Title IX Sexual Harassment Policy

Policy Number: 5206

I. Purpose

Summit Academy is committed to providing an educational and working environment in which all students and employees are treated with respect and dignity and have equitable opportunities for learning, participation, or work. A fundamental component of this commitment is to maintain an environment free from discrimination based on sex, and sexual harassment, including discrimination based on pregnancy or related conditions.

In accordance with Title IX of the Education Amendments of 1972, Summit Academy prohibits any person from being excluded from participating in, denied benefits of, or subjected to discrimination under any of its education programs or activities on the basis of sex. This policy serves to:

- Protect all members of the school community, including students, employees, parents/guardians, and third parties (including volunteers and contractors) from sexual harassment and sex-based discrimination.
- Provide a process for reporting, investigating, and resolving complaints alleging sex-based inequities in educational programs and activities.
- Establish a clear process for reporting, investigating, and resolving formal complaints of sexual harassment to ensure a safe and supportive learning environment.
- Define the applicability of Title IX protections across all education programs and school-sponsored activities and off-campus events.
- Affirm Summit Academy's commitment to providing supportive measures to those affected by sexual harassment, regardless of whether a formal complaint is filed.
- Prohibit retaliation against any individual who reports discrimination or participates in the grievance process.
- Align free-speech protections and amnesty provisions with LEA practice.

Conduct that does not rise to the level of sexual harassment as defined by Title IX but is otherwise inappropriate, offensive, or constitutes bullying is still prohibited and will be addressed under other applicable Summit Academy policies.

II. Definitions

A. Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment provided to the Title IX Coordinator, any school official with authority to institute corrective measures, or any school employee.

B. Appeal Panel: A designated panel responsible for reviewing appeals regarding responsibility determinations or dismissals of formal complaints. Members of this panel cannot have participated in the investigation or the initial decision-making process.

C. Business Day: A regular, scheduled working day for LEA Staff.

D. Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

E. Dating Violence: Violence, including sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

F. Decision-maker(s): One or more individuals responsible for reviewing the investigative report and written responses to determine, based on a preponderance of the evidence, whether a policy violation occurred and what sanctions are appropriate.

G. Deliberate Indifference: A response to sexual harassment that is clearly unreasonable in light of the known circumstances.

H. Domestic Violence: Violence committed by a current or former spouse or intimate partner, a person with whom the complainant shares a child, or a person cohabiting with the complainant as a spouse or intimate partner.

I. Formal Complaint: A written document filed by a complainant (or their parent/guardian) or signed by the Title IX Coordinator that alleges sexual harassment against a respondent and requests an investigation.

J. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

K. Retaliation: Prohibited conduct against any person for filing a complaint or participating in a Title IX proceeding. This includes threats, intimidation, or social ostracism intended to interfere with Title IX rights.
    a. More detail found in Anti-Discrimination Policy.
    b. Defined in Bullying, Cyber-Bullying, Hazing and Retaliation Policy.

L. Sexual Harassment: Conduct on the basis of sex that includes:
    a. Quid Pro Quo: An employee conditioning an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
    b. Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.
    c. Specific Offenses: Sexual assault, dating violence, domestic violence, and stalking.
    d. More detail found in the Anti-Discrimination Policy.

M. Sexual Misconduct: Unwelcome sexual actions or communications that are offensive but may not meet the specific Title IX definition of a hostile environment; such conduct is still prohibited under general school conduct policies.

N. Stalking: Engaging in a 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.

O. Supportive Measures: Non-disciplinary, non-punitive individualized services offered without fee or charge to the complainant or respondent (e.g., counseling, schedule modifications, or mutual contact restrictions) to restore or preserve equal access to education.

P. Title IX Coordinator: The individual designated by the school to coordinate compliance efforts, including the investigation of complaints and the implementation of supportive measures

Q. Title IX Team: Made up of the Coordinator, the Investigator(s), Decision Maker(s), including the LEA Executive Director and for appeals, the Summit Academy Board of Trustees.
    a. Title IX Coordinator: Director of Human Resources
    b. Lead Investigator: Director of Facilities & Safety
    c. Lead Decision Maker: LEA Executive Director
    d. Appellate Decision Maker: Board of Trustees
    e. Informal Resolution Facilitator: Director of Human Resources.

III. Complaint Procedure

A. Individuals who believe they have been subjected to sexual harassment should immediately notify a teacher, administrator, supervisor, or the Title IX Coordinator and may file a formal complaint.

B. An employee with actual knowledge of sexual harassment or allegation of sexual harassment shall, as soon as is reasonably possible, notify the Title IX Coordinator.

C. An individual other than a complainant may file a report or notice of sexual harassment, in which case the procedures for an initial response and supportive measures will be followed. However, an investigation is completed only upon receipt of a formal complaint by a complainant or, if a minor, by the complainant's parent/legal guardian.
    a. Anonymous Reporting: Reports from anonymous individuals will receive initial investigation. However, responses will be limited to the Title IX LEA Team and appropriate administrators

D. Formal Complaint: A formal complaint must be in writing and must be delivered to the Title IX Coordinator. Formal complaints will be accepted for a complainant participating, or has previous participated, in Summit Academy's educational program at the time of the allegation.
    a. A formal complaint should also include, if possible:
        - Name, home address, e-mail address, telephone number of the complainant;
        - Date(s)~~,~~ of incident(s) giving rise to the complaint;
        - Name(s) of respondent(s);
        - Description of the conduct or incident(s) given rise to the complaint;
        - Description of the harm caused by the incident; and
        - Description of remedy sought. Providing a description of the remedy sought does not confer authority on the complainant or the complainant's parent/legal guardian to determine the discipline imposed on the respondent. The determination of remedies, including any disciplinary action, rests only within the authority and sole discretion of Summit Academy and may not be divested to others.
        - The complaint should include the complainant's physical or digital signature. A parent or legal guardian may sign and file a formal complaint on behalf of a minor complainant.

E. Any Summit Academy employee who observes or otherwise becomes aware of conduct that may constitute sexual harassment against a student or employee shall report the conduct to the Title IX Coordinator, whether the student files a complaint or not.

F. There will be no time limits for reporting complaints.

G. Individuals submitting complaints will receive information on how to request disability or language accommodations during the grievance process.

IV. Initial Response

Employee Receipt of Notice, "Actual Knowledge." Whenever any Summit Academy or school employee becomes aware of an allegation of, or conduct that may constitute, sexual harassment, the Title IX Investigator must be notified.

- Actual knowledge of such conduct or allegation may be made known through a variety of means, including but not limited to:
  - verbal complaints by students or parent(s)/legal guardian(s);
  - notice from an employee;
  - direct observation, or as facts are disclosed during normal disciplinary proceedings.

Receipt of Notice to Title IX Coordinator:

- If a school administrator or Title IX Coordinator becomes aware of offensive sexual behavior or sexual conduct, the Title IX Coordinator shall conduct an initial assessment to determine whether the conduct might meet the definition of sexual harassment under this policy.
- If there is evidence that the conduct constitutes sexual harassment, or if a reasonable person would consider the conduct sexual harassment under this policy, the Title IX Coordinator shall report the conduct to the Title IX Coordinator.
  - For situations involving students, either the Title IX Coordinator or Title IX Investigator shall contact the parents/legal guardian.
  - The Title IX Coordinator~~,~~ may provide, upon receiving a report of sexual harassment, appropriate and immediate supportive measures to the complainant.

Upon receipt of notice (actual knowledge) of sexual harassment or allegations of sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss:

- the availability of supportive measures and 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;
- explain to the complainant the process for filing and investigating a formal complaint; and
- explain to the complainant that the parties may have an adult advisor of their choice throughout the investigation of a formal complaint.
- explain to the complainant the availability of disability and language accommodation supports

The Title IX Coordinator should consult with, and implement supportive measures in collaboration with, the school administrator for students, or the HR Director for an employee. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

- 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, supervised transitions, changes in work locations, increased security and monitoring of certain areas of the campus, and other similar measures

- Summit Academy 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 Summit Academy to provide the supportive measures.

Emergency Removal: The Title IX Coordinator, in consultation with an administrator or LEA Executive Director, or in the case of an employee, the HR Director, may conduct an emergency removal of a respondent from the Summit Academy's education program or activity.

- To remove a respondent on an emergency basis, Summit Academy must undertake an individualized threat assessment and determine that an immediate threat to the physical health or safety of a student or other individual arising from the allegations of sexual harassment justifies the removal.
- The respondent must be given notice and an opportunity to challenge the decision immediately following the removal. An emergency removal may not constitute or be documented as disciplinary action.
- In the case of an employee, Summit Academy may place a non-student employee respondent on administrative leave during the pendency of the grievance process.
- Summit Academy will not restrict access to education unless necessary for safety, aligning with federal rule.

If the Title IX Coordinator receives a report from a student, parent/legal guardian, school employee, and/or school administrator before receiving a formal complaint, he or she shall interview the complainant and determine whether to sign a formal complaint on behalf of the complainant.

The Title IX Coordinator may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, where the allegations of sexual harassment arise out of the same facts or circumstances.

V. Investigation of Sexual Harassment

The procedures outlined in this section are detailed and constitute the recommended best practice. Minor omissions and other procedural inconsistencies do not invalidate an otherwise equitable investigation. Investigators must be flexible and adapt to the circumstances of each complaint.

Dismissal:

- Upon receipt of a formal complaint, the Title IX Coordinator determines whether the complaint must or may be dismissed. A dismissal may occur at any point in the investigation.
- Mandatory: The Title IX Coordinator must dismiss the complaint if any of the following conditions apply:
  - The conduct alleged would not constitute sexual harassment as defined in this policy even if proved;
  - The conduct alleged did not occur in a Summit Academy program or activity; or
  - The conduct alleged did not occur against a person in the United States.
    i. This dismissal does not preclude action under another Summit Academy policy. Summit Academy has the flexibility to provide supportive measures in response to allegations of conduct, and to investigate such conduct, that does not involve sexual harassment but is otherwise prohibited under Summit Academy policy, including bullying, discrimination, harassment, and other sexually inappropriate conduct.

- Discretionary: The Title IX Coordinator may dismiss the complaint or any of the allegations therein if any of the following conditions apply:
    i. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
    ii. the respondent is no longer enrolled or employed by Summit Academy; or
    iii. specific circumstances prevent Summit Academy from gathering evidence sufficient to reach a determination as to the allegations contained in the formal complaint
- If dismissed, the Title IX Coordinator shall promptly notify both parties in writing of a dismissal decision and shall give both parties equal right to appeal a dismissal decision.

Assignment of Investigator:

- The Title IX Coordinator shall notify the Executive Director and School Principal, or any other applicable administrator when opening an investigation and designating an investigator(s).
- The Title IX Coordinator may conduct the investigation or assign the investigation to the Investigator(s) trained to conduct sexual harassment investigations.
- The investigator must receive training on the definition of sexual harassment under this policy, the scope of Summit Academy's education programs and activities, how to conduct an investigation, how to determine relevance to create an investigative report that fairly summarizes relevant evidence, how to write and issue an investigative report, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- The investigator should begin each investigation by documenting the alleged conduct using Summit Academy's 5204 Anti-Discrimination Policy and creating an investigation file. The investigator completes the Checklist as the investigation proceeds.
- The investigator shall refer the matter to law enforcement authorities or the Utah State Division of Child and Family Services, where appropriate or required by law. The investigator must continue to conduct the investigation even if the matter has been referred to another agency. The investigator should coordinate with the other agency and may adjust timelines and procedures accordingly.

Investigative Procedures:

Summit Academy must ensure that investigations include the following steps.

- The investigator shall ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Summit Academy and not on the parties.
    - Access to a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their capacity in connection with the party's treatment can only be obtained through the party's voluntary, written consent (if the party is a minor, consent must be from the parent).

- Notice of Allegations: Upon receipt of a formal complaint, the Title IX Coordinator shall provide written notice to the parties of the allegations. The notice shall include:
  - Notice of Summit Academy's formal complaint and investigation process, including any informal resolution process available;
  - Notice of the allegations of 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 following, if known:
    i. The identities of the parties involved in the incident;
    ii. the conduct allegedly constituting sexual harassment under this policy; and
    iii. the date and location of the alleged incident.
  - A statement that the respondent is presumed innocent until a determination has been made at the conclusion of the investigation;
  - A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence prior to completion of an investigation report.
  - A statement that Summit Academy policy prohibits knowingly making false statements or knowingly submitting false information during the investigation and that a party found to have done so is subject to disciplinary action.

Interviews

- The investigator shall provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a party whose participation is invited or expected, with sufficient time for the party to prepare to participate.
- The investigator shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- Each of the following persons shall be interviewed, and a record made of their conversations.
  - The complainant. The complainant may be accompanied by an adult representative, including legal counsel. The complainant may present evidence supporting the complaint.
    i. In cases of sexual assault or other severe trauma, the investigator should seek assistance from professionals trained in interviewing children. Such professionals may include designated officials from the Children's Justice Center, the Department of Child and Family Services, or some other private or governmental agency.
    ii. The investigator shall comply with the reporting requirements regarding Child Abuse or Neglect (See~~,~~ Policy-4002 Child Abuse-Neglect Reporting)
  - The respondent. The respondent may be accompanied by an adult representative, including legal counsel. The respondent may present evidence refuting the allegations set forth in the complaint. The investigator should gather a signed, written statement from the respondent.
  - The witnesses. Anyone who witnessed the alleged conduct. The investigator should gather a signed witness statement from each witness using Summit Academy's Witness Statement form.

        - Anyone mentioned as having related information. The investigator should document all conversations related to the alleged incident.
    - Equal opportunity shall be provided for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
    - The investigator may have additional conversations with any of the individuals listed in subsection to ensure that all relevant facts have been gathered.

Preservation of Evidence
The investigator shall gather and preserve all evidence, including footage from surveillance cameras, photos, physical evidence, documents, correspondence, and any relevant electronic information such as text messages, camera footage, and social media postings.

Informal mediation may be appropriate in cases of sexual harassment under Title IX according to the following requirements:

- Informal mediation can never be offered to resolve complaints alleging that an employee sexually harassed a student;
- Facilitators must be free from conflicts of interest or bias and be trained to serve impartially;
- Informal resolution processes must have reasonably prompt time frames
- The initial written notice of allegations sent to both parties must include information about the informal resolution processes made available; and
- Parties retain their right to a formal resolution process~~,~~ and can withdraw from informal resolution and resume a formal process at any time before agreeing to a resolution.

Investigative Report
Prior to completing the investigative report, the investigator shall send to each party and the party's advisor (if applicable) the evidence subject to inspection and review in an electronic format or a hard copy, and a draft investigation report to the parties. The parties must have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator shall objectively evaluate all relevant evidence, including the credibility of all statements. The investigator shall prepare a final written report of the investigation. The report should be completed using Summit Academy's Title IX Investigation Form.

The report must "fairly summarize relevant evidence," and should include the following:

- A description of the complaint.
- A description of the interim supportive measures provided to the complainant and/or the respondent.
- A detailed description of the investigation, including names and dates of individuals interviewed; receipt of written statements; and evidence considered, including video and audio recordings, correspondence, etc.
- Findings of fact. This section should describe with sufficient detail the events and actions found by the investigator to be true and include both inculpatory and exculpatory evidence considered relevant.

The investigator shall provide a copy of the final investigative report simultaneously to the parties and notifies them that they have ten (10) calendar days to provide a response, including written questions

they would like asked of any party or witness. The investigator notifies the parties that their response and questions should be submitted to the Summit Academy Title IX Team. The investigator also submits a copy of the final investigative report to the Title IX Coordinator.

Determination Regarding Responsibility by Decision Maker(s)

Decision-maker(s)

1. Summit Academy's Title IX Team is designated the Decision-maker(s) for Title IX sexual harassment complaints.
2. The Decision-maker(s) cannot be the same person as the Title IX Coordinator or an investigator(s).
3. The Decision-maker(s) may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
4. The Decision-maker(s) must receive training on the definition of sexual harassment under this policy, the scope of Summit Academy's education programs and activities, how to conduct an investigation, how to issue a written determination, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Parties' Response to Investigative Report

1. Upon receipt of the investigation report, the decision-maker(s) must allow for at least ten (10) days to receive any written response from the parties before issuing a written determination regarding responsibility and whether Summit Academy policy was violated.
2. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the alleged conduct 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 Decision-maker(s) must explain to a party proposing the questions any decision to exclude a question as not relevant.
3. Upon receipt of relevant questions from a party, the Decision-maker(s) submits the questions to the witness or party to whom they are directed and establishes a timeframe in which the questions must be answered. Upon receipt of the answers, the decision-maker provides them to the parties who proposed the questions.
4. At the decision-maker's discretion, the decision-maker may permit limited follow-up questions from the parties.

Determination Regarding Responsibility

1. The Decision-maker(s) must issue a written determination as to whether the respondent committed sexual harassment.
2. The Decision-maker(s) objectively evaluates all relevant evidence gathered and presented during the investigation, as found in the investigative report, along with the answers to any written questions and follow-up questions to parties and witnesses as a response to the investigative report. The Decision-maker(s) evaluate the evidence, judge credibility based on factors of plausibility and consistency in party and witness statements and then reach a determination regarding responsibility.
3. The Decision-maker(s) may consult with the investigator, Summit Academy's attorneys, and other administrators as applicable in making a determination, except for the Summit Academy Board of Trustees, to whom an appeal would be directed.

4. The Decision-maker(s) shall base the determination on the preponderance of the evidence standard. Summit Academy shall apply the same standard to all formal complaints of sexual harassment, whether the complaint involves a student or employee.

The Written Determination

1. The written determination must include:
    - Identification of the allegations potentially constituting sexual harassment as defined in this policy;
    - 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, methods used to gather other evidence;
    - Findings of fact supporting the determination;
    - Conclusions regarding the application of Summit Academy's policy to the facts;
    - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
    - Summit Academy's procedures and bases for the complainant and respondent to appeal.
    - The recipient must provide the written determination to the parties simultaneously.
2. If the respondent is a student and found to have committed sexual harassment, the decision-maker shall ensure that the behavior and resulting disciplinary action is documented in the student information system.
3. Upon receipt of the final determination, the complainant or respondent may file an appeal.
4. The determination regarding responsibility becomes final either on the date that the recipient 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, which is 10 calendar days after the issuance of the decision regarding responsibility.

Issuance of Written Determination

At the conclusion of the decision-making process, the Decision-maker(s) shall provide the written determination to the parties simultaneously.

The Decision-maker(s) also provides a copy of the written determination to the Title IX Coordinator.

Appeals

A. Either party, the complainant or respondent, may appeal the Dismissal of a Formal Complaint in writing within five (5) calendar days after receipt of a Notice of Dismissal. Failure to submit written notice of an appeal within five (5) calendar days constitutes forfeiture of any right to appeal from a Dismissal of a Formal Complaint.

B. Either party, the complainant or respondent, may appeal the Determination Regarding Responsibility within ten (10) calendar days from the date of when the written Determination Regarding Responsibility was issued. Failure to submit written notice of an appeal within ten (10) calendar days constitutes forfeiture of any right to appeal.

C. Appeals shall be submitted to the Title IX Facilitator to be shared with the Summit Academy Board of Trustees as the appeals body.
    - The LEA Executive Director, or designee, may render a decision or forward the appeal to a appeals panel for review. The members of the appeals panel shall not have prior participation in the investigation or the matter being reviewed and shall not have a conflict of interest or bias related to the investigation.

D. Appeals may be submitted on the following bases:
    - Procedural irregularity that affected the outcome of the matter;
    - New evidence that was not reasonably available at the time the Determination Regarding Responsibility was made, that could affect the outcome of the matter; or
    - If a party believes there was a conflict of interest of the Title IX Coordinator, investigator(s), or decision-maker(s).
    - If an appeal does not introduce new evidence or allege a conflict of interest or violation of the investigation procedures of this policy, it will be denied.
    - Disagreement with the outcome of an investigation or with an investigator(s) interpretation or findings of facts is not grounds for an appeal under this policy.

E. The LEA Executive Director or designee or appeal panel will notify the other party in writing when an appeal is filed and offer parties an opportunity to provide a written statement in support of, or challenging, the outcome. The LEA Executive Director, or designee, or appeal panel will issue a written decision as to whether the investigation procedures were followed, whether there was a conflict of interest, or whether any new evidence would change the outcome of the investigation.

F. The decision of the LEA Executive Director, or designee, or appeal panel is final.

Confidentiality; Retaliation

It is the policy of Summit Academy to respect, as far as possible, the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's right to confidentiality must be balanced with Summit Academy's obligations to cooperate with law enforcement, government agency investigations, or legal proceedings, or to investigate and take necessary action to resolve a complaint, including by allowing each party the chance to provide information to the investigator, information about the complaint may be disclosed in appropriate circumstances, and for other good reasons that apply to the particular situation. The investigator also may discuss the complaint with one or more of the following persons:

- The Executive Director, Director of Human Resources, attorney, or other applicable Summit Academy administrator;
- The parent/legal guardian of the victim;
- The parent/legal guardian of an alleged student perpetrator;
- A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth;
- Utah State Division of Child and Family Services for purposes of investigating child abuse reports; and
- Law enforcement agencies where the investigator has reasonable suspicion that the alleged Discrimination or Harassment involves criminal activity.

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities or the Utah State Division of Child and Family Services. The anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by Utah Code.

Retaliation against any person who has filed a complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy is prohibited, and therefore, subject to disciplinary action. Retaliation may include, but is not limited to, continued harassment, threats, taunting, spreading rumors, unauthorized disclosure of the details of an investigation, ostracism, assault, destruction of property, or other negative conduct toward participants in response to an investigation and the events causing it. Anyone found to have engaged in retaliation will be subject to disciplinary action. Participants in an investigation, including victims, respondents, and witnesses, must report to the investigator any conduct that might reasonably constitute retaliation.

Discipline, Remedial Action, and False Complaints

- Any student who engages in sexual harassment of anyone at school or at any school-related activity or event is in violation of this policy and shall be subject to disciplinary action consistent with Summit Academy's Code of Conduct and Discipline Policies. Disciplinary action may include, but is not limited to, suspension, expulsion, exclusion or loss of extracurricular activities, probation, or alternate educational placement. In imposing such discipline, all facts and circumstances of the incident(s) shall be considered.
- Any employee who engages in sexual harassment of any student at school or at a school-related activity or event is in violation of this policy and shall be subject to disciplinary action consistent with Summit Academy's Employment policies. Disciplinary action may include, but is not limited to, warnings, reprimands, probation, disciplinary transfer, suspension, reduction in pay or hours, or termination. In imposing such discipline, all facts and circumstances of the incidents(s) shall be considered.
- If the investigator has reasonable suspicion that the Harassment involves sexual assault, rape, or any other activity of a criminal nature, Summit Academy shall notify appropriate law enforcement authorities and immediately initiate proceedings to remove the accused party from the situation.
- If an investigation finds evidence of sexual harassment, Summit Academy shall implement remedial action necessary to eliminate its effects upon the victim and the school environment. Remedial action may include changes to school or Summit Academy programs, offerings, facilities, rules, policies, or practices.
- Intentionally false, malicious, or frivolous complaints of sexual harassment shall result in corrective or disciplinary action taken against the complainant.

Record Keeping

- The Title IX Coordinator shall maintain a confidential record **separate** from the individual's educational or personnel file that includes the complaint, response, witness statements, evidence, investigative report, written determination, any appeal and the result therefrom, and any informal resolution and the result therefrom for the later of seven (7) years or two (2) years after a student complainant or student respondent has graduated.
- All student discipline issued for violations of this policy shall be documented by the Decision Maker on Summit Academy's Student Information System ("SIS"). Consistent with the U.S. Department of Education Civil Rights Data Collection, the documentation must indicate that sexual harassment served as the basis for which the student was disciplined.

- All complaints made under this policy involving a student must be documented by the Building Administrator on Summit Academy's Student Information System ("SIS"). Complaints must be documented even if the investigation results in a finding that this policy was not violated. Consistent with the U.S. Department of Education Civil Rights Data Collection, the documentation must indicate that the violation constituted sexual harassment.
- All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action.
- Records of complaints and investigations shall be retained in accordance with applicable federal and state law.

Investigation Timeline for a Sexual Harassment Investigation

a. Federal guidelines require schools to complete the investigation within a "reasonably prompt timeframe", typically completed within 60-120 days. Complex cases can span several months to a year. A general expected timeframe can be found below:
  - Intake & Assessment: Initial contact occurs within a few days, with formal intake meeting, as needed, scheduled within 1-2 weeks.
  - Evidence Review & Response: Parties are given 10 days to inspect and respond in writing to directly related evidence.
  - Investigation Report Review: Parties receive 10 days to review and comment on the summary investigation report before adjudication.
  - Appeal Window: Appeals must be submitted within five days following the written decision.

VI. Training; Dissemination

- Summit Academy recognizes the importance of educating its employees and students regarding the prevention of sexual harassment and the observance of high ethical standards. To these ends, Summit Academy will provide ongoing training and education in this area. Notice of this policy will be distributed, and training will be conducted for employees and students of Summit Academy.
- Materials from Title IX trainings for LEA Title IX Team will be posted publicly on Summit Academy's website.
- This policy may be posted on Summit Academy's website and in relevant communication to stakeholders.

VII. Summit Academy Title IX Coordinator

Human Resources Director
1225 E 13200 S.
Draper, UT 84020
801-438-4500
HR@summitacademyschools.org
Outside Organization Contacts:
- Office of Civil Rights
- Equal Employment Opportunity Commission

VIII. Attachments

IX. References

Utah Code§ 62A-4a-412.
Utah Code § 53G-6-11
Summit Academy Title IX Grievance Form
5204 Anti-Discrimination Policy
5203 Bullying, Cyber Bullying, Hazing, and Retaliation Policy
4002 Child Abuse-Neglect Reporting Policy

X. Revision History and Approval Date

Version 1: February 9, 2026, Original Date of Approval
Version 2: November 18, 2026: Updated contact information, appeal panel, formatting