BOARD POLICY ON TITLE IX

John Adams Academies (hereinafter, the "Academy") is committed to maintaining a safe and respectful school environment that is free from discrimination and harassment. Title IX of the Education Amendment Act of 1972 ("Title IX") prohibits discrimination on the basis of sex, including sexual harassment, in the Academy's education programs and activities. This Policy applies to all John Adams Academies.

This Title IX Policy ("Policy") details the Academy's commitment to maintain a learning environment that is free from sexual harassment and provides a grievance process for allegations of sexual harassment as defined under Title IX. Any individual can report sexual harassment at the Academy to staff (e.g., Superintendent, principal, dean, teacher, etc.), and the Academy will take appropriate action in accordance with this Policy.

Sexual harassment is a form of gender discrimination in that it constitutes differential treatment on the basis of gender, gender identity or expression, or sexual orientation, and, for that reason, is a violation of state and federal laws and a violation of this Policy. The Academy considers sexual harassment to be a major offense which can result in the suspension or expulsion of scholars and termination of employees.

Definition of Sexual Harassment Under California Law

California Education Code section 212.5 defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decisions affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual harassment may include, but is not limited to:

- Unwelcome verbal conduct such as suggestive, derogatory comments, sexual innuendoes, slurs, or unwanted sexual advances, invitations, or comments; pestering for dates; making threats; or spreading rumors about or rating others as to sexual activity or performance.
- Unwelcome visual conduct such as displays of sexually suggestive objects, pictures, posters, written material, cartoons, or drawings; graffiti of a sexual nature; or use of obscene gestures.
- Unwelcome physical conduct such as unwanted touching, pinching, kissing, patting, hugging, blocking of normal movement, assault; or interference with work or study directed at an individual because of the individual's sex, sexual orientation, or gender.
- Threats and demands or pressure to submit to sexual requests in order to keep a job or academic standing or to avoid other loss, and offers of benefits in return for sexual favors.

Under Education Code section 230, harassment and other discrimination on the basis of sex include, but are not limited to, the following:

- Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to harassment or other discrimination in, any academic, extracurricular, research, occupational training, or other program or activity;
- Exclusion from participation in, or denial of equivalent opportunity in, athletic programs.

The full definition of discrimination and harassment based on sex from Education Code section 230 can be found here:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=230.

The definition of sexual harassment under California law and the definition of Sexual Harassment under Title IX overlap in some areas. Complaints alleging unlawful discrimination, harassment, intimidation or bullying based on gender, sex, gender identity or expression, or sexual orientation may be eligible to be investigated pursuant to the Academy's Uniform Complaint Procedures. However, if any formal complaints alleging sexual harassment constitute Sexual Harassment as defined under Title IX (see below), the complaints may be investigated under the Title IX Grievance Procedures (see below). The Academy prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process.

Sex Equity in Education Act Statement

Scholars have all the rights set forth in Education Code section 221.8 (as applicable to the Academy's programs). This includes the right to fair and equitable treatment, the right to a school environment without discrimination on the basis of sex, and the right to be provided with an equitable opportunity to participate in all academic extracurricular activities. The description of all rights set forth in Education Code section 221.8 can be found here: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=221.8.

For more information about Gender Equity/Title IX, please visit the following CDE website: https://www.cde.ca.gov/re/di/eo/genequitytitleix.asp.

Title IX Grievance Procedures

I. Scope and Jurisdiction

This Policy's Title IX grievance procedures apply only to conduct that falls within the definition of "Sexual Harassment" under Title IX. Academy employees or scholars may submit formal complaints of Sexual Harassment for investigation under this Policy. Sexual Harassment under Title IX means conduct on the basis of sex that falls within one or more of the following categories:

1. An Academy employee conditioning the provision of a school aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Academy education program or activity.

3. Sexual assault, dating violence, domestic violence, or stalking (as those terms are defined in 34 CFR section 106.30(a)(3)).

II. Title IX Personnel

The Academy has designated the following individual as its Title IX Coordinator to coordinate the investigation and resolution of Sexual Harassment formal complaints as outlined in this Policy:

Troy Henke
Superintendent
5 Sierra Gate Plaza, STE. 100,
Roseville, CA 95678
916-780-6800
Troy.Henke@johnadamsacademy.org

The Title IX Coordinator may designate other individual(s) to fulfill all or part of their duties. In addition to the Title IX Coordinator, the following Title IX personnel are involved in the formal complaint process:

- Investigator: The individual responsible for gathering all evidence related to the formal complaint. This individual will create an "Investigation Report" which will summarize the relevant evidence. The Title IX Coordinator may be the Investigator.

- Decision-Maker: The individual responsible for evaluating evidence in order to make a determination regarding the formal complaint. The Decision-Maker submits a written determination of findings to the parties. The Decision-Maker cannot be the Title IX Coordinator, the Investigator, or any individual involved

in the investigation of the formal complaint.

- Title IX Appeals Officer: If applicable, this individual is responsible for evaluating an appeal of the final determination. The Title IX Appeals Officer cannot be the Title IX Coordinator, Investigator, Decisionmaker, or any individual involved in the investigation of the formal complaint.

All Title IX personnel will receive training in accordance with Title IX requirements. The Title IX Coordinator must ensure individuals responsible for investigating a formal complaint are neutral.

III. Reporting Allegations of Sexual Harassment and Submitting Formal Complaints

Any individual (e.g., a scholar or employee who is alleged to be a victim of Sexual Harassment or a parent/guardian of a scholar who is alleged to be a victim of Sexual Harassment), may report Sexual Harassment directly to the Academy Title IX Coordinator, or to any other available Academy employee who shall immediately inform the Title IX Coordinator.

Upon receiving such a report, whether written or verbal, the Title IX Coordinator will contact the complainant and inform them of their right to file a formal complaint and the process for filing a formal complaint.

A formal complaint is one that contains the complainant's physical or digital signature, and it may be filed at any time with the Title IX Coordinator in person, by mail, or by email. A complainant may use the attached Title IX form (below) to submit a formal complaint to the Title IX Coordinator.

IV. Initial Response to a Report of Sexual Harassment

Upon receipt of any report of Sexual Harassment, the Title IX Coordinator or designee will take the following steps. These steps are offered regardless of whether the complainant submits a formal written complaint:

1. Contact Complainant and Determine Need for Supportive Measures: The Title IX Coordinator will contact the complainant and respondent[1] to discuss the availability of supportive measures to stop the harassment, protect scholars, and ensure access to the educational program.
    a. Supportive measures are non-disciplinary and non-punitive and shall be available at any point during the Title IX investigation. Supportive measures may include, but are not limited to: wellness check-ins,

[1] The "complainant" is the individual who is alleged to be the victim of conduct that could constitute Sexual Harassment. The "respondent" refers to the individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment. If a parent or guardian has a legal right to act on behalf of a complainant or respondent, this right applies throughout all aspects of the Title IX matter, including the grievance process.

counseling services, extension of deadlines or course-related adjustments, modifications of work or class schedules, changes in work locations, or leaves of absence. The Title IX Coordinator is responsible for implementing supportive measures.

2. Determine Need for Emergency Removal: The Title IX Coordinator will review the facts to determine whether the respondent (either scholar or staff) may need to be removed from the school setting to prevent any further sexual harassment and/or maintain the safety of scholars and staff.

    a. If the respondent is a scholar, the Academy may determine that removal from the educational program is justified due to an immediate threat to the physical health or safety of any scholar or other individual arising from the allegations. The Academy will conduct an individualized safety and risk analysis before the removal. The Academy shall provide the scholar with notice and opportunity to challenge the decision immediately following the removal. The Academy will comply with applicable laws concerning disciplining or expelling scholars.

    b. If the respondent is an employee, the employee may be placed on administrative leave during the formal complaint investigation.

3. Consider Use of Informal Resolution Process: At any time after a formal complaint has been filed, but prior to reaching a determination regarding responsibility, the Academy may offer and facilitate an informal resolution process (such as mediation) to the complainant and respondent, provided that both parties receive written notice of their rights and give voluntary, written consent. At any time prior to agreeing to a resolution, either party maintains the right to withdraw from the informal resolution process and resume the formal grievance process. However, the informal resolution process is strictly unavailable to resolve allegations that an employee sexually harassed a scholar.

V. Initial Review of Formal Complaint

If a formal complaint is filed, the Title IX Coordinator will review the complaint to determine whether it raises allegations that fall within the definition of Sexual Harassment under Title IX. The Academy may consolidate multiple formal complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances.

If it does, the Title IX Coordinator will follow this Policy's grievance procedures for formal complaints. If it does not, the Title IX Coordinator will determine whether the complaint should be dismissed (as explained below) and/or investigated pursuant to another applicable Academy policy (e.g., Uniform Complaint Procedures, General Grievance Procedures).

VI. Mandatory or Permissive Dismissal of Formal Complaint

Under certain circumstances, a complaint must or should be dismissed by the Title

IX Coordinator. The Title IX Coordinator will endeavor to make this determination no more than **ten (10) calendar days** from the date they receive the formal complaint.

1. Mandatory Dismissal: The Title IX Coordinator must dismiss the formal complaint if they determine any of the following:

    a. The alleged conduct would not constitute Sexual Harassment as defined under Title IX even if proved; or

    b. The alleged conduct did not occur in the Academy's education program or activity or did not occur against an individual in the United States.

2. Permissive Dismissal: The Title IX Coordinator may dismiss a formal complaint if they determine any of the following:

    a. The complainant has notified the Academy, in writing, that they would like to withdraw the complaint or any allegations in the complaint;

    b. The respondent is no longer enrolled in, or employed by, the Academy; or

    c. Specific circumstances prevent the Academy from gathering evidence to reach a determination with regard to the complaint.

Written Notice of Dismissal: If the Title IX Coordinator dismisses the complaint, they must send written notice of the dismissal simultaneously to both parties (complainant and respondent) as follows:

- The written notice should state the reason(s) for the dismissal and inform the parties of their right to appeal in accordance with the procedures described in the "Appeals" section below.

- If the Title IX Coordinator determines another Academy grievance procedure (e.g., Uniform Complaint Procedures) is the appropriate grievance procedure for the complainant's allegation(s), the written notice shall inform the parties (complainant and respondent) of the Academy's intent to investigate the complaint through that grievance procedure.

VII. Title IX Grievance Procedures

If the Title IX Coordinator does not dismiss the formal complaint, the Academy will initiate the following Title IX Grievance Procedures and issue a Written Decision. The Academy will endeavor to complete its investigation and issue a Written Decision within **ninety (90) calendar days of receipt of the formal complaint**.

1. Send Written Notice of Formal Complaint

    The Title IX Coordinator must provide the parties (complainant and respondent)

with a Notice of Formal Complaint. The Title IX Coordinator will endeavor to provide this Notice within **ten (10) calendar days of receipt of the formal complaint**. The notice shall include: (1) a copy of this Policy; (2) a description of the allegations potentially constituting Sexual Harassment with sufficient details known at the time; (3) a statement that the respondent is presumed not responsible for conduct and that a determination regarding responsibility is made at the conclusion of the complaint process; (4) a statement informing the parties of the opportunity to have an advisor of their choice throughout the grievance process and the ability to inspect and review evidence; and (5) a statement informing the parties that they must not knowingly make false statements or submit false information.

2. Investigator Conducts Investigation

   The Investigator will gather and review evidence related to the allegations. This can include, but is not limited to, interviewing parties or witnesses, as well as reviewing relevant evidence. The Investigator will not require, request, or rely upon any information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

   Written notice of all investigative interviews or other meetings must be provided to any individual whose participation is invited or expected to be provided with sufficient time for the individual to prepare to participate. Notice must include the date, time, location, participants, and purpose of the meeting. Attendees of such meetings will have the right to be accompanied by an advisor of their choice.

3. Investigator Provides Parties Equal Opportunity to Review Gathered Evidence

   The Investigator will provide both the complainant and respondent with an equal opportunity to review the evidence that is directly related to the allegations raised in the formal complaint. The parties will have a period of at least **10 calendar days** before the Investigative Report is provided to the parties to review the evidence, ask the Investigator additional questions, and provide or suggest additional evidence to be considered by the Investigator.

4. Investigator Prepares and Shares Investigative Report

   The Investigator will prepare an Investigative Report summarizing the relevant evidence. The Investigative Report is **not** the Academy's final Written Decision. The Investigator will send the Investigative Report to the parties and their advisors, if any, for their review and written response at least **10 calendar days** before issuance of the Written Decision. The Academy will inform the parties in writing that they may submit to the Decision-Maker written, relevant questions that the parties want to ask of any party or witness. The Decision-Maker is

responsible for providing the responses (if any) to these questions to both parties.

5. Decision-Maker Issues Written Decision

The Decision-Maker will endeavor to issue the Written Decision within **ninety (90) calendar days from the receipt of the formal complaint**. The Decision-Maker will issue a Written Decision to both parties simultaneously. The Decision-Maker uses the "preponderance of evidence" standard (i.e., it is more likely than not that the respondent committed the alleged conduct). The Written Decision will include all of the following:

a. Identification of the allegations potentially constituting Sexual Harassment.

b. A description of the procedural steps taken by the Academy during the investigation process (e.g., notifications to the parties, interviews with the parties and witnesses, site visits, or methods used to gather other evidence).

c. Findings of fact supporting the determination.

d. Conclusions regarding the application of the Academy's policies to the facts.

e. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the Academy imposes on the respondent, and whether remedies designed to restore or preserve equal access to Academy's educational program will be provided by the Academy to the complainant.

f. The Academy's procedures and permissible bases for either party to appeal the decision.

6. Remedies

If the Academy determines that the respondent engaged in Sexual Harassment, the Academy will provide remedies to the complainant, as appropriate. This may include supportive measures. Remedies may also include: transfer from a class; parent/scholar conference(s); positive behavior support; warnings; detention; and/or formal discipline, such as suspension and expulsion. When an employee is found to have committed Sexual Harassment, the Academy will take appropriate disciplinary action, up to and including termination, in accordance with Academy policies and as permitted by law.

VIII. Appeals

Either party may appeal the Academy's Written Decision, or its dismissal of a formal complaint or any allegation in the complaint, within **five (5) calendar days of the decision**. An appeal may be made on any of the following grounds:

1. A procedural irregularity affected the outcome.

2. 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.

3. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against the complainant or respondent that affected the outcome of the matter.

Upon receipt of an appeal, the Academy will provide a written notification to the other party about the appeal that gives both parties a reasonable, equal opportunity to submit a written statement in support of/challenging the appeal.

The Title IX Appeals Officer (not Decision-Maker, Title IX Coordinator, or Investigator) shall issue a written decision of an appeal. The Title IX Appeals Officer will endeavor to issue their decision within **thirty (30) calendar days from the receipt of the appeal**.

IX. Record Keeping

The Academy will maintain for a period of seven (7) years records pertaining to Title IX Sexual Harassment allegations, as well as all material used to train Title IX Personnel.

X. Updates

The Superintendent or designee may update, modify, or implement this policy in a manner to comply with applicable law.

Title IX Complaint Form

Instructions: This form can be completed by any individual who has knowledge of a sexual harassment conduct occurring within the education program or activity of John Adams Academies (hereinafter, "Academy"). Please complete the information below. Should you need additional space or would like to provide documentation to support the allegations in the complaint, you can attach those to this complaint form. If you have any questions, please contact the Title IX Coordinator listed below.

Contact Information and Complainant's Information

Full Name of Person Filing the Complaint: _____

Address: _____

Phone: _____ Email: _____

Campus Name: _____

Complainant's Full Name (if different from above): _____

Respondent's (Accused) Information

Respondent's Full Name: _____

Is the accused a scholar? ☐ No ☐ Yes

If yes, what is the scholar's grade and relation to complainant: _____

Is the accused an Academy staff member? ☐ No ☐ Yes

If yes, what is the staff member's relation to the complainant (e.g., teacher)? _____

If no, what is the accused's affiliation to the Academy? _____

Details of Complaint

Date of the Alleged Incident(s): _____

Location of Alleged Incident(s): _____

Please describe the facts underlying your complaint. Provide details such as the names of those involved, the dates of the incident(s), whether witnesses were present and the names of any witnesses, etc. Please provide any details which you feel might be helpful to a complaint investigator.

_____
_____
_____
_____
_____
_____
_____
_____

Did the harassment occur at the Academy or during an Academy activity? If so, please describe below:

_____
_____

Did this incident interfere with your ability to access or participate in Academy programs or activities? If so, please describe below:

_____
_____
_____
_____
_____
_____

List the individuals involved in the relevant incident(s):

_____
_____

List any witnesses to the incident(s):

_____
_____

Acknowledgements

By submitting this form to the Title IX Coordinator, I wish to initiate the Academy's formal Title IX Grievance Procedures.

_____ _____

Signature of Complainant Date

Once you have completed this form, please submit it to the Title IX Coordinator or Main Office:

Troy Henke - Superintendent - 5 Sierra Gate Plaza, STE 100, Roseville, CA 95768 - 916-780-6800
Troy.Henke@johnadamsacademy.org: