

IMAGINE CHARTER SCHOOL AT BROWARD

Imagine Schools Title IX Policy

Title IX of the Education Amendments of 1972 is a federal law that states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

On May 6, 2020, the United States Department of Education issued the first revision of its Title IX regulations in 45 years. These modifications made significant changes in the way that elementary and secondary schools must investigate and address claims of sexual harassment.

This policy covers all faculty, staff, and students of [Insert School Name] (“School”), and related third-parties (such as applicants for admission and employment, vendors, guests, and contractors) (collectively, the “School Community Members”). This policy applies to all School programs and activities.

I. Nondiscrimination Policy Statement

In accordance with Title IX, School does not discriminate on the basis of sex in its educational programs, athletic programs, employment, enrollment, or operation. The School prohibits:

- Disparate treatment of students based on sex with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services;
- Disparate treatment of employees or applicants for employment based on sex with respect to any area of employment, recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by School;
- Sexual harassment targeted at any School Community Member by anyone at School or at School-sponsored or School-related activities; and
- Any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination or harassment, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination or harassment. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Any School Community Member who feels that s/he is being or has been discriminated against or sexually harassed on school grounds or at a school-sponsored or school-related activity is strongly encouraged to immediately contact his/her School Leader or the School’s Title IX Coordinator. Any employee who receives a report or observes an incident of discrimination or sexual harassment shall notify the School Leader or the School’s Title IX Coordinator. Once notified, the School Leader or Title IX Coordinator shall take the steps to investigate and address the allegation, as specified in this Policy.

II. Title IX Coordinator

Inquiries about the application of Title IX or violations of Title IX protections should be referred to the School’s Title IX Coordinator:

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Imagine Schools West Florida Region
10535 Portal Crossing
Bradenton, FL 34211
941-726-9081
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III. Definitions

- A. “**Complainant**” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- B. “**Formal Complaint**” means 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. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in this Policy, as may be updated from time to time.
- C. “**Respondent**” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- D. “**Sexual Harassment**” actionable under Title IX means conduct on the basis of sex that satisfies one or more of the following: (1) A school employee conditioning an educational aid, benefit, or service upon a person’s participation in unwelcome sexual conduct (often called *quid pro quo* harassment); (2) 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 school’s education program or activity; or (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).
- E. “**Supportive Measures**” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School’s educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

IV. Grievance Process

Any School Community Member who believes that s/he has been subjected to unlawful discrimination or Sexual Harassment may seek resolution of his/her complaint through the procedures described below. If a Complainant informs the School Leader or any other employee working at the School, either orally or in writing, about any complaint of discrimination or Sexual Harassment, that person must report such information to the Title IX Coordinator within two (2) school days.

Once notified of a complaint, the Title IX Coordinator shall promptly contact 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.

Due to the sensitivity surrounding complaints of unlawful discrimination or Sexual Harassment, time frames for initiating the complaint process are flexible; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the alleged conduct occurs.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful sex discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC") or local law enforcement agencies.

A. Informal Complaint Procedure

Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. The goal of the informal complaint procedure is to quickly address inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a School Community Member who believes s/he has been the subject of unlawful discrimination or Sexual Harassment. This informal procedure is not required as a precursor to the filing of a Formal Complaint. The informal process is only available in those circumstances where the parties (the Claimant and the Respondent(s)) agree to participate in it.

School Community Members who believe that they have been the subject of unlawful discrimination or Sexual Harassment may proceed immediately to the Formal Complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the Formal Complaint process.

All Sexual Harassment complaints involving School staff or any other adult member of the School community and a student of minor age must be formally investigated.

An individual who believes s/he has been the subject of unlawful discrimination or Sexual Harassment may make an informal complaint, either orally or in writing: (1) to the School Leader or other School official; and/or (2) directly to the Title IX Coordinator. All informal complaints must be reported to the Title IX Coordinator who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution. The School's informal complaint procedure is designed to provide School Community Members who believe they are the subject of unlawful discrimination or Sexual Harassment with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination or Sexual Harassment, informal resolution may involve, but not be limited to, one or more of the following:

- (i) Advising the Complainant about how to communicate his/her concerns to the Respondent(s).
- (ii) Distributing a copy of the School's Non-Discrimination Policy to applicable School Community Members as a reminder of their rights and responsibilities thereunder.
- (iii) If both parties agree, the Title IX Coordinator may arrange and facilitate a meeting between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Title IX Coordinator or designee will exercise his/her authority to attempt to resolve all informal

complaints in a timely manner, ordinarily within fifteen (15) school days of receiving the informal complaint.

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a Formal Complaint. As stated above, parties may request that the informal process be terminated at any time to move to the Formal Complaint process.

All materials generated as part of the informal complaint process will be retained by the Title IX Coordinator.

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the Formal Complaint process, or if the Complainant elects to file a Formal Complaint initially, the Formal Complaint process shall be initiated. A Complainant may file a Formal Complaint, in writing, with the School Leader, the Title IX Coordinator, or other designated School official.

All Formal Complaints must include the following information to the extent it is available: (i) the identity of the Respondent(s); (ii) a detailed description of the facts upon which the complaint is based; (iii) a list of potential witnesses; and (iv) the resolution sought by the Complainant. The Complainant may obtain a Complaint Form from the Title IX Coordinator or School Leader.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Title IX Coordinator shall ask for such details in an oral interview. Thereafter, the Title IX Coordinator will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. In the event the Complainant is a student with disabilities, the Title IX Coordinator will carefully review the reporting student's IEP or 504 plan to determine any accommodations which may be required to aid the student in his/her reporting.

Upon receiving a Formal Complaint, the Title IX Coordinator will consider whether any Supportive Measures should be taken in the investigatory phase to protect the Complainant from further sex discrimination or retaliation. In making such a determination, the Title IX Coordinator should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Title IX Coordinator may still take whatever actions s/he deems appropriate in consultation with the School Leader.

Within two (2) school days of receiving the Formal Complaint, the Title IX Coordinator, or his/her designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination, Sexual Harassment, or retaliation. The investigation will include: (i) interviews with the Complainant; (ii) interviews with the Respondent(s); (iii) interviews with any other witnesses who may reasonably be expected to have information relevant to the allegations; and (iv) consideration of any documentation or other information presented by the Complainant, Respondent(s), or any other witness that is reasonably believed to be relevant to the allegations.

Promptly upon initiating the investigation, the Title IX Coordinator will inform the Respondent(s), that a complaint has been received. The Respondent(s) will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines. The Respondent(s) shall be presumed to not be responsible for the

alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The Respondent(s) must also be informed of the opportunity to submit a written response to the complaint within five (5) school days.

Although certain cases may require additional time, the Title IX Coordinator or a designee will attempt to complete the investigation within fifteen (15) school days of receiving the Formal Complaint. The investigation may be temporarily delayed for good cause with written notice to the Complainant and the Respondent of the delay or extension of time and the reason for such action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator shall keep the parties reasonably informed of the status of the investigation throughout the course of the Formal Complaint process.

At the conclusion of the investigation, the Title IX Coordinator, or his/her designee, shall prepare and deliver a written report to the School Leader that summarizes the evidence gathered during the investigation and provides recommendations, based on the evidence, School Board policy, and State and Federal law, as to whether the Complainant has been the subject of unlawful discrimination, Sexual Harassment, or retaliation. The Title IX Coordinator's recommendations shall be based upon the totality of the circumstances. In determining if discrimination, Sexual Harassment, or retaliation occurred, a "preponderance of the evidence" standard will be used.

Absent extenuating circumstances, within five (5) school days of receiving the Title IX Coordinator's report, the School Leader must either issue a final decision regarding whether the allegations have been substantiated or request further investigation. The School Leader shall consider the totality of the evidence and determine whether the preponderance of the evidence establishes that the alleged discrimination, Sexual Harassment, or retaliation occurred (i.e., it is more likely than not that discrimination/sexual harassment/sexual violence occurred). A copy of the School Leader's final decision will be delivered to both the Complainant and the Respondent.

If the School Leader requests additional investigation, the School Leader must specify the additional information that is to be gathered, and, unless extenuating circumstances exist, such additional investigation will be completed within five (5) school days. At the conclusion of the additional investigation, the School Leader must issue a final written decision as described above.

If the School Leader or his/her designee determines the Complainant was subjected to unlawful discrimination, Sexual Harassment, or retaliation, the School Leader shall make recommendations to immediately end the discriminatory conduct, recommend ways to remedy the discriminatory effects on the complainant, and identify what corrective action will be taken to stop, remedy, and prevent the recurrence of such conduct. The recommended corrective action(s) shall be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The School may dismiss a Formal Complaint if the Respondent(s) is no longer enrolled at or employed by the School; the alleged victim and his or her parents/guardians notifies the Title IX Coordinator in writing that the formal complaint or any allegations therein are withdrawn; or specific circumstances prevent the school from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations therein. Upon such dismissal, the

School shall send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

C. Appeal

A Complainant or Respondent who is dissatisfied with the final decision of the School Leader may appeal through a signed written statement to the School's Governing Board within five (5) school days of his/her receipt of the School Leader's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives at the next regularly scheduled Board meeting after the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) school days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination, Sexual Harassment, or retaliation, regardless of whether the School Community Member alleging the unlawful discrimination, Sexual Harassment, or retaliation pursues the complaint. The Board also reserves the right to have the Formal Complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the Equal Employment Opportunity Commission, local law enforcement agencies, or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If a party is not satisfied with the Board's decision, the party may file a complaint with the Office for Civil Rights ("OCR"). More information is available at the United States Department of Education, Office of Civil Rights website: <http://www2.ed.gov/about/offices/list/ocr/index.html> Employees may file a complaint with the Equal Employment Opportunity Commission: <https://www.eeoc.gov/eeoc/>.

D. Privacy/Confidentiality

The School will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and any witnesses as much as possible, consistent with its legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Requests for confidentiality, therefore, will be evaluated in the context of the School's responsibility to provide a safe and nondiscriminatory environment for all students, and the request will be weighed against whatever factors the School deems relevant, including, without limitation: (i) the complainant's age; (ii) circumstances that suggest there is an increased risk of future acts of harassment and/or sexual violence under similar circumstances; and (iii) whether the School possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

All Complainants proceeding through the grievance process set forth herein will be advised that their identities may be disclosed to the Respondent(s).

During the course of any investigation hereunder, the Title IX Coordinator or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation. All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the Title IX Coordinator in accordance with the School's records retention policy and applicable law.

V. Sanctions and Monitoring

The School shall enforce its prohibitions against unlawful discrimination, Sexual Harassment, and retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action. When imposing discipline, the School Leader and/or Governing Board, as appropriate, shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the School may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School policies and procedures.

VI. Retaliation Prohibited

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, Sexual Harassment, or retaliation, or participates as a witness in an investigation is prohibited. Specifically, the School will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

VII. Reporting to Local Law Enforcement

Nothing in this Policy shall in any way be deemed to discourage the Complainant from reporting acts subject to hereto, including acts of sexual violence, to local law enforcement. In the event that the Complainant files a criminal complaint, the Title IX Coordinator and School Leader should not wait for the conclusion of a criminal investigation or criminal proceeding to begin the School's own Title IX investigation.

Although the School may need to temporarily delay the fact-finding portion of a Title IX investigation while local law enforcement officials are gathering evidence, the School will take interim measures to protect the Complainant in the educational setting. The School will also continue to update the parties on the status of the investigation and inform the parties when the School resumes its Title IX investigation

VIII. Interim Measures Pending Final Determination of the Complaint

Title IX requires the School to take steps to ensure equal access to its education programs and activities and to protect the complainant as necessary, including taking Supportive Measures before

the final outcome of an investigation. The School shall take these steps promptly once it has notice of a Sexual Harassment allegation and will provide the complainant with periodic updates on the status of the investigation. The Title IX Coordinator will notify the Complainant of his or her options to avoid contact with the alleged perpetrator and allow the Complainant to change academic and extracurricular activities as appropriate. The Title IX Coordinator will also ensure that the Complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to local law enforcement.