

Presque Isle Academy

Title IX Sexual Harassment Compliance Form

This Title IX Sexual Harassment Compliance Form is to be used to document the School's protocols to comply with the reporting requirements for all alleged incidents of sexual harassment consistent with the USDE Title IX Final Rule. See the Title IX Sexual Harassment Investigation Form for School response to specific allegations of sexual harassment.

NOTICES:

Title IX Coordinator: _____
Designated by the Board on _____, 2020.

Notice of Title IX Coordinator's name, office address, email address and telephone number has been provided to students, parents/legal guardians, applicants for admission, applicants for employment through (check all that apply):

- Website (publication date: _____, 2020)
- Parent and Student Handbook
- Job Application Form
- Student Enrollment Form
- Other (please identify) _____

Notice of School's Nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the School will respond, has been provided to students, parents/legal guardians, applicants for admission, applicants for employment through (check all that apply):

- Website (publication date: _____, 2020)
- Parent and Student Handbook
- Job Application Form
- Student Enrollment Form
- Other (please identify) _____

The School's notice of nondiscrimination states that the School does not discriminate on the basis of sex in the education program and activities that it operates, and that it is required by Title IX and its regulations not to discriminate in such a manner.

The School's notice of nondiscrimination indicates that inquiries about the application of Title IX and its regulations may be referred to the designated Title IX Coordinator or the Assistant Secretary of Civil Rights of the US Department of Education.

The School has published the notice of nondiscrimination and the Title IX Coordinator's contact information on

- the School's website and
- in the Parent and Student Handbook
- in the staff handbook
- in the local newspaper
- in recruiting materials for students

- in recruiting materials for staff
- The School has provided the required hours of training for all Title IX personnel for the 2020-21 school year, including training on the definition of sexual harassment, the scope of the school's education program and activities, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, and how to serve impartially, including how to avoid prejudgment of the facts at issue, conflicts of interest, and bias.
- N/A The School has trained the decision-maker(s) on any technology to be used at a live hearing as well as on issues of relevance, including how to apply the rape shield protections provided only for complainants.
- The School has posted the Title IX training materials on the website.
- The School's written grievance process identifies the appeal procedures and the range of supportive measures available to complainants and respondents.
- The School has chosen not to provide complainants and respondents with a hearing prior to the final determination.

Type of Alleged Sexual Harassment:

- *quid pro quo* harassment by a school staff member (NOTE: This type of misconduct is not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access)
- unwelcome conduct that
 - a reasonable person would find
 - so severe and
 - pervasive, and
 - objectively offensive that it denies a person equal educational access
- sexual assault, dating violence, domestic violence or stalking (identify which one)

The misconduct occurred where the school exercised substantial control over both

- the respondent and
- the context in which the sexual harassment occurred (an educational program or activity)

INITIAL RESPONSE TO A COMPLAINT OF SEXUAL HARASSMENT:

- The school will respond promptly in a manner that is not deliberately indifferent.
- The school will offer appropriate supportive measures to restore or preserve equal access to the educational program or activity.
Supportive measures are defined as non-disciplinary, non-punitive, individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures that may be offered:
 - Student conference(s) with administrator
 - Positive behavioral interventions
 - Teacher notification plan
 - Other school staff notification
 - Parent meeting(s)
 - Safe person plan
 - Increased monitoring/supervision
 - Check in – Check out assigned
 - Harassment prevention plan to be developed
 - Follow up / Monitoring
- The school will not impose discipline sanctions against the respondent prior to completion of the grievance process unless the School has done an individualized safety and risk analysis and determined that emergency removal is necessary in order to protect a student or other individual from an immediate threat to physical health or safety.
- If there is an emergency removal, the School will provide the respondent with notice and an opportunity to challenge the decision immediately after the removal.
- The school will confirm whether the complainant wants to initiate or participate in a grievance process.
- The Title IX Coordinator will file a formal complaint when necessary to avoid deliberate indifference if the complainant chooses not to do so.
- The investigator will not be the final decision-maker and will complete the investigator assurances¹.
- The School will provide the parties with all relevant notices and will document dates such notices are provided.
- The School will complete the Title IX Sexual Harassment Investigation Form for every formal complaint of sexual harassment.

- Mark Schuler will be the decision maker. The decision maker will complete the decision maker assurances.ⁱⁱ

- PIA Legal Counsel will be the appeal decision maker. The appeal decision maker will complete the appeal decision maker assurances.ⁱⁱⁱ

- The School will maintain all documents and records of sexual harassment reports and investigations in accordance with the USDE Title IX regulations.

i Investigator Assurances:

- Investigation began within 2 days of incident being reported.
- Investigator is free from conflicts of interest or bias for or against complainant(s) or respondent(s).
- Investigator has received required Title IX training.
- Investigator understands that there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Investigator agrees to treat complainants equitably by providing remedies any time a respondent is found responsible, and to treat respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- Investigator agrees to objectively evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent or witness.
- Investigator understands that the School has chosen to use the **preponderance of the evidence standard** for determining whether sexual harassment has occurred. This burden of proof is met when the party with the burden (the school) convinces the fact finder that there is a greater than 50% chance that the claim is true.

ii Decision-maker Assurances:

- Decision-maker is neither the investigator nor the Title IX Coordinator.
- Decision-maker is free from conflicts of interest or bias for or against complainant(s) or respondent(s).
- Decision-maker has received required Title IX training.
- Decision-maker understands that there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Decision-maker agrees to treat complainants equitably by providing remedies any time a respondent is found responsible, and to treat respondents equitably by not imposing disciplinary sanctions without following the grievance process.

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- Decision-maker agrees to objectively evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent or witness.
 - Decision-maker agrees to provide remedies, when a respondent is found responsible, that are designed to maintain the complainant's equal access to education. Decision-maker acknowledges that such remedies may be disciplinary or punitive and may burden the respondent when necessary.
 - Decision-maker understands that the School has chosen to use the **preponderance of the evidence standard** for determining whether sexual harassment has occurred. This burden of proof is met when the party with the burden (the school) convinces the fact finder that there is a greater than 50% chance that the claim is true.

iii **Appeal Decision-maker Assurances:**

- Appeal Decision-maker is not the investigator, the Title IX Coordinator nor the original decision-maker.
- Appeal Decision-maker is free from conflicts of interest or bias for or against complainant(s) or respondent(s).
- Appeal Decision-maker has received required Title IX training.
- Appeal Decision-maker agrees to objectively evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent or witness.
- Appeal Decision-maker understands that the School has chosen to use the **preponderance of the evidence standard** for determining whether sexual harassment has occurred. This burden of proof is met when the party with the burden (the school) convinces the fact finder that there is a greater than 50% chance that the claim is true.
- Appeal Decision-maker understands that an appeal is appropriate if any of the following may have occurred:
 - Procedural irregularity that affected the outcome
 - Newly discovered evidence that could affect the outcome
 - Title IX personnel has a conflict of interest or bias that affected the outcome
- Appeal Decision-maker agrees to consider the evidence and basis for appeal in an impartial manner and render a decision in accordance with the School's grievance policy and procedures.