



**ANN JERKINS HARRIS ACADEMY OF EXCELLENCE
NON-DISCRIMINATION POLICY
AND
GRIEVANCE PROCEDURE
2022-2023**

Abstract

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: 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. Title IX applies to institutions that receive federal financial assistance from ED, including state and local educational agencies. Educational programs and activities that receive ED funds must operate in a nondiscriminatory manner. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment; treatment of pregnant and parenting students; discipline; single-sex education; and employment. The Office of Civil Rights (OCR) vigorously enforces Title IX to ensure that institutions that receive federal financial assistance from ED comply with the law. OCR evaluates, investigates, and resolves complaints alleging sex discrimination. OCR also conducts proactive investigations, called compliance reviews, to examine potential systemic violations based on sources of information other than complaints.

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TABLE OF POLICY CHANGES

Approximate Policy/Appendix Number	Policy/Appendix Title	Relevant Statute/Rule (if applicable)	Board Vote Required?
206	General Notice of Non-Discrimination		Yes
221.1	Title IX Grievance Procedure	See 34 CFR part 106; see also Policy 221, Policy 222, and Appendices 221.1-A through 221.1-J.	Yes
222	Title IX Coordinator	34 CFR 106	Yes
264	Sexual and Other Forms of Harassment	20 USC 1681 et seq.; R.C. 4112.02; See 34 CFR part 106.	Yes
264.1	Anti-Harassment, Intimidation, and Bullying Policy	R.C. 3313.666, 3313.667, 3319.073	Yes
306.4	Reporting a Complaint		Yes
App. 115	Complaint Procedure		No
App. 222.1-A - F	Forms for Sexual Harassment Formal Complaint Grievance Procedure	34 CFR 106	No

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Office of the Assistant Superintendent: HR, SPED Programs, Compliance and Title IX

AEE: NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE

APPROVED BY THE GOVERNING BOARD ON AUGUST 20TH, 2022

PURPOSE:

The purpose of this Policy and Grievance Procedures is to secure, at the lowest possible level, prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX of the Education Amendments of 1972 ("Title IX"), and violation of District policies that prohibit these types of discrimination. These procedures apply only to complaints alleging discrimination prohibited Title IX (including sexual harassment and sexual violence).

These procedures shall be available in every school site administrative office, posted on the district website, and included in the Staff Handbook and in the Parent/Student handbooks.

GENERAL NOTICE OF NON-DISCRIMINATION

NOTICE OF NON-DISCRIMINATION
THE *ANN JERKINS HARRIS ACADEMY OF EXCELLENCE*
DOES NOT DISCRIMINATE ON THE BASIS OF
RACE, COLOR, NATIONAL ORIGIN, SEX, DISABILITY, OR AGE
ON ITS STAFF RECRUITMENT, EDUCATIONAL PROGRAMS AND/OR ACTIVITIES
AND PROVIDES EQUAL ACCESS TO DESIGNATED YOUTH GROUPS.

The **AJHAE** intends to comply with Title IX of the Education Amendments Act of 1972, which states, in part: "No persons in the United States shall based on sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance."

As such, the AJHAE does not discriminate on the basis of sex in its education program or activities and is required by Title IX and its regulations not to discriminate in such a manner. This requirement not to discriminate in the education program or activity extends to admission and employment.

The language above will be posted on the **AJHAE's** website within two clicks of the home page; in all other **AJHAE**-related documents made available to students, parents, staff, and applicants (e.g., student newspapers, parent newsletters, student handbooks, employee handbooks, application forms, recruiting materials, etc.); and in a conspicuous place in the **AJHAE** building. This language will also be provided to parents, students, and employees prior to the start of each school year.

**THE FOLLOWING PERSON HAS BEEN DESIGNATED BY AEE GOVERNING BOARD
TO HANDLE INQUIRIES REGARDING NON-DISCRIMINATION POLICIES:**

Title IX Coordinator	Dr. Israel I. Koppisch
ADDRESS	728 Parkside Boulevard, Toledo, Ohio
TELEPHONE NUMBER	43607 419-382-2280 x:150
EMAIL ADDRESS	iikoppisch@aetoledo.org

The designated individual will serve as the requisite coordinator for each of the following: Policy 221 (Access to Equal Educational Opportunity); Policy 222 (Title IX Coordinator); Policy 228 (Section 504); Policy 264 (Sexual and Other Forms of Harassment); and Policy 305 (Non-Discrimination).

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Inquiries about the application of Title IX and its regulations to the **AJHAE** may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department, or both.

THE TITLE IX COORDINATOR Role and Responsibilities

- Is the individual designated by the AJHAE to coordinate the school's compliance with federal law overlooking Title IX, including overseeing all sex discrimination complaints and identifying and addressing any patterns or systematic problems that arise during the review of such complaints.
 - Determining whether the complaint allegations are prohibited sexual misconduct, sexual assault, sexual violence, or stalking.
 - Appointing an investigator to conduct formal investigations.
 - Ensuring reports and complaints are handled properly in a prompt and timely manner.
 - Informing students, employees, and witnesses of their rights during a formal investigation and what campus and community support resources are available to them.
 - Confirming that all parties have been notified of the IOA's conclusion and the right to, and procedures for, an appeal, if applicable.
 - Maintaining information and documentation related to the investigation in a secure manner, consistent with the University's obligations to disclose information as required by law.
 - The Title IX coordinator needs to be the expert on all things relating to Title IX. This person needs to understand that Title IX is about more than equality in sports. It's also about more than sexual assault. Title IX coordinators are also responsible for responding to all complaints of possible sex discrimination and coordinating proper responses to complaints.
 - The Title IX coordinator should be aware of each type of discrimination covered under Title IX.
 - Additionally, the Title IX coordinator needs to know the ins and outs of the school's policies and procedures on sex discrimination and sexual misconduct.
 - In fact, it's a best practice to have the Title IX coordinator involved with the creation of school policies. This way they can ensure the policies match Title IX requirements.
 - Another responsibility Title IX coordinators have is to oversee the campus's sex discrimination and sexual violence prevention initiatives to ensure Title IX compliance.
- Conduct Investigations & Enforce Disciplinary Actions.
 - One of the most challenging responsibilities of the Title IX coordinator is investigating complaints and enforcing disciplinary actions. When a person reports sex discrimination or allegations of sexual misconduct, the Title IX coordinator must handle the investigation from beginning to end which can include among other Title IX requirements:
 - Conducting interviews with the involved parties
 - Informing all parties about the grievance process
 - Establishing witness credibility
 - Evaluating evidence with an impartial view
 - Determining appropriate sanctions against the perpetrator
 - Helping survivors find resources
 - Additionally, the Title IX coordinator should be accessible and available to meet with students who need guidance or want to make a complaint.
 - Title IX coordinators are responsible for collaborating with other departments to ensure compliance with Title IX laws and campus policies. That means that the Title IX coordinator needs to develop relationships with human resources, school attorney, School Principal, public safety, staff members, etc. to ensure each department is working together.
 - Title IX coordinators have numerous responsibilities to ensure that the school premises maintain Title IX compliance. But more importantly, the coordinator is key to helping create an environment that is free from sexual violence and harassment.

Training

Any individual designated by the **Academy** as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, these individuals shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the **Academy's** education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The **Academy** will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, and that decision-makers receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

TITLE IX GRIEVANCE PROCEDURES

The Title IX Grievance Procedure listed below is meant to provide for prompt and equitable resolution of student and employee complaints. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Should any AJHAE employee, or an official who has authority to institute corrective measures on behalf of the AJHAE, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator.

Grievance Process for Complaints Not Alleging Sexual Harassment

Level I – Informal Procedure

Upon receiving a report of sexual discrimination that does not allege sexual harassment, the Title IX Coordinator shall investigate the report. The Title IX Coordinator and the student or employee shall meet in an effort to resolve the matter informally. The Title IX Coordinator shall make a decision on the grievance and shall give that decision orally to the student or employee.

Level II – Formal Procedure (Executive Committee of the Board)

If the student or employee believes that there still is a basis for a grievance, he or she may make a written statement of the grievance to the Board. This written statement must be filed within ten (10) business days of the date of the Title IX Coordinator's decision and shall state the date and nature of the alleged grievance and the relief sought. If the grievant is a student, the Title IX Coordinator shall assist in preparing the written statement and assure it is timely filed.

The Board or its designee (1-3 members of the Board) shall decide on the grievance and shall give that decision in writing to the Title IX Coordinator and the Student or employee.

Presumption of No Responsibility

Throughout this grievance procedure, there shall be 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. In addition, the **AJHAE** shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The **AJHAE** must comply with this grievance process before the imposition of any disciplinary sanctions, or other actions that are not supportive measures, against a respondent.

The investigation of the grievance shall include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The standard of evidence to be used to determine responsibility will be the clear and convincing evidence standard.

Good Cause Delay

There may be a temporary delay of the grievance process or a limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the 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.

GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT

GENERAL DEFINITIONS

For purposes of this grievance process

1. **COMPLAINT SUBMISSION DATE**

The date on which a written complaint was received by the Responsible Administrator.

2. **COMPLAINANT**

A complainant is a student or employee of the **AJHAE**(school or District Offices) who submits a complaint alleging discriminatory action or treatment prohibited by Title IX, including acts of sexual harassment or sexual violence.

3. **DAY**

The calculation of days in complaint processing, except as otherwise expressly provided, shall exclude Saturdays, Sundays, and federal, state and school holidays or closures.

4. **DOMESTIC VIOLENCE**

- Domestic violence: Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence.
- Domestic violence also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, financial or emotional abuse.
- Specifically, domestic violence is a crime of violence committed by a current or former spouse or intimate partner, or by a person with whom the Complainant shares a child in common.
- Domestic Violence also includes a crime of violence against a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under domestic or family violence laws of the State of Ohio, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Ohio.

5. **NEUTRAL AND OBJECTIVE INVESTIGATOR / ADMINISTRATOR**

An administrator or designated investigator who is not the subject of a complaint or is not a Complainant.

6. **RESPONDENT**

The person, employees, other students, or third parties, alleged to be responsible for the prohibited conduct alleged in a complaint.

7. **RESPONSIBLE ADMINISTRATOR**

The Title IX Coordinator, the authorized designee of this individual, or the administrator designated by the Superintendent, as appropriate.

8. **RESPONSIBLE EMPLOYEE**

All employees (except for **confidential resources**) have been designated as "responsible employees" and are required to report any and all incidents to the Title IX Coordinator (as outlined in the **Title IX Notice**) regardless of whether or not the "responsible employee" witnessed the incident or learned of it through the Complainant, Respondent or a third party.

9. **SEXUAL HARASSMENT**

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other physical, visual, or verbal behavior of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; or
- Submission to or rejection of such conduct by a person is used as the basis for employment or academic decisions affecting the person; or
- Such conduct has the purpose or effect of:
 - Unreasonably interfering with a person's academic or professional performance; or
 - Creating an intimidating, hostile, or demeaning employment or educational environment.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

Examples of potentially sexually harassing behaviors include, but are not limited to, the following:

- Unwelcome sexual advances, sexual innuendo, or requests for sexual favors in person, by phone, by electronic message or photo, written words or images such as graffiti, and social media postings.
- Unwelcome behavior of a sexual nature by a faculty member, coach, or other staff person directed towards a student, a colleague, or other community member;
- A person in a position of authority (such as a faculty member, coach, supervisor) suggesting that an educational or employment benefit will result from submission to some unwelcome behavior of a sexual nature or will be denied for refusal to engage in sexual activity.
- Repeated sexual remarks, offensive stories, remarks about sexual activity or experiences, sexual innuendoes or other suggestive comments that are unwanted and unwelcome by another.
- Displaying or showing pictures, cartoons, or other printed materials of a sexual nature in the workplace or in an educational setting where there is insufficient academic relevance.
- Exposing the private parts of one's body to another person, or in public forums.

10. **SEXUAL VIOLENCE**

Physical sexual acts occurring between any persons, including members of the same sex, perpetrated by against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

11. **STALKING**

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct

directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or suffer substantial emotional distress. The course of conduct means two or more acts in which the stalker follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person.

12. **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 **AJHAEs** education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the **AJHAEs** 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, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The **ANN JERKINS HARRIS ACADEMY OF EXCELLENCE** must 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 **ANN JERKINS HARRIS ACADEMY OF EXCELLENCE** to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

13. **TITLE IX** of the Educational Amendments of 1972

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 program or activity receiving federal financial assistance. Sex discrimination under Title IX includes sexual harassment and sexual violence.

SEXUAL AND OTHER FORMS OF HARASSMENT

Students have the right to learn in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct that has the purpose or effect of unreasonably interfering with the learning atmosphere or creating an intimidating, hostile, discriminatory, or offensive learning environment, or which disrupts the educational process or impedes the legitimate pedagogical concerns of the **AJHAE**, is strictly prohibited.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive learning environment based on gender, religion, race, color, ethnicity, disability, and/or other legally protected category.

The harassment by a student of a staff member or fellow student is strictly forbidden. Any student who is found to have harassed a staff member or student will be subject to discipline.

The harassment of a student or a staff member should be reported immediately by the student or staff member to any teacher or to the Principal or his/her designee. Any person who receives such a report shall immediately advise the Principal or his/her designee or a Board member, who will investigate and take appropriate action in accordance with Board directives.

Should any ANN JERKINS HARRIS ACADEMY OF EXCELLENCE employee, or **ANN JERKINS HARRIS ACADEMY OF EXCELLENCE** official who has authority to institute corrective measures on behalf of the **AJHAE**, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator for further action in accordance with Board directives.

Anti-Harassment, Intimidation, and Bullying Policy

The following policy must appear in any student handbook, and in any publications that set forth the comprehensive rules, procedures, and standards for the **ANN JERKINS HARRIS ACADEMY OF EXCELLENCE** and students. Information regarding this policy must be incorporated into employee training materials. Annually, the **ANN JERKINS HARRIS ACADEMY OF EXCELLENCE** shall send a written statement describing the policy and the consequences for violating the policy to each student's custodial parent or guardian, either electronically or with report cards.

The **AJHAE** prohibits acts of harassment, intimidation, or bullying (including cyber-bullying) of any student on **AJHAE** property or at **school**-sponsored events (any event conducted on or off **AJHAE** property, including **school** buses and other **AJHAE** related vehicles, that is sponsored, recognized or authorized by the Board).

A safe and civil environment in the **AJHAE** is necessary for students to learn and achieve high academic standards. Harassment, intimidation, and bullying, like other disruptive or violent behaviors, are conduct that disrupts both a student's ability to learn and the **AJHAE** ability to educate its students in a safe environment. Since students learn by example, **AJHAE** administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying.

“Harassment, intimidation, or bullying” means either of the following: (1) any intentional, written, verbal, electronic, graphic, or physical act that a student or group of students has exhibited toward another particular student more than once, and the behavior both causes mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student; or (2) violence within a dating relationship. The definition of “harassment, intimidation, or bullying” also includes the above described acts which are electronically generated, stored or transmitted, sometimes called “cyberbullying.”

The **AJHAE** reserves the right to discipline students off campus behavior which substantially disrupts the **AJHAE** educational process or mission, or threatens the safety or well-being of a Student or Staff member. Factors which may be considered in determining whether the behavior warrants discipline include, but are not limited to, the following:

(1) whether the behavior created material and substantial disruption to the educational process or the **AJHAE** mission due to the stress on the individual(s) victimized or the time invested by Staff in dealing with the behavior or its consequences.

(2) whether a nexus to on-campus activities exists.

(3) whether the behavior creates a substantial interference with a Student’s or Staff member’s security or right to educate and receive education;

(4) whether the behavior invades the privacy of others; or

(5) whether any threat is deemed to be a true threat by the administration or Board, using factors and guidelines set out by the courts or by common sense, reasonable person standards.

Some acts of harassment, intimidation, bullying, and cyber-bullying may be isolated incidents requiring that the **AJHAE** respond appropriately to the individuals committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation, bullying, or cyber-bullying that they require a response either in the classroom, **AJHAE** building, or by law enforcement officials. Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation, bullying, or cyber-bullying range from positive behavior intervention up to and including suspension or expulsion. Due process procedures for suspension and expulsion will be followed, as provided for under R.C. 3313.66. The disciplinary procedures and Code of Conduct of the **AJHAE** shall be followed and shall not infringe on any student’s First Amendment rights under the United States Constitution.

All **AJHAE** personnel, volunteers, and students are required to report prohibited incidents of which they are aware to the Principal or his/her designee. All other persons may report prohibited incidents of which they are aware to the Principal or his/her designee. Should any **AJHAE** employee, or **AJHAE** official who has authority to institute corrective measures on behalf of the **AJHAE**, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator. Anonymous communications, if necessary, may be made by telephone, electronic mail, or in writing. In the case of sexual harassment, the school shall follow the **AJHAE** Title IX Grievance Procedure.

For all other incidents, the Principal or his/her designee is responsible for determining whether an alleged incident constitutes a violation of this policy. In so doing, the Principal or his/her designee shall conduct a prompt and thorough investigation of the reported incident, and prepare a report documenting the prohibited incident that is reported (See **Appendix 264.1-A** Form for Reporting Incidents of Harassment Intimidation and Bullying).

Once an investigation is completed, if the reported incident has been substantiated, the Parent of any Student involved in the prohibited incident shall be notified. Semiannually, the Principal will provide the Board President with a written summary of all reported incidents. To the extent permitted by R.C. 3319.321 and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), Parents have access to any written reports pertaining to the prohibited incident, and, if the **AJHAE** has a website, the **AJHAE** shall post this summary of reported incidents on the **AJHAE** website (www.ajhae.org)

All **AJHAE** personnel, volunteers, and Students shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy promptly and in good faith.

The **AJHAE** prohibits reprisal or retaliation against any victim or person who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or his/her designee after consideration of the nature and circumstances of the act, in accordance with **AJHAE** policies and procedures.

Students are prohibited from deliberately making false reports of harassment, intimidation, or bullying, and Students who deliberately do so will be disciplined up to and including suspension or expulsion.

The **AJHAE** shall implement the following strategy for protecting victims from new or additional harassment, intimidation, or bullying, and from retaliation: supervise and discipline offending students fairly and consistently; provide adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition; maintain contact with parents and guardians of all involved parties; provide counseling for the victim if assessed that it is needed; inform **AJHAE** personnel of the incident and instruct them to monitor the victim and the offending party for the indications of harassing, intimidating and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; check with the victim daily to ensure that there has been no incidents of harassment, intimidation, bullying, or retaliation from the offender or other parties.

Harassment, intimidation, and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. While conduct that rises to the level of "harassment, intimidation, or bullying" will warrant disciplinary action whether and to what extent to impose disciplinary action (*i.e.*, detention, in- and out-of-**AJHAE** suspension, or expulsion) is a matter left in the professional discretion of the Principal, or other decision-maker in the case of sexual harassment. The following procedure sets forth possible interventions for the Principal to enforce the prohibition against harassment, intimidation, or bullying. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

1. **Non-Disciplinary Interventions**

When verified acts of harassment, intimidation, or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation or bullying, its prohibition and their duty to avoid any conduct that could be considered harassing, intimidating or bullying. If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Peer mediation may be deemed inappropriate to address the concern at the discretion of the **AJHAE** administration.

2. **Disciplinary Interventions**

When acts of harassment, intimidation, and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. In- and out-of-**AJHAE** suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation. Expulsion may be imposed only after a hearing before the Board of Directors, a committee of the board or an impartial hearing officer designated by the Board of Directors in accordance with Board policy. This consequence shall be reserved for serious incidents of harassment, intimidation, or bullying, and/or situations where past interventions have not been successful in eliminating prohibited behaviors.

Nothing in this policy prohibits a victim from seeking redress under any provision of Ohio or federal law that may apply.

To the extent state or federal funds are appropriate, the **AJHAE** shall require that all students enrolled in the **AJHAE** be provided with age-appropriate instruction of this policy annually, including a written or verbal discussion of the consequences for violations. The **AJHAE** may form a prevention task force and/ or programs to educate students about this policy, such as holding an assembly on harassment, intimidation and bullying for Parents and Students, to raise the level of awareness and help prevent the prohibited conduct.

The **AJHAE** shall incorporate training on this policy into the in-service training required under R.C. 3319.073. The **AJHAE** may provide training, workshops, or courses to other Staff and volunteers who have direct contact with students.

R.C. 3313.666, 3313.667, 3319.073

See also Policy 222 Title IX Grievance Procedure; Policy 271 Student Code of Conduct; Policy 273 Expulsion and Suspension; Policy 232 Technology and Internet Acceptable Use; Policy 234 Electronic Communication Devices; Policy 261 Student Expression; Policy 262 Student Bill of Rights/Responsibilities; and Policy 264 Sexual and Other Forms of Harassment.

Reporting a Complaint

The **AJHAE** encourages all individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. The **AJHAE** does, however, recognize that, in some instances, power and status disparities between the alleged harasser and the individual may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint. A complaint may be filed by one experiencing or witnessing harassment.

Notification of Appropriate Staff

Individuals who believe they have been subjected to harassment should report the incident to the Principal or his/her designee. When appropriate, the Principal or his/her designee will immediately consult with the Board. If the Principal or his/her designee is allegedly involved in the incident, then the individual should report the incident directly to the President of the Board.

The **AJHAE** encourages prompt reporting of complaints so that rapid response and appropriate action may be taken, but no limited time frame applies. Late reporting of complaints will not in and of itself preclude the **AJHAE** from taking remedial action.

Should any **AJHAE** employee, or **AJHAE** official who has authority to institute corrective measures on behalf of the **AJHAE**, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator. If the complaint involves sexual harassment as defined by Title IX, the **AJHAE** Title IX Grievance Procedure shall be followed.

Protection Against Retaliation

The **AJHAE** will not in any way retaliate or permit retaliation against any individual who makes a good faith report of harassment or who assists or cooperates in an investigation thereof. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person found to have violated this policy by retaliating against another individual for making a report of harassment or for assisting or cooperating in the investigation thereof will be subject to the same disciplinary action provided for harassment offenders.

Investigating the Complaint

Any allegation of harassment brought to the attention of the **AJHAE** will be thoroughly and promptly investigated. Confidentiality will be maintained where possible throughout the investigatory process to the extent practical and appropriate under the circumstances.

Resolving the Complaint

Upon completing the investigation of a harassment complaint, the **AJHAE** will communicate its findings and intended actions. If the investigation finds that harassment occurred, the harasser will be subject to appropriate disciplinary procedures, as listed below. If the investigation determines that no harassment has occurred, this finding will be communicated as appropriate.

Sanctions

Individuals found to have engaged in misconduct constituting harassment will be disciplined, up to and including discharge. Appropriate actions will be determined by the **AJHAE**. For example, action may include reprimanding the offender, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, or termination of employment.

Although the **AJHAE** ability to discipline a non-employee harasser (e.g., customer, supplier) is limited by the degree of control, if any, that the **AJHAE** has over the alleged harasser, any individual who has been subjected to harassment by such an individual should still file a complaint and be assured that the **AJHAE** will take those actions it deems appropriate to end any harassment.

II. PROCEDURAL REQUIREMENTS

A. **Time Limits.** A complaint under this procedure should be filed as soon as possible after the time of occurrence and within 180 days of the alleged violation(s) of Title IX. Failure of a complainant or appellant to comply with any time limitation in the complaint procedure may result in dismissal of the complaint and/or denial of the appeal. Dismissal shall not preclude the individual's right to pursue the complaint through other appropriate external agencies. If a district representative fails to comply with any time limitation in the complaint procedure, the Complainant may immediately proceed to the next level permitted by these Procedures.

B. **Service.** Service of any notice or decision provided for under this procedure shall be deemed effective on the person served as of the date of delivery, if personally served, faxed, or emailed, or effective three (3) calendar days of deposit by first class mail if delivered by mail.

C. **Confidentiality:**

1. Confidentiality will be maintained to the greatest extent possible. Any information gathered during an informal procedure may be used during a formal procedure, if initiated. While there can be no assurance of complete confidentiality, complaints under this procedure will be treated as sensitive information not to be shared with others except in limited circumstances. Examples of exceptions to maintaining confidentiality include:

- information the law requires to be reported.
- information imparted to others in supervisory positions to further an investigation or halt a discriminatory practice.
- information given to the respondent to have sufficient information to respond to the allegations.

2. The AEE District Office will take all reasonable steps to investigate and respond to a complaint consistent with a request by the complaining party not to disclose his/her name. However, such requests for confidentiality may limit the district's ability to adequately investigate and respond to the allegations raised in the complaint.

3. **Requests for confidentiality**, therefore, will be evaluated in the context of the AEE School District's responsibility to provide a safe and nondiscriminatory environment for all students, and the request will be weighed against whatever factors the district deems relevant, including, without limitation.

- the complainant's age;
- circumstances that suggest there is an increased risk of future acts of harassment and/or sexual violence under similar circumstances; and
- whether the district possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

4. All parties to a grievance, including the Complainant, Respondent and witnesses, have privacy interests and, therefore, all parties should be cautioned not to divulge or publicize the nature of the proceedings or the identity of those involved outside the scope of the investigation.

Level I – Response to Report

Upon receiving a report of sexual harassment, 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.

The **AJHAE** will maintain as confidential any supportive measures provided before or after the filing of a formal complaint or where no formal complaint has been filed, to the extent that maintaining such confidentiality would not impair the ability of the **AJHAE** to provide the supportive measures.

Level II – Formal Complaint

Upon receipt of a formal complaint (or later as additional allegations become known), the **AJHAE** will provide the following written notice to the parties who are known:

(A) Notice of the **AJHAE** grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must also inform the parties of any provision in the **AJHAE** code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the **AJHAE** decides to investigate allegations about the complainant or respondent that are not included in the foregoing notice provided, the **AJHAE** must provide notice of the additional allegations to the parties whose identities are known.

The **AJHAE** may consolidate formal complaints as to allegations of sexual 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.

Investigation:

The Title IX Coordinator or his/her designated investigator will investigate the allegations in a formal complaint. When investigating a formal complaint and throughout the grievance process, the Title IX Coordinator or his/her designated investigator must:

(A) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the **AJHAE** and not on the parties provided that the **AJHAE** cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the **AJHAE** obtains that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the **AJHAE** must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

(B) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(C) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(D) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the **AJHAE** may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(E) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

(F) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the **AJHAE** does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the **AJHAE** must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report; and

(G) Create an investigative report within thirty (30) business days of receipt of a formal complaint that fairly summarizes relevant evidence and, at least ten (10) business days prior to a time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Question and Answer Period

After the **AJHAE** has sent the investigative report to the parties, the Title IX Coordinator or his/her designated investigator shall submit the investigative report to the School Principal (DECISION-MAKER 1) (CANNOT BE TITLE IX COORDINATOR OR INVESTIGATOR)] as decision-maker to reach a determination regarding responsibility. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, School Principal (DECISION-MAKER 1) must afford each party five (5) business days to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. However, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The School Principal (DECISION-MAKER 1) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Dismissal

The **AJHAE** must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the **AJHAE** education program or activity, or did not occur against a person in the United States, then the **AJHAE** must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude action under another provision of the **AJHAE** code of conduct.

The **AJHAE** may also dismiss the formal complaint or any allegations therein, if at any time during the investigation: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the **AJHAE** or specific circumstances prevent the **AJHAE** from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the **AJHAE** will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

The School Principal (DECISION-MAKER 1)] as decision-maker must issue a written determination regarding responsibility within fifteen (15) business days of the conclusion of the question-and-answer period.

The written determination must include:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
- (C) Findings of fact supporting the determination.
- (D) Conclusions regarding the application of the **AJHAE** code of conduct to the facts;

(E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the **AJHAE** imposes on the respondent, and whether remedies designed to restore or preserve equal access to the **AJHAE** education program or activity will be provided by the **AJHAE** to the complainant; and

(F) The **AJHAE** procedures and permissible bases for the complainant and respondent to appeal.

The **AJHAE** must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the **AJHAE** 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 a determination of responsibility for sexual harassment has been made against a respondent, the **AJHAE** will provide remedies to a complainant.

The Title IX Coordinator is responsible for effective implementation of any remedies. Possible remedies to the complainant that the **AJHAE** may implement include: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures or individualized services offered as may be appropriate and reasonably available, without fee or charge to the complainant, that are designed to restore or preserve equal access to the **AJHAE** education program or activity, to protect the safety of the complainant or the **AJHAE** educational environment, or to deter sexual harassment.

Possible disciplinary sanctions the **AJHAE** may implement following any determination of responsibility by the respondent may include suspension, expulsion, reprimand, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, termination of employment, or any other disciplinary measures outlined in the **AJHAE** code of conduct or Staff Handbook.

Level III – Appeal to District Superintendent (DECISION-MAKER 2) (CANNOT BE SAME PERSON AS DECISION-MAKER 1, CANNOT BE TITLE IX COORDINATOR OR INVESTIGATOR)]

Either the complainant or respondent, or their parent or guardian, may appeal from a determination regarding responsibility or from a dismissal of a formal complaint, or any allegations therein. Any such appeal shall be in the form of a written statement challenging the outcome and be received by the Title IX Coordinator within ten (10) business days of the determination.

The appeal may be on one or more of the following bases:

(A) Procedural irregularity that affected the outcome of the matter.

(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

(C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Title IX Coordinator shall give the written appeal to the District Superintendent (DECISION-MAKER 2) (CANNOT BE SAME PERSON AS DECISION-MAKER 1, CANNOT BE TITLE IX COORDINATOR OR INVESTIGATOR)] for decision.

Within three (3) business days of receipt, the Title IX Coordinator shall also provide notice to the other party in writing that the appeal was filed. The other party shall then be provided five (5) business days to submit a written statement in support of, or challenging, the outcome.

Within fifteen (15) business days after the time for the other party to submit a written statement has passed, the District Superintendent (DECISION-MAKER 2) shall issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

For all appeals, the **AJHAE** must ensure that the decision-maker(s) for the appeal:

- (i) not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- (ii) receive training on the definition of sexual harassment, the scope of the **AJHAE** education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- (iii) receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and
- (iv) receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Informal Resolution Process

The **AJHAE** 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 formal complaints of sexual harassment.

Similarly, the **AJHAE** may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the **AJHAE** may facilitate an informal resolution process that does not involve a full investigation and adjudication, provided that the **ANN JERKINS HARRIS ACADEMY OF EXCELLENCE**:

- (A) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, 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 process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (B) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (C) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Any such informal resolution process should not exceed ten (10) business days.

Emergency Removal

Nothing in this grievance procedure precludes the **AJHAE** from removing a respondent from the **AJHAE** education program or activity on an emergency basis, provided that the **AJHAE** undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. However, this provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave

Nothing in this grievance procedure precludes the **AJHAE** from placing a non-student employee respondent on administrative leave during the pendency of a grievance process. However, this provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Recordkeeping

The **AJHAE** must maintain for a period of seven years records of:

- (A) Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the **AJHAE** education program or activity.
- (B) Any appeal and the result therefrom.
- (C) Any informal resolution and the result therefrom; and
- (D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The **AJHAE** must make these training materials publicly available on its website, or if the **AJHAE** does not maintain a website the **AJHAE** must make these materials available upon request for inspection by the public.

For each response to a report or formal complaint of sexual harassment in an education program or activity, the **AJHAE** must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

In each instance, the **AJHAE** must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the **AJHAE** education program or activity.

If the **AJHAE** does not provide a complainant alleging sexual harassment with supportive measures, then the **AJHAE** must document the reasons why such a response was not clearly unreasonable considering the known circumstances. The documentation of certain bases or measures does not limit the **AJHAE** in the future from providing additional explanations or detailing additional measures taken.

Retaliation Prohibited

Neither the **AJHAE**, nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding in this grievance procedure.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, constitutes retaliation.

The **AJHAE** must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination complaints not alleging sexual harassment. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance procedure does not constitute prohibited retaliation under this grievance procedure, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Office for Civil Rights

If the student (or their parent or guardian) or employee is not satisfied with the grievance process determination, he or she may appeal it to the Office for Civil Rights.

A student (or their parent or guardian) or employee who believes there is a basis for a grievance related to Title IX may file a written complaint with the Office for Civil Rights, U.S. Department of Education, 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611. Any such written complaint must be filed within one hundred eighty (180) days from the date of the alleged discrimination, or, if this grievance procedure is utilized, within sixty (60) days after the last act of the grievance process.

III. INFORMAL AND FORMAL PROCESSES

A. **INFORMAL RESOLUTION PROCESS**

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. No formal investigation is involved in the informal resolution process, and the informal resolution process shall not be considered a precondition for the filing of a formal written complaint pursuant to Section III.B., below.

1. A written request for informal resolution must be made within ten (10) days of the date of the alleged incident. The school principal or designee shall determine whether the nature of the problem is such that it is likely to be resolved by agreement on an informal basis.
2. Methods for informal resolution may include, but are not limited to, coaching the person on how to directly address a situation which is causing a problem; mediating the dispute with the parties; developing written behavior expectations of the alleged offender to redirect conduct; assisting with the resolution of a real or perceived problem; or arranging a documented meeting with the alleged offender that involves a discussion of the sex discrimination and sexual harassment policies and requirements for compliance.
3. The School Principal or designee shall document any informal resolution, and a copy of such documentation shall be forwarded to the Title IX Coordinator within three (3) days of resolution.

B. **FORMAL COMPLAINT PROCEDURES:**

Initiation of the formal complaint procedures requires a written complaint. All written complaints regarding harassment or discrimination of students or employees in violation of Title IX shall be submitted to the AEE- Title IX Coordinator:

Dr. Israel I. Koppisch
Assistant Superintendent and Title IX Coordinator
728 Parkside Boulevard
Modular Building- School District Offices
(419) 382-2280 x:150
iikoppisch@aeetoledo.org

Step 1 - Reporting Complaints.

(a) The Complainant may obtain a Complaint Form from the Title IX Coordinator, School Principal, or the AEE District website. The Complainant may attach a written narrative explaining the nature of the complaint to the Form. The Complaint Form or narrative shall contain information that describes the conduct that has violated prohibitions against sex discrimination, including sexual harassment and sexual violence, and identify with reasonable particularity the respondent(s) and any witnesses to the alleged conduct.

(b) Any District employee who either reasonably believes a student has been discriminated against based on sex or who receives a complaint of sex discrimination, harassment or violence from a student must immediately submit the Complaint Form to the Responsible Administrator. This reporting obligation is in addition to a school employee's reporting obligations to appropriate officials pursuant to law and the District Child Abuse or Neglect Reporting Guidelines when the employee has a reasonable belief that a student is being sexually abused or subjected to other forms of abuse and neglect prohibited by law.

(c) If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Responsible Administrator shall ask for such details in an oral interview. In the event the Complainant is a student with disabilities, the Responsible Administrator will carefully review the reporting student's IEP or 504 plan to determine what specific accommodations that child should have to aid in their reporting.

Step 2 - Determining Applicability of the Procedures.

The Responsible Administrator shall initially review the written complaint to determine whether the matter falls within the scope of these procedures. Within five (5) days after the Complaint Submission Date, the Responsible Administrator shall initiate an investigation of the matters alleged or inform the Complainant in writing that the matters alleged in the complaint are not within the jurisdiction or authority of the AEE School District to investigate and that the District will not carry out any further investigation. If the matter does not involve allegations of discrimination within the scope of these procedures, the Responsible Administrator shall forward the matter to the proper District administrative authority for review, if appropriate.

Step 3 - Investigation.

(a) The Responsible Administrator shall oversee that an adequate, reliable, and impartial investigation of the complaint is conducted by the principal or designee of the school site where the student is enrolled, the employee is assigned, and/or where the alleged discrimination occurred.

(b) In order to provide a neutral and objective investigation, neither the Responsible Administrator, nor the School Principal or designee conducting the investigation shall be a party to the complaint in the investigation.

(c) In the event that the School Principal or his/her designee is not a neutral party, the Responsible Administrator shall designate a neutral and objective administrator to conduct the investigation. In the event that the Responsible Administrator is not a neutral party, the Superintendent shall designate a neutral and objective administrator to oversee the investigation.

(d) In conducting the investigation, the designated investigator shall interview all parties identified in the complaint and other witnesses that the investigator determines may provide information relevant to resolving the complaint allegation(s). Both the Complainant and Respondent shall have the opportunity to identify witnesses to be interviewed and provide documentation or other evidence for the designated investigator to review.

(e) The Responsible Administrator shall consider the evidence compiled by the designated investigator and take whatever additional actions the Responsible Administrator deems necessary to complete the investigation.

(f) The Responsible Administrator will maintain documentation of all proceedings, which may include written findings of facts, transcripts, notes, or audio recordings.

Step 4 - Notice of Resolution.

(a) Notice. The Responsible Administrator shall notify both the Complainant and Respondent in writing within thirty (30) days from the Complaint Submission Date of the results of the investigation.

(b) Written Determination. The Responsible Administrator shall consider the totality of the evidence and determine whether the preponderance of the evidence establishes that the alleged discrimination occurred (i.e., it is more likely than not that discrimination/sexual harassment/sexual violence occurred).

(i) If the Responsible Administrator determines that the preponderance of the evidence does not support the allegations of discrimination, the Complainant may appeal the determination pursuant to Step 5, below.

(ii) If the Responsible Administrator determines that the preponderance of the evidence supports the allegations of discrimination by the Respondent, the Responsible Administrator shall provide written findings and conclusions supporting the determination. In addition, the written determination shall make recommendations for (A) immediately ending the discriminatory conduct; (B) ways to remedy the discriminatory effects of any discriminatory behavior on the complaining party and, if applicable, the district's educational environment, and

(c) The steps to be taken to prevent the recurrence of any discriminatory or harassing conduct found to have occurred. The recommendations of the Responsible Administrator shall become final and shall be implemented unless either party appeals as provided in Step 5 - Appeal Rights.

Step 5 - Appeal Rights.

(a) A party not satisfied with the resolution in Step 4, above, may submit a written appeal within five (5) days to the AEE Superintendent. The written appeal shall state with particularity the nature of the disagreement, the reasons underlying such disagreement, and how the outcome would be changed by reconsideration of the determination.

(b) The AEE Superintendent or designee shall conduct a review of the record to determine whether the preponderance of the evidence supports the determination. The AEE Superintendent or designee shall issue a written decision and mail it to the parties within ten (10) days of the receipt of the appeal. **The AJHAE Superintendent's decision is a final decision.**

Step 6 - Complaints to an External Agency.

If a party is not satisfied with the Superintendent's decision in Step 5, above, the party may file a complaint with the Office of Civil Rights ("OCR") in Philadelphia, Pennsylvania. More information is available at the Philadelphia Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323.

IV. DISCIPLINE.

Employees and students may be disciplined if it is determined through this procedure that discriminatory action, treatment, harassment, or retaliation for complaining, has occurred in violation of federal or state laws or AEE School District policies. The Responsible Administrator shall refer the matter to the appropriate District administrator to initiate disciplinary proceedings against the Respondent.

- A. Students. If the recommended disciplinary consequences involve either a long-term suspension or expulsion, the student is entitled to pursue the hearing and appeal rights pursuant to Ohio State ruling.
- B. Employees. If the disciplinary consequence involves suspension or termination, the employee's hearing and appeal rights will be governed by Ohio State law and School District policies.

V. NO RETALIATION.

- A. Students, employees or parents who make complaints in good faith, shall be free from retaliation, coercion, and reprisal in seeking resolution of their complaint. Furthermore, persons acting as witnesses to a complaint, in good faith, shall be free from reprisal.
- B. Retaliation is a separate violation distinct from the initial underlying harassment or discrimination allegation. Claims of retaliation, submitted in good faith and in writing to the Responsible Administrator, shall be investigated pursuant to these procedures. Individuals who engage in retaliation will be subject to discipline, regardless of whether there has been a finding of cause for the underlying complaint.

VI. FALSE COMPLAINTS:

- A. Individuals who knowingly file a false or misleading complaint alleging harassment, discrimination or retaliation are subject to appropriate disciplinary action, including, but not limited to, dismissal of the complaint.
- B. If the preponderance of the evidence supports a finding that the Complainant submitted a false or misleading complaint alleging harassment, discrimination or retaliation, the complaint will be dismissed, and the student or employee who submitted the complaint will be recommended for discipline in a manner consistent with the AEE District's Rights and Responsibilities Guide.

VII. RELATIONSHIP OF THESE PROCEDURES AND TIMELINES TO LAW ENFORCEMENT ACTIVITIES:

- A. Nothing in these Procedures should in any way be deemed to discourage the Complainant from reporting acts subject to these Procedures, including acts of sexual violence, to local law enforcement. If the Complainant files a criminal complaint, the Responsible Administrator should not wait for the conclusion of a criminal investigation or criminal proceeding to begin the AEE District's own Title IX investigation.
- B. Although the AEE District may need to delay temporarily the fact-finding portion of a Title IX investigation while local law enforcement officials are gathering evidence, it is important for the Responsible Administrator to understand that during this brief delay in the Title IX investigation, the district must take interim measures to protect the Complainant in the educational setting. The AEE School District should also continue to update the parties on the status of the investigation and inform the parties when the district resumes its Title IX investigation.

VIII. INTERIM MEASURES PENDING FINAL DETERMINATION OF THE COMPLAINT:

- A. Title IX requires the AEE School District to take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. AEE School District should take these steps promptly once it has notice of a sexual harassment or sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation.
 - B. The Responsible Administrator should 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 Responsible Administrator should also ensure that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to local law enforcement.
 - C. The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The Responsible Administrator should consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the class, transportation, or extra-curricular activities; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).
-

Appendix 1

Complaint Procedure

This procedure is to be used only when no other complaint, reporting or appeal procedure is specified in the **AJHAEP** Policies. Complainants must follow the order stated below:

1. A written complaint is first given to the staff person at the lowest level most directly involved in the complaint. As an alternative, a complainant may come into the office and have an administrator write down the complaint for them, in the complainant's own words. At this first level, a complaint would be made to the student's teacher for a parent, or, the teacher's/next highest supervisor, or, for staff, that staff person's supervisor.
2. If the person complaining (complainant) is unsatisfied with the response or the complaint is unresolved after the response, the written complaint should be given to the Title IX Coordinator, who will consider all of the facts and circumstances and call or write to the complainant with his/her decision or comments.
3. If the person complaining is still unsatisfied and the complaint remains unresolved, the written complaint should be addressed to the District Superintendent. If the complainant is unsatisfied after the investigation and an opinion or resolution offered by the District Superintendent, then the complainant may proceed to step 4.
4. The written complaint will be tendered to the Chairperson of the AEE Governing Board by the person complaining.
5. The AEE Governing Board verifies that the complainant has followed the complaint procedures listed above. If steps 1-4 above have not been followed, the AEE Chairperson of the Governing Board directs the complaint back to the proper lower level.
6. If the step 1-4 procedures have been properly followed, the AEE Chairperson of the Governing Board speaks directly with the complainant, any staff involved, the Title IX Coordinator and the District Superintendent.
7. An investigator may be assigned, and the Title IX Coordinator provides appropriate information to the investigator. An investigator may be a third party, or an attorney who represents the Board or management company, if any.
8. The investigator reviews all information and develops a plan of action, proposed resolution, or findings.
9. The plan of action is implemented, and the findings are reduced to writing.
10. The complainant is kept informed.
11. The investigator or the Title IX Coordinator contacts the complainant to inform them of the resolution, findings and/or a plan of action.
12. The complainant may request reconsideration within 10 days of receipt of the resolution or a plan of action.
13. Reconsideration is addressed by the Title IX Coordinator in writing, within 30 days. The reconsideration may involve the attorney, the sponsor or all or part of the Board at his/her discretion.

Appendix 2

Form for Formal Complaint of Sexual Harassment
--

*Please note that the **AJHAE** harassment policies prohibit knowingly making false statements or knowingly submitting false information.*

Incident Reporter: _____

Date: _____

Names of the parties involved in the incident, if known: _____

Date and location of the alleged incident, if known: _____

Additional witnesses of incident, if known: _____

Description of conduct constituting sexual harassment: _____

I am requesting that the *AJHAE* investigate the foregoing allegation of sexual harassment.

Signature of Reporting Person: _____

Date: _____

**Formal Complaints of sexual harassment should be submitted to the Title IX Coordinator.*

Signature of Title IX Coordinator: _____

Appendix 31

Notice to Respondent of Formal Complaint of Sexual Harassment
--

[DATE]

Dear _____[Respondent],

Please be aware that a Formal Complaint has been filed requesting that the **AJHAE** investigate an allegation of sexual harassment. In this Formal Complaint, you have been reported to be the perpetrator of conduct that could constitute sexual harassment. Attached please find the **AJHAE** Title IX Grievance Procedure, and below (or attached) please find the allegations of sexual harassment.

The **AJHAE** will now begin an investigation pursuant to the Grievance Procedure. You are presumed not responsible for the alleged conduct, and a determination regarding responsibility will be made at the conclusion of the grievance process. Should you wish to do so, please provide a written response to the below allegations. Your written response should be provided to me at _____[email address] within five (5) business days of receipt of this letter.

At any point prior to reaching a determination regarding responsibility, I may inquire as to whether you would be interested in voluntarily consenting to participation in an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. You will not be required to participate in such an informal resolution process and may choose to proceed with the grievance process. If all parties agree to participate in the informal resolution process, the investigation will be put on hold, and I will meet with each party to resolve this matter. If all parties agree to a resolution through the informal resolution process, the grievance process will end, and all parties will be precluded from resuming a formal complaint arising from the same allegations. However, at any time prior to agreeing to a resolution, any party will have the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Throughout this grievance process, you may have an advisor of your choice, who may be, but is not required to be, an attorney, and may inspect and review evidence and accompany you to any related grievance meeting or proceeding. Please note that the **AJHAE** harassment policies prohibit knowingly making false statements or knowingly submitting false information.

Allegations:

Names of the parties involved in the incident, if known: _____

Date and location of the alleged incident, if known: _____

Description of conduct constituting sexual harassment: _____

Sincerely,

[Title IX Coordinator]

Encl. (Grievance Procedure)

Appendix 4

Notice to Complainant of Formal Complaint of Sexual Harassment

[DATE]

Dear _____[Complainant],

Please be aware that your Formal Complaint requesting that the **AJHAE** investigate an allegation of sexual harassment has been filed. Attached please find the **AJHAE** Title IX Grievance Procedure, and below (or attached) please find the allegations of sexual harassment.

The **AJHAE** will now begin an investigation pursuant to the Grievance Procedure. Please note that per our procedure, the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for the alleged conduct, and a determination regarding responsibility will be made at the conclusion of the grievance process.

Should you wish to do so, please provide a written response to the below allegations. Your written response should be provided to me at _____[email address] within five (5) business days of receipt of this letter.

At any point prior to reaching a determination regarding responsibility, I may inquire as to whether you would be interested in voluntarily consenting to participation in an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. You will not be required to participate in such an informal resolution process and may choose to proceed with the grievance process. If all parties agree to participate in the informal resolution process, the investigation will be put on hold, and I will meet with each party to resolve this matter. If all parties agree to a resolution through the informal resolution process, the grievance process will end, and all parties will be precluded from resuming a formal complaint arising from the same allegations. However, at any time prior to agreeing to a resolution, any party will have the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Throughout this grievance process, you may have an advisor of your choice, who may be, but is not required to be, an attorney, and may inspect and review evidence and accompany you to any related grievance meeting or proceeding. Please note that the **AJHAE** harassment policies prohibit knowingly making false statements or knowingly submitting false information.

Names of the parties involved in the incident, if known: _____

Date and location of the alleged incident, if known: _____

Description of conduct constituting sexual harassment: _____

Sincerely,
 [Title IX Coordinator]
 Encl. (Grievance Procedure)

Appendix 5

Notice Regarding Informal Resolution Process

[DATE]

Dear [Complainant's name/Respondent's name SEND SEPARATELY],

As stated in my [DATE] letter to you, attached hereto, a Formal Complaint has been filed requesting that the **AJHAEi** investigate an allegation of sexual harassment. Please see the attached letter for the allegations.

At this time, I believe that it would be beneficial to engage in an informal resolution process that does not involve a full investigation and adjudication. You are not required to participate in such an informal resolution process and may choose to proceed with the grievance process.

If all parties agree to participate in the informal resolution process, the investigation will be put on hold, and I will meet with each party to resolve this matter.

If all parties agree to a resolution through the informal resolution process, the grievance process will end, and all parties will be precluded from resuming a formal complaint arising from the same allegations. However, 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 process with respect to the formal complaint.

Please be aware that any records from prior to, or during, the informal resolution process, will be maintained and could be shared as may be permitted by the FERPA statute, 20 U.S.C. 1232g, FERPA regulations, or Ohio law.

If you would like to voluntarily consent to participation in an informal resolution process, please sign below and return this form to me within five (5) business days.

Sincerely,

[Title IX Coordinator]

I have read and understand the foregoing Notice Regarding Informal Resolution Process, and voluntarily consent to participation in an informal resolution process.

Name: _____

Signature: _____

Date: _____

Appendix 6**Notice of Evidence**

[DATE]

Dear [Complainant's name/Respondent's name SEND SEPARATELY],

Attached please find the evidence obtained as part of my investigation that is directly related to the allegations raised in the formal complaint in this matter. Please review and submit any written response to me at [email address] within ten (10) business days of receipt of this letter.

Sincerely,

[Title IX Coordinator]
Encl.

Appendix 7**Notice of Investigative Report**

[DATE]

Dear [Complainant's name/Respondent's name SEND SEPARATELY],

Attached please find my investigative report. Please review and submit any written response to INSERT DECISION-MAKER 1 (CANNOT BE TITLE IX COORDINATOR OR INVESTIGATOR) at [email address] within ten (10) business days of receipt of this letter.

Sincerely,

[Title IX Coordinator]

Encl.

Appendix 8**Question and Answer Request**

[DATE]

Dear [Complainant's name/Respondent's name SEND SEPARATELY],

I am in receipt of the Investigative Report dated [DATE] related to the allegation of sexual harassment. Before I decide regarding responsibility, please submit, in writing to [email address], any, relevant questions that you would like asked of any party or witness within five (5) business days of receipt of this letter. If your questions are allowed, you will be provided with any answers, and permitted limited follow-up.

Sincerely,

[Decision-Maker 1]

Appendix 9

Notice of Determination of Responsibility
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[DATE]

Dear [Complainant's name/Respondent's name SEND SEPARATELY],

Attached please find my Determination of Responsibility regarding allegations potentially constituting sexual harassment.

If you would like to appeal this determination of responsibility or any allegations therein, please submit a written statement of appeal challenging the outcome to the Title IX Coordinator at [email address] within ten (10) business days of receipt of this letter.

Any such appeal may be on one or more of the following bases:

- (A) Procedural irregularity that affected the outcome of the matter.

- (B) New evidence that was not reasonably available at the time this determination regarding responsibility was made, that could affect the outcome of the matter; and

- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The determination regarding responsibility becomes final either on the date that the **AJHAE** 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.

Sincerely,

[Decision-Maker 1]

Encl.

Appendix 10**Notice of Appeal**

[DATE]

Dear [Complainant's name/Respondent's name SEND SEPARATELY],

Please be aware that the other party has filed an appeal regarding the Determination of Responsibility issued on [DATE]. Pursuant to the **AJHAE** grievance procedure, you may submit a written statement in support of, or challenging the outcome, within five (5) business days. Please submit any such written statement to [email address].

Sincerely,

[Decision-Maker 2]

Appendix 11**Notice of Appeal Decision**

[DATE]

Dear [Complainant's name/Respondent's name SEND SEPARATELY],

Attached please find my written decision describing the result of the appeal and the rationale for the result.

Sincerely,

[Decision-Maker 2]

Encl.