

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCEDURES

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Golden Valley Charter Schools ("GVCS" or "Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means. This policy will supersede all previous policies on these topics.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, immigration and citizenship status, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation. In addition, bullying encompasses any conduct described in the definitions set forth in this Policy. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

To the extent possible, GVCS will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. GVCS school staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

Moreover, GVCS will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with whom GVCS does business, or any other individual, student, or volunteer. This Policy applies to all employees, students, or volunteer actions and relationships, regardless of position or gender. GVCS will promptly and thoroughly investigate any complaint of such misconduct prohibited by this Policy and take appropriate corrective action, if warranted.

Title IX Personnel/Parties

The Charter School's Title IX Coordinator is:

Golden Valley Orchard

Becky Page, Principal
6550 Filbert Ave
Orangevale, CA 95662
(916) 987-1490

Golden Valley River

Ryan Sutton, Principal
9601 Lake Natoma Dr,
Orangevale, CA 95662
(916) 987-6141

Investigator: The Title IX Coordinator may act as investigator of complaints of sex discrimination under Title IX. Alternatively, in the Title IX Coordinator's discretion, the Title IX Coordinator may designate that role to another individual. In any event, the investigator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The role of the investigator is that of fact finder.

Decisionmaker: The Title IX Coordinator may also act as the decisionmaker of complaints of sex discrimination under Title IX. Alternatively, in the Title IX Coordinator's discretion, the Title IX Coordinator may designate that role to another individual. In any event, the decisionmaker shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The role of the decisionmaker is to evaluate evidence and make a determination regarding the formal complaint, including submitting a written determination of findings.

Complainants: The following person(s) have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the Charter School investigate and make a determination about alleged discrimination under Title IX: 1) A complainant; 2) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of the complainant; and 3) The Title IX coordinator.

If the complaint involves sex discrimination other than sex based harassment, a complaint may be made by any student or employee or any person other than a student/employee who was participating or attempting to participate in the Charter School's education program or activity at the time of the alleged sex discrimination.

Definitions

Prohibited Unlawful Harassment

- Verbal conduct such as epithets, derogatory jokes or comments or slurs.
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with school because of sex, race or any other protected basis.
- Retaliation for reporting or threatening to report harassment.
- Deferential or preferential treatment based on any of the protected classes above.

Prohibited Unlawful Harassment under Title IX

Title IX (20 U.S.C. § 1681 et. seq; 34 C.F.R. § 106.1 et. seq) and California state law prohibit harassment on the basis of sex. In accordance with these existing laws, discrimination on the basis of sex in education institutions is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by GVCS

GVCS is committed to providing an educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action.

Sexual harassment consists of sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has

the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against themselves or against another individual.

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation or attempts to commit these assaults.
 - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
 - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
 - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
 - Subjecting or threats of subjecting a student to unwelcome sexual attention or conduct or intentionally making the student's academic performance more difficult because of the student's sex.
- Sexual or discriminatory displays or publications anywhere in the educational environment, such as:
 - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the educational environment.
 - Reading publicly or otherwise publicizing in the educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
 - Displaying signs or other materials purporting to segregate an individual by sex in an area of the educational environment (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all inclusive list of prohibited acts under this Policy.

Prohibited Bullying

Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil* or pupils in fear of harm to that pupil's or those pupils' person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by GVCS.

* "Reasonable pupil" is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Cyberbullying is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Electronic act means the creation and transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
 - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
 - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:
 - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

- b. “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

Education

GVCS employees cannot always be present when bullying incidents occur, so educating students about bullying is a key prevention technique to limit bullying from happening. GVCS advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at GVCS and encourages students to practice compassion and respect each other.

GVCS educates students to accept all student peers regardless of protected characteristics (including but not limited to actual or perceived sexual orientation, gender identification, physical or cognitive disabilities, race, ethnicity, religion, and immigration status) and about the negative impact of bullying other pupils based on protected characteristics.

GVCS’s bullying prevention education also discusses the differences between appropriate and inappropriate behaviors and includes sample situations to help students learn and practice appropriate behavior and to develop techniques and strategies to respond in a nonaggressive way to bullying-type behaviors. Students will also develop confidence and learn how to advocate for themselves and others, and when to go to an adult for help.

GVCS informs GVCS employees, students, and parents/guardians of this Policy and encourages parents/guardians to discuss this Policy with their children to ensure their children understand and comply with this Policy.

Professional Development

GVCS annually makes available the online training module developed by the California Department of Education pursuant Education Code section 32283.5(a) to its certificated employees and all other GVCS employees who have regular interaction with pupils.

GVCS informs certificated employees about the common signs that a student is a target of bullying including:

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

Title IX Coordinator Responsibilities

The Title IX Coordinator will take the following actions when notified of conduct that reasonably may constitute sex discrimination under Title IX or its implementing regulations:

- Treat the complainant and respondent equitably;
- Offer and coordinate supportive measures, as appropriate, for the complainant. If the grievance procedures identified herein are initiated or if an informal resolution process has been offered to the respondent, offer and coordinate supportive measures, as appropriate, for the respondent;
- Notify the complainant, or if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and the informal resolution process, if available and appropriate;
- Monitor the Charter School's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or its implementing regulations, and take steps reasonably calculated to address such barriers
- If a complaint is made, notify the respondent of the grievance procedures and informal resolution process, if available and appropriate.

Reporting Allegations of Sex Discrimination

All employees who are not confidential employees are required to notify the Title IX Coordinator when the employee has information about conduct that may constitute sex discrimination under Title IX or its implementing regulations.

Employees, students and/or their parent/guardian/caregiver, may report sex discrimination to the Charter School's Title IX Coordinator, or to any other Charter School employee, who shall inform the Title IX Coordinator of that complaint.

Complaints may be made in writing, orally, via email, telephone or by any other means reasonably contemplated to result in the complaint reaching the Charter School's Title IX Coordinator.

Procedures

The Charter School's Title IX grievance or complaint procedures apply only to conduct that falls within the definition of sex discrimination under Title IX. Other allegedly offensive conduct may not fall within this process, but may be investigated and handled through other complaint procedures. In order to evaluate which complaint procedures apply, the Title IX Coordinator shall review the complaint to determine if the conduct falls within the definition of sex discrimination under Title IX and its implementing regulations. If a complaint falls within both the Title IX definition and within the definition of complaint subject to the Uniform Complaint Procedure, both processes may be followed. Please contact the Schools Principal to understand all of the School's complaint process options.

Response to an Informal Complaint

Upon receipt of a report of sex discrimination without a formal written complaint, the Title IX Coordinator will offer and coordinate supportive measures for the complainant and explain to the complainant (or other person reporting the behavior) the right and process to file a formal complaint.

In the event there is no formal complaint, the Title IX Coordinator shall determine whether to initiate a complaint of sex discrimination that complies with the complaint procedures identified herein. This determination need not be made if the Title IX Coordinator reasonably determines

that the conduct as alleged could not constitute sex discrimination under Title IX or its implementing regulations.

In making this determination, the Title IX Coordinator shall consider the following, within 20 days of receiving an informal complaint:

- 1) The complainant's request not to proceed with initiation of a complaint;
- 2) The complainant's reasonable safety concerns regarding initiation of a complaint;
- 3) The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- 4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- 5) The age and relationship of the parties, including whether the respondent is an employee of the Charter School;
- 6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- 7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- 8) Whether the Charter School could end the alleged sex discrimination and prevent its recurrence without initiating its complaint procedures.

After consideration, if the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the Charter School from ensuring equal access on the basis of sex in its education program or activity, the Title IX Coordinator may initiate a complaint.

Regardless of whether a complaint is initiated, the Charter School shall take other appropriate prompt and effective steps to ensure that sex discrimination does not continue to continue or recur within the Charter School's education program or activity.

A formal complaint means an oral or written request to the Charter School that objectively can be understood as a request for the Charter School to investigate and make a determination about alleged discrimination under Title IX or its implementing regulations. The Title IX Coordinator may request the complainant to fill out a formal complaint form in order to initiate a formal complaint, although that formality is not required.

Supportive Measures

Supportive measures are non-disciplinary and nonpunitive and shall be available at any time during a Title IX investigation. These may include, but are not limited to, counseling, extensions of deadlines and other course-related adjustments, campus escort services, increased security and monitoring of certain areas of the campus, restrictions on contact applied to one or more parties, leaves of absence, changes in class, work, or extracurricular or any other activity regardless of whether there is or is not a comparable alternative, training and education programs related to sex-based harassment.

The complainant or respondent shall have a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the Charter School's decision to provide, deny, modify, or terminate supportive measures applicable to them. A party will also be provided the opportunity to seek additional modifications or termination of a supportive measure if circumstances change materially.

The Charter School will not disclose information about any supportive measures to persons other than the person to whom they apply, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when a legal exception applies.

If a complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, throughout the Charter School's implementation of supportive measures.

Response to a Formal Complaint

In response to a formal complaint, the Title IX Coordinator confirm, in writing as described below, the receipt of the complaint and will determine whether the allegations fall within the definition of sex discrimination under Title IX. If so, the Title IX Coordinator will follow this policy to resolve the complaint. If it does not, the Title IX Coordinator will either dismiss the complaint or refer the complaint to a different division with the Charter School to handle the complaint, such as through the school's Uniform Complaint Procedures.

The Title IX Coordinator will initiate an investigation, by identifying an investigator and/or decisionmaker. A written decision shall be issued within sixty (60) calendar days receipt of the formal complaint.

If a complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, throughout the Charter School's implementation of grievance procedures.

Emergency Removal: The Charter School may remove an accused from the Charter School's education program or activity on an emergency basis, provided that the Charter School first undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of any student or other individual arising from the allegations of sex discrimination justifies removal, and provides the accused with notice and an opportunity to challenge the decision immediately following the removal.

If the respondent is an employee, the employee may be placed on administrative leave during the formal investigative process. If the respondent is a student, state and federal laws may impose additional procedural requirements for removal.

Written Notice of the Formal Complaint

Within 10 calendar days of the receipt of the formal complaint, the Title IX Coordinator shall provide the parties with a notice of the formal complaint. The notice shall include: (1) a copy of this Policy; (2) the identities of the parties involved in the incident; (3) the conduct alleged to constitute sex discrimination under Title IX and its implementing regulations; and (4) the date(s) and location(s) of the alleged incident(s), (5) a statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence, and if the Charter School provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party; and (6) a statement that retaliation is prohibited.

During the Grievance Process:

Investigation

The investigator will review the complaint and other submitted evidence, gather additional evidence, and interview witnesses or parties. The investigator may also offer, modify or terminate supportive measures.

The investigation shall be adequate, reliable, and impartial. To do so, the Charter School shall: 1) ensure that the burden is on the Charter School to conduct the investigation that gathers sufficient evidence to determine whether sex discrimination occurred; 2) provide an equal opportunity for the parties to present fact witnesses and other inculpatory or exculpatory evidence that are relevant or not otherwise impermissible; and 3) review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, and consistency with implementing regulations.

The investigator shall provide the parties with the opportunity to review the relevant and not otherwise impermissible evidence (or an accurate description of the evidence) that is directly related to the allegations raised in the formal complaint. If provided with an accurate description of the evidence, the Charter School will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

Thereafter, the parties will have a period of seven calendar days to review the evidence (or description thereof), respond, ask the investigator additional questions, and provide or suggest additional evidence to be considered by the investigator. The Charter School will also take steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures

The investigator/decisionmaker will question the parties and witnesses initially and may reach out to the parties and witnesses again after its first initial round of questions. The investigator/decisionmaker may determine whether to question the parties and/or witnesses in person or remotely with the goal that the questioning must provide the opportunity to adequately assess a party's or witness's credibility to the extent that it is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

If, in the course of the investigation, the Charter School decides to investigate additional allegations of sex discrimination by the accused toward the complainant that are not included in

the initial notice identified above or that are included in a complaint, the Charter School will provide notice of the additional allegations to the parties whose identities are known.

Presumption: There is a presumption that the accused is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.

Extension of Time Frames: While the Charter School endeavors to complete the grievance procedure within the timelines included in this policy, the Charter School may notify the parties of the need for a reasonable extension of time on a case-by-case basis for good cause during any of the major stages of the process, including during evaluation, investigation, determination, and appeal. Additionally, if one of the parties involved requests a reasonable extension of time for cause, the Charter School shall, on a case-by-case basis, reasonably consider such request.

Privacy: The Charter School shall take steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures, provided that the parties must be able to obtain and present evidence, including speaking to witnesses, consulting with their family members, confidential resources or advisors, or otherwise preparing for and participating in the grievance procedures.

Evaluation: The Charter School's investigator or decisionmaker shall evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, and provide that credibility determinations are not based on a person's status as a complainant, respondent, or witness. The following evidence, and questions seeking that evidence, are impermissible:

- Evidence protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the privilege or confidentiality has been voluntarily waived;
- A party's or witness's records that are made or maintained by a physician, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Charter School obtains that party's or witness's voluntary, written consent for use in the grievance procedures;
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Standard of Evidence: For all formal complaints of sex discrimination, the Charter School shall use the preponderance of the evidence standard of proof. The decisionmaker shall evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the standard of proof, the decisionmaker must not determine that sex discrimination occurred.

Dismissal of a Formal Complaint:

The Charter School shall investigate the allegations in a formal complaint and may dismiss a complaint of sex discrimination for any of the following reasons:

- The Charter School is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the Charter School's education program or activity and is not employed by the Charter School;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Charter School determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or its regulations even if proven; or
- The Charter School determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX or its regulations.

Prior to dismissing the complaint, the Charter School must make reasonable efforts to clarify the allegations with the complainant. Upon dismissal, the Charter School will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Charter School will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant or simultaneously if the notification is in writing.

Consolidation of Formal Complaints. A Charter School may consolidate formal complaints as to allegations of sex discrimination against more than one respondents, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one accused, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

Determination Whether Sex Discrimination Occurred.

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the Charter School will notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its implementing regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The Charter School shall provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the Charter School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

If there is a determination that sex discrimination occurred, the Title IX Coordinator is responsible for coordinating the provision and implementation of remedies to a complainant and other persons the Charter School identifies as having had equal access to the Charter School's education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary

sanctions, and other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the Charter School's education program or activity.

The Charter School will not discipline a party, witness, or others participating in the Charter School's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Charter School's determination whether sex discrimination occurred.

If the Charter School dismisses the complaint, it will offer supportive measures to the complainant as appropriate and, if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate.

Appeals

Upon dismissal of a complaint, the Charter School will notify the complainant that a dismissal may be appealed and provide the complainant with an opportunity to appeal the dismissal on the bases set out below. If the dismissal occurs after the respondent has been notified of the allegations, then the Charter School will notify the respondent that the dismissal may be appealed.

If the dismissal is appealed, the Charter School will:

- Notify the parties of any appeal, including notice of the allegations as required above if notice was not previously provided to the respondent
- Implement appeal procedures equally for the parties
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
- Ensure that the decisionmaker has been trained
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
- Notify the parties of the result of the appeal and the rationale for the result

The Charter School shall offer both parties an appeal from a determination whether sex discrimination occurred, and from the Charter School's dismissal of a formal complaint or any allegations therein, on the following bases:

- 1) Procedural irregularity that would change the outcome of the matter;
- 2) New evidence that would change the outcome and that was not reasonably available at the time when the determination whether sex discrimination occurred or dismissal was made; and
- 3) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against a complainant or an accused generally or the individual complainant or accused that would change the outcome of the matter.

The Charter School may offer an appeal equally to both parties on additional bases.

As to all appeals, the Charter School shall:

- 1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- 2) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

- 3) Ensure that the decision-maker(s) for the appeal complies with the conflict of interest and bias standards set forth above;
- 4) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- 5) Issue a written decision describing the result of the appeal and the rationale for the result; and
- 6) Provide the written decision simultaneously to both parties.

Informal Resolution

At any time prior to determining whether sex discrimination occurred, the Charter School may offer to a complainant and respondent a voluntary informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or if such process would conflict with Federal, State or local law. If the Charter School determines the alleged conduct would present a future risk of harm to others, it may decline to allow informal resolution. If an information resolution is followed, the Title IX Coordinator must, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination does not continue to recur within the Charter School's education program or activity. Such specific steps will be taken depending upon the facts of each case.

The Charter School has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or its implementing regulations or when a complaint of sex discrimination is made and may decline to offer information resolution despite one or more of the parties' witnesses. This decision may be made if the Charter School determines that the alleged conduct would present a future risk of harm to others.

The Charter School shall not require or pressure the parties to participate in an informal resolution process.

Before initiation of an informal resolution process, the Charter School shall provide notice to the parties that explains: 1) the allegations; 2) the requirements of the informal resolution process; 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the complaint procedures; 4) that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming complaint procedures arising from the same allegations; 5) the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and 6) what information the Charter School will maintain and whether and how the Charter School could disclose the information for use in a complaint procedure if complaint procedures are initiated or resumed.

The facilitator of the information resolution process will not be the same person as the investigator and/or decisionmaker for the Charter School's grievance process. The facilitator will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Recordkeeping

1) A Charter School must maintain for a period of seven years records of—

(A) For each sex discrimination complaint, records documenting the informal resolution process or the grievance procedures, and if applicable, the resulting outcome.

(B) For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or its implementing regulations, including notifications, records documenting the actions the Charter School took to meet its legal obligations.

(D) All materials used to provide required training. The Charter School must make these training materials available upon request for inspection by members of the public.