

**Russell Byers Charter School
1911 Arch Street
Philadelphia, PA 19103**

Board of Trustees Policy

TITLE IX POLICY

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*, protects students from discrimination based on sex in educational programs or activities that receive Federal financial assistance. Title IX states that:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient, which receives Federal financial assistance.

This policy reaffirms the commitment of the Russell Byers Charter School (“Charter School”) to comply with Title IX. This policy covers student on student as well as employee on student sexual harassment.

The Charter School shall not retaliate against any person for opposing an unlawful educational practice or policy, or making charges, testifying or participating in any complaint or action under Title IX.

In providing any aid, benefit, or service to a student, a charter school shall not, on the basis of sex:

1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
2. Provide different aid, benefits, or services or provide aid, benefits, or services In a different manner;
3. Deny any person any such aid, benefit, or service;
4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;

5. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
6. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Title IX Coordinator

The Charter School has appointed a Title IX Coordinator to ensure its compliance with Title XI. The core responsibilities of the Title IX Coordinator will be:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX;
- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex and/or gender-based discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the district or campus;
- Provide ongoing training, consultation, and technical assistance on Title IX for all students and employees, with specialized training content for hearing officers/boards, investigators, campus law enforcement and appeals officers;
- Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex and/or gender-based discrimination;
- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the school or campus community (students, faculty, administrators, staff, and parents) of Title IX rights, responsibilities and resources both within and external to school/campus premises;

- Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact, and timely resolution of all instances of sex/gender discrimination made known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;
- Oversee Title IX compliance efforts of other campus/school delegates, departments and offices (e.g., investigators, student conduct/discipline, victim services, public safety, nurse/health services, counseling services, student affairs, human resources, faculty/academic affairs, athletics, etc.);
- Provide appropriate notice of an investigation; determine the extent of an investigation; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charges, notice of hearing, notice of outcome, and remedies, and provide a repository for and source of institutional record-keeping (may also be delegated);
- Provide guidance and assistance to alleged victims of sexual violence and sex/gender discrimination including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;
- Monitor institutional compliance with and provide ongoing consultation on Section 504 of the Rehabilitation Act of 1973 and related federal and state laws prohibiting discrimination and harassment against all protected classes;
- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and
- Serve as the main contact for government inquiries pursuant to Title IX.

Sexual Harassment

Title IX prohibits sex-based harassment by peers, employees, or third parties that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (*i.e.*, creates a hostile environment). In

accordance with U.S. Department of Education's Office of Civil Rights ("OCR") Guidance, a variety of related factors must be considered in order to determine if a hostile environment has been created. It directs the conduct in question to be viewed from both a subjective and an objective perspective. Specifically, OCR's standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single or isolated incident of sexual violence may create a hostile environment.

Sexual harassment includes, but is not limited to, sexual advances, request for sexual favors, or other verbal or physical acts of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's success in school;
2. Submission to or rejection of such conduct by a student is used as the basis for school decisions affecting such student; or
3. Such conduct has the purpose or effect of unreasonably interfering with a student's work performance or creating an intimidating, hostile, or offensive school environment.

Gender-Based Harassment

Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation. Gender-based harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change a charter school's obligations. Recent court cases have recognized acts of harassment directed at a person because of gender to be sexual harassment, regardless of the intent behind the act. The Charter School adopts this interpretation as part of its policy.

Allegations of Sexual Harassment Occurring Off School Grounds

Title IX applies with equal force to conduct off Charter School grounds so long as it occurs in the context of an educational program or activity of the Charter School. Such programs and activities include but are not limited to activities that take place during Charter School sponsored field trips, athletic team or school band travel and other

events for Charter School clubs that occur off campus. Once the Charter School is put on notice of out of school sexual violence against a student, it must investigate and determine whether the conduct may have continuing effects that create a hostile environment as if the conduct had occurred at school. If a student files a complaint with the school, regardless of where the conduct occurred, the school must process the complaint in accordance with its established procedures. Because students often experience the continuing effects of off-school grounds sexual harassment in the educational setting, the Charter School should consider the effects of the off-school grounds conduct when evaluating whether there is a hostile environment at the Charter School. For example, if a student alleges that he or she was sexually assaulted by another student off school grounds, and that upon returning to the Charter School he or she was taunted and harassed by other students who are the alleged perpetrator's friends, the Charter School should take the earlier sexual assault into account in determining whether there is a sexually hostile environment. The Charter School also should take steps to protect a student who was assaulted off school grounds from further sexual harassment or retaliation from the perpetrator and his or her associates.

Sexual harassment is a violation of federal and state laws and may expose not only the Charter School as a school entity, but individuals employed by the Charter School, to significant liability under the law.

When the Charter School knows or reasonably should know of possible sex-based harassment, it will take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the Charter School will take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and, as appropriate, remedy its effects.

Examples of Prohibited Conduct

The following are examples of acts that violate Title IX. These examples are not to be construed as an all-inclusive list of prohibited acts under the policy:

- A. Physical assaults of a sexual nature, such as:
 - 1. Rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death; and

2. Intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking a student's body, or touching of the clothing covering the immediate area of the complainant's intimate body parts.

B. Unwelcome sexual advances, propositions or other sexual comments such as:

1. Sexually-oriented gestures, sounds, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any student;
2. Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any student to engage in sexual activity for compensation or reward; and
3. Subjecting or threatening to subject a student to unwelcome sexual attention or conduct, or intentionally making success in school more difficult because of the student's gender.

C. Display of publications anywhere within the Charter School's control such as:

1. Displaying pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music, or other materials that are sexually suggestive, sexually demeaning, or pornographic.

Exceptions will be considered in situations where nudity or sexually explicit language is necessary to convey a message important to public health or safety or are otherwise pedagogically appropriate. Subject to the foregoing exceptions, visual material will be presumed to be sexually suggestive if it depicts a person of either sex who is nude or seminude or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body;

2. Displaying or publicizing, in any virtual classroom environment, materials that are sexually revealing, sexually suggestive, sexually demeaning or pornographic;
3. Displaying signs or other materials purporting to segregate a student by gender on the Charter School computer network system;
or

4. Possession of such material in a manner that it is reasonably foreseeable that they might be seen by others.

D. Sexual Favoritism:

The granting or withholding of Charter School opportunities and benefits including, but not limited to, assignments, discipline, and progress marking and reporting constitute Title IX violations when based on sexual favoritism, and is prohibited.

E. Other Forms of Title IX Violations:

Other conduct that has the purpose or effect of unreasonably interfering with a student's work performance or learning conditions on the basis of gender may also constitute violations, and therefore, is prohibited. Examples of conduct which, when based upon gender, violate Title IX, include:

1. Assigning disagreeable or unsafe assignments; or not making comparable assignments that would tend to disadvantage a student's development;
2. Withholding information, materials, equipment or supplies which are necessary for the efficient performance of an assignment;
3. Unreasonably failing to cooperate or assist students with school-related matters;
4. Interfering with a student's efforts to satisfactorily complete an assignment;
5. Maintaining unequal standards of performance;
6. Ostracizing students, or otherwise making it known to students that they are not welcome because of their gender;
or
7. Referring to students by sexually denigrating or insulting names because of their gender.

F. Retaliation for Title IX complaints. A non-exhaustive list of examples of retaliation may include:

1. Arbitrary discipline, threats, unwarranted change of assignments, providing inaccurate information, or failing to cooperate or discuss school-related matters with any student because that student has

complained about, been a witness to or resisted Title IX prohibited harassment, discrimination or retaliation; and

2. Intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up conduct such as that described in any item above.

Making a Complaint

The Charter School will:

1. Publish a Notice of Nondiscrimination on the Basis of Sex in its education programs and activities, including that Title IX requires it not to discriminate in such a manner. The notice must state that inquiries concerning the application of Title IX may be referred to Charter School's Title IX Coordinator or to OCR. It will include the name or title, office address, telephone number, and e-mail address for the Charter School's Title IX Coordinator. The notice will be prominently posted on the Charter School's website and at various locations throughout the Charter School and published in electronic and printed publications of general distribution that provide information to students and employees about the Charter School's services and policies;
2. Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX that include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator or designee will be available to meet with students as needed; and
3. Prominently post this policy (including the compliant procedures contained in this policy) on the school website; send it electronically to all members of the school community; make it available at various locations throughout the Charter School; and summarize it or attach it to the school's handbooks, codes of conduct, and catalogs for students, parents of elementary and secondary students, faculty, and staff.

Should the Title IX Compliance Officer be the person accused of the sexual harassment or should the complainant feel that the Title IX Compliance Officer is in some way responsible for the Title IX violation, the complainant may bring his or her concerns directly to the attention of the Chief Executive Officer ("CEO"), who will follow the procedures outlined below.

Complaint Procedures

The student may seek either an informal or formal resolution of his or her complaint:

A. Informal

The student or his or her parent may request the Title IX Compliance Officer to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated. In such case the Title IX Compliance Officer must meet with the alleged offender, take a statement with regard to the allegations, and, if warranted, require that the alleged offender participate in non-disciplinary counseling. The alleged offender, if he or she is a student, shall have the right to have his or her parent present during the meeting with the Title IX Compliance Officer. The Title IX Compliance Officer shall document, in writing, all actions taken regarding investigation of the allegations, including statements of other student(s) and/or school administration/staff/contractor(s) or volunteer(s). The complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process. Moreover, in cases involving allegations of sexual assault, an informal resolution or mediation is not appropriate even on a voluntary basis.

B. Formal

A student who believes that his or her Title IX rights have been violated or a parent, who believes that his or her child's Title IX rights have been violated, may file a complaint requesting a formal investigation into the allegations. Formal complaints shall be taken in writing by the Title IX Compliance Officer and signed by the complainant. A thorough and complete investigation shall be conducted by the Title IX Compliance Officer.

This investigation shall determine: (1) whether or not the conduct occurred; (2) whether the conduct constitutes a violation of Title IX or of this policy, and, (3) if the conduct and was a violation, what actions the Charter School will take to end the violation, eliminate any hostile environment, and prevent its recurrence, which may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

To the extent possible and allowed by law, confidentiality shall be maintained within the confines of the investigation of the alleged prohibited behavior. All parties will be treated with dignity and due process.

C. Interim Measures

During the pendency of an investigation, the Charter School will take reasonable interim measures in order to prevent further possible Title IX issues. These may include taking steps to avoid further contact between the complainant and the alleged perpetrator by removal of the alleged perpetrator from complainant's

homeroom/classroom, transportation, lunch, extracurricular activities and other school day activities/programming in which contact is foreseeable. The Title IX Compliance Officer shall provide the complainant with periodic updates on the status of the investigation. The Title IX Compliance Officer shall also ensure that the complainant is aware of his or her Title IX rights and any available student assistance programs and resources, such as victim advocacy, academic support, counseling, disability services, health, and mental health services. The Title IX Compliance Officer shall also inform the complainant of his or her right to seek outside legal assistance and of his or her right to report a crime to local law enforcement.

Even when a Title IX Compliance Officer has determined that the Charter School can respect a complainant's request for confidentiality and therefore may not be able to respond fully to an allegation of sexual violence and initiate formal action against an alleged perpetrator, these interim measures may be taken to protect the complainant while keeping the identity of the complainant confidential.

D. Confidentiality

Before a student reveals information that he or she may wish to keep confidential, the Charter School should make every effort to ensure that the student understands:

1. the Charter School employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator, other appropriate school officials, local law enforcement and Child Line pursuant to Mandatory Reporter duties;
2. the student's option to request that the Charter School maintain his or her confidentiality, which the Title IX Compliance Officer will consider; and
3. the student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. If the student requests confidentiality, the Title IX Compliance Officer should make every effort to respect this request and should evaluate the request in the context of the Charter School's responsibility to provide a safe and nondiscriminatory environment for all students.

Procedures for Investigating and Resolving Complaints

A. Title IX Compliance Officer

The Title IX Compliance Officer shall be capable of conducting a thorough and complete investigation and shall seek advice and assistance from the Board of Trustees if the Title IX Compliance Officer believes that he or she lacks the capacity to conduct a thorough and complete investigation of the alleged misconduct. If the Title IX Compliance Officer or the CEO is the one accused of violating Title IX, the Board will appoint a qualified individual who is not employed by the Charter School to conduct the investigation.

B. Conducting Investigations/Holding Hearings

The Title IX Compliance Officer receiving a Title IX complaint shall take the details of the complaint in writing and have the complainant sign it. All Title IX complaints against a student shall be received, investigated and disposed of in accordance with the procedures set forth in this Policy,

- The Title IX Compliance Officer shall meet with every complainant to listen and understand the allegations. The complainant may have his or her Parent(s) present during any such meeting. The accused, if he or she is a student, shall also have the right to have his or her parent(s) present at any meetings with the Title IX Compliance Officer as well.
- From these meetings, the Title IX Compliance Officer will conduct an adequate, reliable, and impartial investigation of complaint(s), which includes interviewing and obtaining statements from any witnesses of both the complainant and alleged perpetrator, and the review of all evidence presented. Parties will be provided updates until a determination is made in writing.
- The complaint will be decided using a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred).
- Even though FERPA limits disclosure of certain information in disciplinary proceedings, the Title IX Compliance Officer will disclose information to the complainant about the sanction imposed on the perpetrator when the sanction directly relates to the complainant. This includes an order that the perpetrator stay away from the complainant, or that the perpetrator is prohibited from attending school for a period of time, or is transferred to other homeroom/classes at the Charter School.
- If the Title IX Compliance Officer makes a decision finding that the complainant's allegations are substantiated by a preponderance of the evidence, the appropriate level of discipline consistent with Charter School's strong policy against Title IX misconduct will be determined by the CEO, Title IX Compliance Officer and any other Administration as part of the Charter School's Board

approved disciplinary process. If the Title IX Compliance Officer or the CEO believes that the imposition of in school suspension, out of school suspension, or expulsion against an accused student may be appropriate, then an informal or formal hearing shall be held. The formal disciplinary procedures contained in the Charter School's Code of Conduct shall be followed for such hearings to assure due process protection for the accused. Documents regarding substantiated charges of sexual harassment shall be placed in the accused student's file. Documents regarding unsubstantiated charges shall not be placed in student files, but shall be maintained by the Board of Trustees in a confidential file established expressly for retaining complaints of Title IX complaints against students.

- Notice of the right and how to appeal this decision will be included with the Decision to both students and Parents.

C. Other Reporting Requirements

If the complaint involves sexual assault, rape or conduct of a criminal nature, the local Police Department shall be contacted and a report of the incident made by the Charter School. (A report must also be made by the any mandatory reporter to Child Line and the Department of Public Welfare in accordance with the Charter School's Board approved Mandatory Reporter Policy. If there is any question of whether the conduct complained of constituted criminal activity, the Charter School's Board Solicitor should be contacted immediately. Knowledge of a law enforcement investigation does not relieve the Charter School of its independent Title IX obligation to investigate the conduct.

D. Training

Employees will be trained so that they know to report harassment to appropriate school officials, and so that employees with the authority to address harassment know how to respond properly. Training for employees will include practical information about how to identify types of conduct that constitute sexual harassment or violence, how to identify warning signals that may need attention and how to report sexual harassment and violence. This training will be provided to any employees likely to witness or receive reports of sexual harassment and violence, including teachers, school security, school administrators, school counselors, and health personnel. All persons involved in implementing a recipient's grievance procedures (*e.g.*, Title IX Coordinators, investigators, and adjudicators) must have training or experience in handling complaints of sexual harassment and sexual violence, and with the Charter School's grievance procedures. The training also will include applicable confidentiality

requirements. In sexual violence cases, the fact-finder and decision-maker also will have adequate training or knowledge regarding sexual violence.

Additionally, the Charter School will ensure that staff members are capable of providing culturally competent counseling to all complainants. It will ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, receive appropriate training about working with Lesbian/Gay/Bi-sexual/Transgender and gender-nonconforming students and same-sex sexual violence.

The Charter School will also ensure that any school reporting forms, information, or training about sexual violence be provided in a manner that is accessible to students and employees with disabilities, for example, by providing electronically-accessible versions of paper forms to individuals with print disabilities, or by providing a sign language interpreter to a deaf individual attending a training.

To ensure that students understand their rights under Title IX, the Charter School will provide age-appropriate training to its students regarding Title IX and sexual violence. Training may be provided separately or as part of the Charter School's broader training on sex discrimination and sexual harassment.

The Charter School may include these education programs in its orientation programs for new students, faculty, staff, and employees, training for student athletes and coaches, and school assemblies and "back to school nights." These programs will include a discussion of what constitutes sexual harassment and sexual violence, the Charter School's policies and disciplinary procedures, and the consequences of violating these policies.

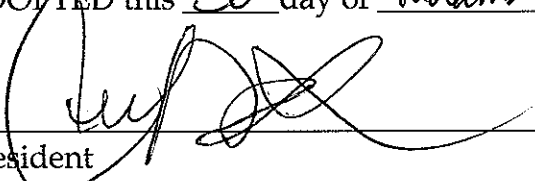
The Charter School also will include such information in their employee handbook and any handbooks that student athletes and members of student activity groups receive. These materials will include where and to whom students should go if they are victims of sexual violence. These materials also will tell students and school employees what to do if they learn of an incident of sexual violence.

CONCLUSION

If any section of this procedure is declared invalid, the remaining sections shall remain valid and unaffected.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL.

ADOPTED this 30 day of November, 2016



President



Secretary