

Title IX Administrative Procedures

RECEIVING AND ADDRESSING COMPLAINTS OF TITLE IX SEX-BASED DISCRIMINATION AND HARASSMENT

If the Charter School has knowledge of conduct that reasonably may constitute Title IX sex-based discrimination or harassment in its education program or activity, it must respond promptly and effectively.

The Charter School will treat all complainants and respondents equitably.

The Charter School will assume that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the informal resolution process or grievance procedures.

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates Taylor Uyehara as the Title IX Coordinator.

Title IX Coordinator

Name and Contact Information:

Taylor Uyehara
Chief of Staff and Strategy
2309 N. Broad Street
Philadelphia, PA 19132
Phone: 267-262-2126
Email: tuyehara@youthbuildphilly.org

Note: Where the CEO also functions as the Title IX Coordinator, all reporting between the Title IX Coordinator and CEO is assumed to have occurred without the need for the CEO/Title IX Coordinator to provide proof of same.

REPORTING

The Board of Trustees of the Youthbuild Philadelphia Charter School (the "Charter School") encourages students and third parties who believe that they or others have been subject to Title IX sex-based discrimination or harassment or any other form of discrimination to promptly report such incidents to the Title IX Coordinator, a teacher, counselor, nurse, administrator, or other trusted adult Charter School employee, even if some elements of the related incident took place or originated away from school grounds, school education programs or activities, or school transportation. Reports may be made at any time, including during non-school hours.

There is no time limit in which an incident must be reported. Reports should be made as promptly as possible following an incident, in order to maximize the preservation of evidence and to mitigate the effects of prolonged harassment.

A person who is not an intended victim or target of discrimination but is adversely affected by the conduct may file a complaint of discrimination. Reports may be made using a designated report form or by making a general report verbally or in writing to a Charter School employee, CEO, or the Title IX Coordinator, or by any method that results in the appropriate individual receiving the oral or written report (e.g., mail, telephone, email).

Parents/Guardians have the right to act on behalf of their student(s) at any time, including making a report under this policy and/or filing a written complaint.

A Charter School employee, volunteer, or independent contractor (“reporting adult”) who suspects or is notified that a student has been subject to conduct that may constitute a violation of this policy shall immediately report the incident to the individual’s immediate supervisor, the CEO, or the Title IX Coordinator and shall make any mandatory police or child protective services reports as may be required by law. Failure of a Charter School employee to report instances of discrimination, including Title IX sex-based discrimination or harassment, may subject the employee to discipline.

If the CEO or Title IX Coordinator is the subject of a complaint, the student, third party, or reporting adult shall report the incident directly to an individual that is not the subject of the complaint or to the Chair of the Charter School’s Board of Trustees.

The CEO shall promptly notify the Title IX Coordinator of all complaints of discrimination, Title IX sex-based discrimination or harassment, and retaliation, except in those instances where the Title IX coordinator is the respondent.

REPORT OF AND RESPONSE TO PROHIBITED CONDUCT

INITIAL DUTIES UPON RECEIPT OF REPORT

All reports and complaints received by a Charter School employee or the CEO shall be directed to the Title IX Coordinator.

1. When a complaint or report is made to the Title IX Coordinator which may implicate this policy, the Title IX Coordinator shall:
 - a. Gather additional information from the reporter and other parties identified in the report and document receipt thereof. The Title IX Coordinator may use a form developed by the CEO in fulfillment of this responsibility.
 - b. Confidentially contact the complainant to:
 - i. Gather additional information and to discuss the availability of supportive measures.

- ii. Explain the process for how to file a complaint and inform the complainant that any report made in good faith will not result in discipline.
 - c. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures and reasonable safety concerns.
- 2. The Title IX Coordinator shall evaluate the complaint or report and any additional information gathered to determine whether the reported conduct:
 - a. Meets the definition of Title IX sex-based discrimination or harassment.
 - b. Involves or implicates other Board policies or the Charter School's Student Code of Conduct.
 - c. Raises an immediate threat to the physical health or safety of an individual, based on an individualized safety and risk analysis.
 - d. Involves a student identified as a student with a disability under the IDEA or Section 504.

If none of the allegations fall within the scope of Title IX sex-based discrimination or harassment, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator will refer any dismissed complaints to the CEO to address the allegations under the appropriate Board policy.

- 3. If the Title IX Coordinator determines through an initial assessment that the allegations may constitute Title IX sex-based discrimination or harassment, the Title IX Coordinator will:
 - a. Promptly explain to the complainant the process for filing a complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a complaint.
 - b. Contact the parents/guardians of the complainant and provide them with information regarding the report and Title IX sex-based discrimination or harassment grievance procedures.
 - i. The Title IX Coordinator may determine to withhold or to delay notification of the report to parents/guardians, if the Title IX Coordinator is presented with information that indicates that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other individual(s). The Title IX Coordinator shall make this determination in consultation with individuals who have professional knowledge of the complainant's well-being and upon advice from legal counsel, and upon the request of law enforcement or child welfare agency.
 - c. Ensure that complainants and respondents are treated equitably by:
 - i. Offering supportive measures to the complainant and considering supportive measures that may be offered to the respondent and/or any witnesses identified in the complaint.
 - ii. Following the grievance process for complaints prior to any imposition of disciplinary sanctions or other actions on the respondent that are not supportive measures.
 - iii. Presuming that the respondent is not responsible for the alleged conduct until completion of the grievance process for complaints.

- d. Ensure that the reported conduct is appropriately addressed under other applicable Board policies or laws, such as mandatory reporting, incident/data reporting, and threat assessment.

4. Requirements related to supportive measures.

- a. When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator will notify the Director of Special Education to determine whether additional steps must be taken as supportive measures for the party while Title IX procedures are implemented.
- b. The charter school must offer and coordinate supportive measures, as appropriate. Supportive measures offered by the charter school may not be imposed for punitive or disciplinary purposes.
- c. For allegations of sex-based discrimination other than sex-based harassment or retaliation, the charter school's provision of supportive measures does not require the charter school, its employee or any other person authorized by the charter school to provide an aid, benefit or service to alter the alleged discriminatory conduct for the purposes of providing a supportive measure.

For example, if a female student alleges sex-based discrimination due to the fact that she did not get enrolled in a specific class, the charter school is not required to offer a supportive measure of allowing her into the class until a determination is made at the end of the grievance procedure. However, if a student were enrolled in the class and alleges sex-based harassment against the teacher, the charter school would likely have to offer supportive measures to alter the alleged harassment such as limiting contact with the teacher or switching the student's class during the course of the grievance procedures.

- d. The charter school may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or informal resolution process. The complainant or respondent may seek an appeal of decisions regarding supportive measures from an appropriate and impartial employee other than the employee who made the initial decision. The employee considering the appeal must have authority to modify or reverse the decision regarding supportive measures, and determine whether the decision to provide, deny, modify or terminate the supportive measure is inconsistent with the definition of supportive measures.
- e. The charter school will provide a party with the opportunity to seek modification or termination of supportive measures applicable to them if circumstances materially change.
- f. Confidentiality – confidentiality regarding the supportive measures offered and the identity of the following individuals will be maintained, except as necessary to provide the supportive measure or restore or preserve a party's access to a charter school education program or activity, or as otherwise permitted by law:
 - i. Individuals making a report or complaint; complainant(s); respondent(s); witnesses.

5. Requirements related to emergency removals.

- a. When a respondent who is a student poses an immediate threat to the physical health or safety of a complainant or any student(s), employee(s), or other persons due to the allegations of Title

IX sex-based discrimination or harassment, the respondent may be removed from the Charter School's education program or activity or moved to an alternative setting. A determination to proceed with an emergency removal shall be based on an individualized safety and risk analysis and shall be made by the CEO or designee.

- b. Prior to consideration of an emergency removal, the feasibility of remote instruction or instruction in an alternate setting shall be assessed by the CEO, in consultation with the Director of Special Education (for students with disabilities).
- c. When an emergency removal is warranted and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion will be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.
- d. The respondent will be provided with notice and provided an opportunity for due process to challenge the emergency removal immediately following the removal, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion will address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status.
- e. Nothing in this policy shall be construed to alter any rights of the Charter School to make employment decisions when a Charter School employee is a respondent.

TIMEFRAMES

Reasonably prompt timeframes will be established for the conclusion of the grievance procedures, including timeframes for the evaluation, investigation, determination and informal resolution process and timeframes for filing and resolving appeals.

The established timeframes may be adjusted to allow for a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action will be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Request from law enforcement or child welfare agency.
3. Need for language assistance or accommodation of disabilities.

DISMISSAL OF COMPLAINTS

If the conduct alleged in the complaint would not constitute Title IX sex-based discrimination or harassment, even if proved, did not occur in the Charter School's education program or activity, or did not occur against a person in the United States, the Title IX Coordinator must dismiss the complaint. "Dismissal" of a complaint only ends the grievance procedures in this policy; it does not preclude the Charter School from taking other action

against a party in accordance with the Charter School Code of Conduct or other Board policy.

The Title IX Coordinator may, but is not required to, dismiss the complaint or any allegations therein, if at any time during the investigation or determination:

1. The Charter School is unable to identify the respondent after taking reasonable steps to do so.
2. A complainant provides voluntary written notification of withdrawal of any or all 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 alleged conduct that remains in the complaint, if any, would not constitute sex-based discrimination, even if proven.
3. After the Charter School makes reasonable efforts to clarify the allegations with the complainant, the charter school determines that the alleged conduct, even if proven, would not constitute sex-based discrimination or harassment.
4. The respondent is no longer enrolled at or participating in a charter school education program or activity, or is not employed by the Charter School.

Upon the dismissal of a complaint, the Charter School will promptly notify the complainant, in writing, of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the Charter School will also promptly notify the respondent, in writing, of the dismissal and the basis for the dismissal, either following notification to the complainant or simultaneously therewith.

The written notification will state whether the allegations will continue to be address pursuant to the Student Code of Conduct and/or other policies or complaint processes.

Proceeding with the grievance process may allow the Charter School to determine the scope of the harassment, whether Charter School employees knew about it but failed to respond, whether there is a pattern of harassment in particular programs or activities, whether multiple complainants experienced discrimination and/or harassment by the same respondent, and what appropriate remedial actions are necessary.

Parties may appeal a dismissal of the complaint pursuant to appeal procedures set forth below.

Upon dismissal, the Charter School will, at a minimum, (1) offer supportive measures to the complainant and respondent, as appropriate; and (2) take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that the conduct does not continue or recur within the Charter School's education program or activity.

APPEAL PROCEDURES

Each party may appeal (1) the dismissal of a complaint or any included allegations and/or (2) a determination regarding responsibility.

To appeal, a party must submit their written notice of appeal within five (5) school days of being notified of the decision, including a brief statement of the grounds for the appeal. If no appeal officer has been designated, the written appeal shall be filed with the Title IX Coordinator.

The grounds for appeal are as follows:

1. Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that would change 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 an individual party, or for or against complainants or respondents in general, that would change the outcome of the matter.

If the dismissal is appealed, the charter school will:

- 1. Notify the parties of any appeal, including notice of the allegation, if notice was not previously provided to the respondent;**
- 2. Implement the appeal procedures equally for the parties;**
- 3. Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;**
- 4. Ensure that the decision-maker for the appeal has been appropriately trained;**
- 5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and**
- 6. Notify the parties of the appeal and the rationale for the result.**

The Charter School shall prepare a written response to the appeal within twenty (20) school days, absent reasonable delays for good cause. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

GRIEVANCE PROCEDURES

The Charter School is required to initiate the grievance procedures in this document when a complainant or the complainant's parent/guardian or other authorized legal representative files a complaint based on Title IX sex-based discrimination or harassment.

The Charter School acknowledges that choosing to make a report, file a complaint, and/or meet with the Title IX Coordinator after a report or complaint has been made, and deciding how to proceed, can be a process that unfolds over time. The complainant will not be pressured to decide whether to pursue a complaint or to name the other party/parties at the time of the report.

The Charter School will endeavor to honor the stated wishes of the complainant concerning whether to move forward with an investigation. If the complainant or the complainant's parents/guardians requests that no investigation occur or refuses to participate in the grievance procedures, the Title IX Coordinator will determine whether the allegations, nonetheless, require an investigation under this policy to mitigate a potential health, safety, or other substantial risk to the Charter School community.

In the event that the Title IX Coordinator initiates grievance procedures despite the complainant's wishes not to initiate grievance procedures, the Title IX Coordinator's assessment must be fact-specific.

Note: The Charter School may consolidate complaints as to allegations of Title IX sex-based discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Upon the filing of a complaint, or when the Title IX Coordinator initiates the grievance procedures herein, the Title IX Coordinator will provide written notice to all known parties, and the parents/guardians of known parties or other authorized legal representatives thereof (where applicable). The written notice shall contain:

1. A copy of this policy including the grievance procedures, and any informal resolution process that may be available.
2. Notice of the allegations which potentially constitute Title IX sex-based discrimination or harassment, including sufficient details known at the time and with reasonable time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known.
 - b. The conduct allegedly constituting sex-based discrimination or harassment.
 - c. Date(s) and location(s) of the alleged incident(s), if known.
 - d. A statement that retaliation is prohibited.
 - e. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, upon request.
 - f. A statement that a determination regarding responsibility will be made at the conclusion of the grievance procedures, and, until that time, the respondent is presumed not responsible for the alleged conduct.
 - g. Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
 - h. Notice that the School's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information in connection with reports of misconduct or discrimination.

Note: the Charter School will not discipline a party, witness or other individual participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination of whether sex-based discrimination or harassment occurred.

- i. At the outset and during the course of the investigation, notice of any additional allegations that will be subject to investigation.

INFORMAL RESOLUTION PROCESS

Note: The informal resolution process cannot be offered or used to facilitate a resolution for any complaint where the allegations state that an employee engaged in sex-based harassment of a student, or if the process would conflict with federal, state or local law.

At any time after a complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the complaint.

The charter school may 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 complaints. Similarly, a charter school may not require or pressure the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services or supportive measures.

The facilitator for the informal resolution process must not be the same person as the investigator or the decision-maker in the grievance procedures, must have received the required training in accordance with Board policy and must not have a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent.

When offering an informal resolution process, the Title IX Coordinator will:

1. Provide the parties a written notice disclosing the following:
 - a. The allegations.
 - b. The requirements of the informal resolution process, including that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance procedures.
 - c. That the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties from initiating or resuming grievance procedures arising from the same allegations.
 - d. 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. Other terms of an informal resolution agreement may include restrictions on contact and restrictions on the respondent's

participation in one or more of the charter school's programs or activities or attendance at specific events, including restrictions the charter school could have imposed as remedies or disciplinary sanctions had the charter school determined at the end of the grievance procedures the alleged conduct occurred.

- e. Any consequences resulting from participating in the informal resolution process, including the records and information that will be maintained and whether and how such records and information could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties will be informed of the rights being waived by agreeing to the informal resolution process, and will acknowledge such agreement in writing.
3. The informal resolution process will be conducted within ten (10) school days of the parties' signed agreement for the informal resolution process, or at a mutually agreeable time for all parties' thereto.

If the matter is resolved to the satisfaction of the parties, the charter school employee facilitating the informal resolution process will document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within ten (10) school days after the complaint is resolved in this manner, the Title IX Coordinator will contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator will document the informal resolution process, responses from all parties, and an explanation of why the charter school's response was not deliberately indifferent to the reported complaint of sex-based discrimination or harassment.

INVESTIGATION PROCESS

The Title IX Coordinator will oversee the investigation and may designate an investigator to conduct an adequate, reliable, and impartial investigation of complaints. The Title IX Coordinator shall assess whether the investigation should be conducted by another Charter School employee, an attorney, or another third party, and shall assign the investigation to that individual.

The designated investigator, if other than the Title IX Coordinator, will work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation, and to document the evidence throughout each stage of the investigation.

When investigating a complaint, the investigator will:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a determination. During the process of gathering evidence, unless the charter school obtains the voluntary, written consent of the party, or the party's parent/guardian or other authorized legal representative when legally required, the charter school cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records 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 providing treatment to the party.

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
3. Objectively evaluate all evidence gathered through the investigation, including inculpatory and exculpatory evidence, and determine what evidence is relevant and what evidence is impermissible regardless of relevance. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as sex-based discrimination or harassment in school settings.
4. Inform all parties, parents/guardians and witnesses of the requirements for confidentiality and prohibition against retaliation for anyone's participation in the investigation process, and that conduct believed to be retaliatory should be reported to the Title IX Coordinator.
5. Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not otherwise impermissible, in the following manner:
 - a. Provide each party with an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the charter school provides a description of the evidence, the charter school must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
 - b. The charter school must provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and
 - c. The charter school must take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint are authorized.
6. During the investigation the parties and witnesses will be questioned to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more of the allegations. Where the investigator has interviewed a party or witness and the investigator is also serving as the decision-maker, credibility evaluation is inherent in the process of conducting the interview. In situations where credibility determinations are required from a decision-maker who did not interview a party or witness, the Title IX Coordinator will facilitate an opportunity for the decision-maker to conduct an interview as part of the decision-maker's process of engaging with the evidence resulting from the investigation. In considering evidence, the decision-maker will ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

If at any point the investigation expands to include additional allegations that were not included in the initial notice of allegations, the investigator will alert the Title IX Coordinator. The Title IX Coordinator will provide written notice of the new allegations to the known parties.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator will promptly notify the Title IX Coordinator, who will promptly inform law enforcement authorities

about the allegations and make any additional required reports, in accordance with law, regulations and Board policy.

The obligation to conduct this investigation will not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to request for a delay in fulfilling the charter school's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays will not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation and the reason for such delay will be documented by the investigator.

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sex-based discrimination or harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sex-based discrimination or harassment involved does not preclude the charter school from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together as part of the grievance procedures, disciplinary action normally should not be imposed until the completion of the grievance procedures. A decision whether and when to take such action should be made in consultation with the Charter School's legal counsel.

The investigation stage will be concluded within twenty (20) school days, subject to reasonable extension(s) of time based upon investigatory needs.

DETERMINATION AND CHARTER SCHOOL ACTION

The charter school will designate a decision-maker, who may be the same person as the Title IX Coordinator or investigator. The decision-maker must be free from any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and must have received training in accordance with Board policy.

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the decision-maker must issue a determination for the alleged conduct. To reach this determination, the decision-maker will apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not. This standard requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness; if the decision-maker is not persuaded under the preponderance of the evidence standard that the alleged conduct occurred, whatever the quantity of the evidence is, the decision-maker must not determine that the alleged conduct occurred.

The charter school will provide written notification to the parties of the determination as to whether the alleged conduct occurred, including the rationale for the determination and the procedures and permissible bases for the appeal, if applicable.

If there is a determination that the alleged conduct occurred, as appropriate, the Title IX Coordinator is required to:

1. Coordinate 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 such conduct.

2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any disciplinary sanctions, in accordance with applicable law, regulations and Board policy.
3. Take other appropriate prompt and effective steps to ensure that the conduct does not continue or recur within the charter school's education program or activity.

APPEAL PROCESS

The charter school must offer both parties the right to appeal a determination of responsibility or any allegation in the complaint. The appeal may be based on the following:

1. Procedural irregularity that would change the outcome of the matter.
2. New evidence that is not otherwise impermissible that would change the outcome and that was not reasonably available when the decision was made.
3. The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Written notice of a party's appeal must be submitted to the Title IX Coordinator within five (5) school days after the date the determination is provided to the parties. Notice of appeal must include a brief statement describing the basis for the appeal.

If the determination is appealed, the charter school will:

1. Notify the parties of any appeal;
2. Implement the appeal procedures equally for the parties;
3. Ensure that the decision-maker for the appeal did not take part in the investigation of the allegations of the complaint;
4. Ensure that the decision-maker for the appeal has been appropriately trained; and
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

The decision-maker for the appeal will review the investigation and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The charter school will notify the parties of the rationale for the result of the appeal within twenty (20) school days.

Disciplinary Action

Following the issuance of the determination and any applicable appeal, any disciplinary action specified in the determination or appeal decision must be consistent with the Code of Student Conduct, Board policies and

administrative regulations, charter school procedures, applicable collective bargaining agreements and state and federal laws and regulations, including specific requirements and provisions for students with disabilities.

Note: The charter school will not discipline a party, witness or other individual participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination of whether sex-based discrimination or harassment occurred.