



TITLE IX: SEXUAL HARASSMENT AND DISCRIMINATION POLICY - Last Updated on 12/6/22

The Classical Academies prohibits any acts of discrimination on the basis of sex. Sexual harassment is a type of discrimination on the basis of sex which interferes with students' abilities to learn and negatively affects student engagement, diminishes school safety, and contributes to a hostile school environment. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

To the extent possible, The Classical Academies will make reasonable efforts to prevent students from being discriminated against on the basis of sex and will take action to investigate, respond, address and report on such behaviors in a timely manner. The Classical Academies employees that witness or receive a report of sexual harassment prohibited by this Policy will take immediate steps to intervene when safe to do so and notify the Title IX Coordinator of the incident.

Moreover, The Classical Academies will not condone or tolerate sexual harassment prohibited by this Policy by any employee, independent contractor or other person with which The Classical Academies does business, or any other individual, student, or volunteer. This policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. The Classical Academies will promptly and thoroughly investigate reports and complaints of conduct prohibited by this Policy and take appropriate corrective action, if warranted.

Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator:

Jared Baez
Director of Safety and Security
jbaez@classicalacademy.com
355 E Grand Avenue, Escondido, CA 92025
760-580-8382

Title IX Coordinator: Overview of Responsibilities

- Receive reports and complaints of sex discrimination, including sexual harassment
- Investigate all harassment, bullying, and sexual assault reports based on sex or gender
- Investigate all sex/pregnancy discrimination claims and provide accommodations to pregnant and post-natal students
- Provide the parties with supportive measures, as appropriate
- Notify individuals who report sexual harassment of the formal complaint process described in this Policy
- Train The Classical Academies employees on Title IX and anti-retaliation policies
- Review all education programs for Title IX compliance and compliance with state and local requirements as applicable

- Stay abreast of new Title IX regulations and developments by participating in ongoing professional development

Definitions: Prohibited Harassment Under Title IX

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

The Classical Academies is committed to provide a workplace and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action.

Under Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid pro quo harassment, including an employee conditioning the provision of an aid, benefit, or service of The Classical Academies on an individual’s participation in unwelcome sexual conduct;
- 2) Unwelcome conduct on the basis of sex that a reasonable person would find so severe, persuasive, and objectively offensive that it denies a person equal educational access to The Classical Academies’ education program or activities; or
- 3) Any instances of sexual assault as defined in the Clery Act, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act

Sexually harassing conduct¹ may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
 - o Rape, sexual battery, molestation or attempts to commit these assaults and
 - o Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another’s body, or poking another’s body
- Unwanted sexual advances, propositions, or other sexual comments, such as:
 - o Sexually oriented gestures, notices, remarks, jokes, or comments about a person’s sexuality or sexual experience
 - o Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct
 - o Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of the employee’s sex
- Sexual or discriminatory displays or publications anywhere in the workplace or educational environment, such as:

¹ The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

- o Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view at work or the educational environment
- o Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic, and
- o Displaying signs or other materials purporting to segregate an individual by sex in an area of the workplace or educational environment (other than restrooms or similar rooms)

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against him/her or against another individual. This means that The Classical Academies prohibits intimidation, threats, coercion, or discrimination against any individual who has made a report or complaint of sexual harassment, assisted, or participated or refused to participate in any manner in a Title IX report, complaint, or investigation. If an individual feels that they have been retaliated against in this manner, the individual has the right to file a Title IX complaint under this policy.

Grievance Procedures

1. Reporting

All employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene as soon as it is safe to do so, call for assistance, and report such incidents to the Title IX Coordinator. The Board requires The Classical Academies employees to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy.

Any employee or student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Title IX Coordinator:

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Students are expected to report all incidents of misconduct prohibited by this Policy or other verbal, or physical abuses. Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, administrator, the Chief Executive Officer, the Title IX Coordinator, a staff person or a family member so that she/he can get assistance in resolving the issue in a manner that is consistent with this Policy.

- All reports of misconduct prohibited by this Policy must be shared with, or forwarded to, the school administrator and the Title IX Coordinator. Administrators should be responsible for Title IX matters on their campuses, appointed as administrative designees, and will be assisted by the Title IX Coordinator.

- While submission of a written report is not required, the reporting party is encouraged to submit a written report to the school administrator and / or Title IX Coordinator. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report. Once a report has been received, the Title IX Coordinator will notify the individual of the formal Title IX complaint process described in this Policy if they wish to pursue it.
- Once a report of sexual misconduct has been received, the Title IX Coordinator will review the report and determine appropriate next steps in coordination with school administrator in accordance with the Investigation Procedures described below.
- If an individual would like to file a formal complaint of sexual harassment as described below, then the individual must describe their concerns in writing, sign this document, and submit their written complaint to the Title IX Coordinator in person, by postal mail, by electronic mail, or by using the contact information listed in this policy.

The Classical Academies acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Title IX Coordinator or administrative designee on a case-by-case basis.

As stated above, The Classical Academies prohibits any form of retaliation against any reporter in the reporting process, including but not limited to a reporter's filing of a complaint or the reporting of instances of misconduct prohibited by this Policy. Such participation shall not in any way affect the status, grades, or work assignments of the reporter.

All supervisors will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All other employees will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

2. Investigation Procedures: Supportive Measures, Notice of Rights, and Prompt / Equitable Impartial Inquiry

In general, less severe incidents can be dealt with in an informal manner by using equitable restorative measures and accommodations to stop the prohibited conduct (if any), prevent its recurrence, and remedy the situation. While the parties are not required to participate in an informal resolution process, the Classical Academy may offer to facilitate an informal resolution process² at any time before reaching a determination regarding responsibility. In such a case, The Classical Academies will:

- Provide the parties with written notice of the allegations, the requirements for the informal resolution process, the right to withdraw from the informal resolution process and resume the grievance process if a formal complaint has been filed, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- Obtain the parties' voluntary, written consent to the informal resolution process.

² Note that informal resolution is not available in situations where an employee has been alleged to have sexually harassed a student.

When The Classical Academies receives a report of prohibited conduct in its educational program or activity (such as at a Classical Academies campus, event, or circumstance over which The Classical Academies exercised substantial control over both the party reported to have engaged in misconduct and the context in which the misconduct occurred), The Classical Academies will respond promptly and in a manner that is not deliberately indifferent in light of the known circumstances. The Classical Academies will respond promptly, and treat all parties equitably, by taking the following actions:

- **Make sure students are safe.** The school administrator and Title IX coordinator will conduct an initial inquiry to determine if a safety plan to stop the harassment immediately and / or supportive measures are needed to keep students safe. Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. Such measures are designed to restore or preserve equal access to The Classical Academy's education program or activities without unreasonably burdening the parties. 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 or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, keeping students separated if needed while ensuring access to educational support, and other similar measures.
- **Make sure students are aware of their rights, and notify parents or guardians when necessary.** The parties will be informed of their right to a safe learning environment free from prohibited discrimination, the availability of supportive measures and other accommodations as needed, confidentiality and privacy in the grievance process, the right to be free from retaliation, and the option to file a formal Title IX grievance by submitting a signed written statement to the Title IX coordinator in accordance with this Policy. The parties will also be notified that reports may be made anonymously but formal disciplinary action cannot be based solely on an anonymous report. Furthermore, the parties will be notified that The Classical Academy takes reports of misconduct seriously; parties reported to have engaged in misconduct are presumed not to be responsible for the alleged conduct until a determination of responsibility has been made, and disciplinary consequences (if appropriate) may only issue after equitable investigation. Disciplinary sanctions are noted in The Classical Academies Parent-Student Handbook.
- **Equitably investigate to determine what occurred.** The parties will be treated equitably, and all relevant evidence will be objectively evaluated. Credibility determinations will not be based on a person's status as a complainant, responding party, or witness. All investigators, decision-makers, or any person designated to facilitate a resolution process will not have a conflict of interest or bias. All Classical-Academy decision-makers involved in an investigation or response to a report of prohibited conduct will have received training on Title IX and responding to complaints of prohibited conduct.

Investigative steps include, but are not limited to:

- a. Documenting all witness interviews, reports, and findings with dates, times and who was involved as applicable;
- b. Speaking with students and employees involved;

- c. Conducting non-biased interviews with both party's witnesses and allowing both parties to present evidence equally;
 - d. Maintaining confidentiality, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Title IX Coordinator or administrative designee on a case-by-case basis.
- **Promptly process the grievance.** In most cases, a thorough investigation will take no more than fourteen (14) school days. If the Title IX Coordinator, or school administrator or other administrative designee determines that an investigation will take longer than fourteen (14) school days, he or she will inform the parties and provide an approximate date when the investigation will be completed. All evidence to determine responsibility will be in accordance with the clear and convincing evidence standard, which is the same for all reports and complaints of conduct prohibited by this policy - including formal complaints.

After a full and equitable investigation, The Classical Academies will come to a decision with respect to whether the reported conduct was supported by clear and convincing evidence and constituted a violation of this Policy.

- **Notify the parties of the outcome.** At the conclusion of the investigation, the Title IX Coordinator or administrative designee will meet with the parties and, to the extent possible with respect to confidentiality laws, provide the parties with information about the investigation, including any actions necessary to resolve the incident/situation. However, in no case may the Title IX Coordinator or administrative designee reveal confidential information related to other students or employees, including the type and extent of discipline issued against such students or employees. The Classical Academies' determination on the allegations raised in the report, and any resultant discipline, will be communicated to the parties within 60 days of initial report.
- **Plan for success.** A plan should be made after the resolution of the case to prevent any further incidents (if relevant), protect the parties from retaliation, and to foster a safe school climate for all.

3. Formal complaints.

All formal complaints under this Policy must be in writing, signed by the individual submitting the complaint, and submitted to the Title IX Coordinator in person, by postal mail, by electronic mail, or by using the contact information listed in this Policy.

When a formal complaint of sexual harassment has been received, the Classical Academies will:

- Provide the parties with written notice of this Policy.
- Provide the parties with written notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any interview. This written notice will also include a statement that the party reported to have engaged in sexual harassment is presumed not responsible for the alleged conduct, and that a determination of responsibility is made at the conclusion of the grievance process. This written notice will 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 under this section.

- If, in the course of the investigation, The Classical Academies decides to investigate other allegations not included in the original written notice of allegations, the Classical Academy will provide notice of this to the parties whose identities are known.
- Investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment under Title IX, did not occur in the Classical Academy's education program or activity, or did not occur against a person in the United States, the Classical Academy will dismiss the formal complaint. The Classical Academy may also dismiss the formal complaint if at any time during the investigation the complaining party notifies the Title IX Coordinator in writing that they wish to withdraw the complaint or any allegations therein; or the party reported to have engaged in sexual harassment is no longer enrolled at or employed by The Classical Academies; or specific circumstances prevent The Classical Academies from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- When investigating a formal complaint and throughout the grievance process, The Classical Academies will ensure the burden of proof and burden of gathering evidence to reach a determination of responsibility does not rest on the parties; provide an equal opportunity for the parties to present witnesses and other evidence; not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence; provide the parties with the same opportunities to have others present during any grievance proceeding (including the opportunity to be accompanied by an advisor of their choice); provide the parties with written notice of the date, time, location, participants, and purpose of all hearings in which their participation is invited or expected, investigative interviews, or other meetings with sufficient time to prepare to participate; and provide the parties with an equal opportunity to inspect and review any evidence obtained as part of an investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.
- Prior to the completion of a written investigative report, The Classical Academies will send to each party (and their advisor, if any) a copy of the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least 10 days to submit a written response, which The Classical Academies will consider prior to completion of the investigative report.
- Issue a written determination regarding responsibility to the parties simultaneously. This written determination will use a clear and convincing evidence standard and be made by a different person than the Title IX Coordinator or the Investigator. It will include the allegations investigated; a description of the steps taken after receiving the formal complaint through the investigative determination, including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held; findings of facts supporting the determination; conclusions regarding the application of The Classical Academy's code of conduct described in the Student Handbook; and include a statement of / rationale for the result as to each allegation including a determination of responsibility, any disciplinary sanctions, and whether remedies designed to restore or preserve equal access to the Classical Academy's education program or activity will be provided to the Complainant.

All records related to any investigation of complaints under this Policy are maintained in a secure location for a period of seven years.

4. Consequences

Students or employees who, after a prompt and equitable investigation, are determined by clear and convincing evidence to have engaged in conduct prohibited by this Policy will be subject to disciplinary action pursuant to The Classical Academy's code of conduct described in the Student Handbook.

Any employee who condones, participates in, or initiates conduct prohibited by this Policy will be severely disciplined, including but not limited to possible demotion or termination. Any employee knowing of a supervisory employee abusing his or her official position by condoning, participating in or initiating such harassment should inform a higher-level supervisor or appropriate personnel official, in writing, so The Classical Academies can take action against that supervisory employee.

No employee will be disciplined or otherwise retaliated against for making truthful, good faith complaints about such harassment. The Classical Academies welcomes information regarding such harassment, as The Classical Academies cannot do anything to remedy the situation if it does not know it exists.

5. Uniform Complaint Procedures

When the reported conduct does not meet the definition of sexual harassment described above, a complainant may fill out a Uniform Complaint Policy ("UCP") complaint form at any time, consistent with the procedures laid out in the Universal Complaint Policy.

6. Right of Appeal

After a determination has been made regarding responsibility, both parties may appeal The Classical Academies' determination. An appeal may also be filed if a formal complaint (or any allegations raised therein) were dismissed.

An appeal may be filed on one of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- 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
- 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.

To file an appeal, either party may follow the Dispute Resolution Process found on the website in conformity with the requirements of Title IX.

Please note that complaints regarding discrimination or harassment on the basis of sex or gender may also be made to the U.S. Department of Education, Office for Civil Rights (OCR). Additional information about OCR is available at <https://www2.ed.gov/about/offices/list/ocr/index.html>, and information about how to file an OCR complaint is available at <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.