following the removal
 - Follow IDEA and 504 requirements

	<ul style="list-style-type: none"> ● Ensure removal is aligned to school policy <p>No - proceed with the grievance process</p> <p>Add <i>Response Obligations to Grievance Process</i></p> <ul style="list-style-type: none"> ● <i>Required processes initiated by the school's (recipient's) actual knowledge of a report of sexual harassment. Obligations must include:</i> <ul style="list-style-type: none"> ○ <i>Timelines that are reasonably prompt and equitable in light of the circumstances. Title IX Coordinator must promptly contact complainant to discuss the availability of supportive measures in consideration of the complainant's wishes.</i> ○ <i>The process of filing a written formal complaint must be explained; emergency removal is an option if the respondent poses immediate threat to anyone's physical health or safety</i> ○ <i>Supportive Measures: Offered to for both parties and must be</i> <ul style="list-style-type: none"> ■ <i>Non-disciplinary/non-punitive</i> ■ <i>Appropriate, reasonably available, and free to both parties</i> ■ <i>Confidential, if possible</i> ○ <i>Emergency removal of the respondent if they pose an immediate threat to the physical health or safety of others. Prior to enacting an emergency removal, the recipient must:</i> <ul style="list-style-type: none"> ■ <i>Conduct a risk analysis</i> ■ <i>Provide the respondent with notice and opportunity to challenge the decision immediately following the removal</i> ■ <i>Follow IDEA and 504 requirements</i> ■ <i>Ensure removal is aligned to school policy</i> <p>Add: <i>Formal Complaint to Grievance Process</i></p>	
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- *Formal Complaint Form Incident Report (or other report) in hand.*
 - *The Title IX Coordinator has formal written complaint in hand*
 - *Contact Title IX Coordinator to initiate investigation.*
 - *Title IX Coordinator to provide both parties with a written notice of the complaint including:*
 - *Details of the complaint as outlined in the formal written complaint.*
 - *Statement of the presumption of innocence and that both parties are entitled to rights and protection*
 - *Notification that parties are entitled to an adviser and that both parties and all advisers are allowed to inspect evidence*
 - *Information regarding the school's code of conduct regarding false statements*
 - *Outline the informal resolution process, the determination of responsibility, and the appeals process*
 - *List of the range of possible remedies and disciplinary sanctions following a Determination*
 - *Notification of the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty.*

School Action Checklist

	<ul style="list-style-type: none"> ● Add: If the respondent (alleged harasser) is an employee of the School, the Title IX Coordinator places a record of the complaint, the outcome of the investigation, and report of disciplinary action (if complaint was substantiated) in the employee's personnel file. The Title IX Coordinator maintains all other substantive records gathered during the investigation in a Protected Record file. <ul style="list-style-type: none"> ○ <i>All records relating to Title IX processes and procedures will be kept in a secure location for no less than seven years following the event.</i> <p><u>Notices</u></p> <ul style="list-style-type: none"> ● Add: <i>This is a living document. Policy revisions will be communicated to the students and staff following board approval.</i> <p>Add: <u>Resources</u></p> <ul style="list-style-type: none"> ● <u>Resources</u> <ul style="list-style-type: none"> ○ <u>Title IX Documents</u> <ul style="list-style-type: none"> ■ <u>Spectrum Academy Formal Complaint Form (Title IX Sexual Harassment) - Google Doc</u> ■ <u>Spectrum Academy Formal Complaint Form (Title IX Sexual Harassment) - Google Form</u> ■ <i>Written Notice</i> ■ <i>Appeal Form</i> ■ <i>Informal Resolution</i> ■ <i>Investigation Summary Report</i> ■ <i>Determination of Responsibility Form (Original and Appeal)</i> <p>Add: <u>Title IX Training</u></p> <ul style="list-style-type: none"> ● Table listing all of the trainings for all levels of school stakeholders 	

