



**Title IX Grievance Procedures**

*Updated*

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## **Argosy Collegiate Charter School Title IX Grievance Protocol and Procedures**

### **Introduction**

In January, 2025, the U.S. Department of Education officially reinstated the 2020 Title IX Final Rule following the withdrawal of the 2024 amendments. The 2020 regulations, originally issued on May 6, 2020, and effective as of August 14, 2020, remain the governing federal standard for how K–12 public schools must respond to complaints of sex discrimination under Title IX of the Education Amendments of 1972.

These regulations require school districts to respond promptly and equitably to formal complaints of sexual harassment and sex discrimination in a manner that respects the rights of all parties. The scope of Title IX under the 2020 rule is limited to specific definitions of sexual harassment, including quid pro quo harassment, hostile environment, and clearly defined offenses such as sexual assault, dating violence, domestic violence, and stalking. Unlike the 2024 regulations, the 2020 rule does not extend Title IX protections to claims based solely on gender identity, sexual orientation, or pregnancy, although Argosy Collegiate Charter School's non-discrimination policy prohibits discrimination on the basis of gender identity, sexual orientation and pregnancy, consistent with state law.

Argosy Collegiate Charter School has adopted this revised Title IX Grievance Protocol and Procedure in accordance with the 2020 federal regulations to ensure the prompt and equitable resolution of complaints of sex discrimination and sexual harassment by students, employees, or others participating in the school's education programs and activities.



## **Policy Statement**

The District not discriminate on the basis of sex in its education programs or activities, including admission and employment, as required by Title IX of the Education Amendments of 1972 and its implementing regulations. The District also prohibits sexual harassment, as defined in 34 CFR §106.30, and responds to reports of such conduct in accordance with its Title IX grievance procedures.

Inquiries about Title IX may be referred to Argosy Collegiate Charter School Title IX Coordinator (listed below), the U.S. Department of Education’s Office for Civil Rights, or both. Argosy Collegiate Charter School’s, Title IX Coordinator is:

Grace Szulak

- Email: [gszulak@argosycollegiate.org](mailto:gszulak@argosycollegiate.org)
- Direct Phone: 508-617-1347
- Address: 263 Hamlet Street, Fall River, MA ,02724

Argosy Collegiate Charter School, nondiscrimination policy and grievance procedures can also be located in the Scholar and Family Handbook, 2024-2025. ([Click Here](#))

To report conduct that may constitute **sexual harassment** under Title IX or to file a **formal complaint**, please send complaints and requests for formal investigations, in writing to the Title IX Coordinator, utilizing their contact information above.

## **Definitions**

Under Title IX and its 2020 implementing regulations, sex discrimination refers to specific forms of prohibited conduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, when such conduct occurs in a District education program or activity.

The following definitions apply:

“Complainant” means: an individual who is alleged to be the victim of conduct that could constitute **sexual harassment** as defined under Title IX, and who is participating in or attempting to participate in the education program or activity of the District at the time of the alleged conduct.

“Complaint” means: a document filed by a complainant, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent and requesting that the



School investigate the allegation. The complaint must be a written document (physical or electronic), submitted to the Title IX Coordinator, and must contain the complainant’s physical or digital signature or otherwise indicate that the complainant is the person filing the formal complaint.

“Disciplinary sanctions” means consequences imposed on a respondent following a determination under Title IX that the respondent engaged in **sexual harassment** as defined in the Title IX regulations.

“Party”: refers to the complainant and the respondent involved in a Title IX grievance process.

“Relevant” means: related to the allegations of **sexual harassment** being investigated under Title IX. Questions and evidence are considered relevant when they may help determine whether the alleged conduct occurred.

“Remedies” means: measures provided to a complainant to restore or preserve the complainant’s equal access to the District’s education program or activity after a determination that the respondent engaged in sexual harassment in violation of this policy. Remedies may include the same individualized services as supportive measures but may also be disciplinary or punitive and need not be non-disciplinary or non-punitive.

“Respondent” means: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this policy.

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or other proceeding under the Title IX regulations.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. **Quid Pro Quo Harassment**

An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct;

2. **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 District’s education program or activity;

3. **Sexual Assault, Dating Violence, Domestic Violence, or Stalking**

Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or



stalking as defined in 34 U.S.C. 12291(a)(30).

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- 1) Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
- 2) Provide support during the District's grievance procedures or during an informal resolution process.

“Actual Knowledge” means: **actual knowledge** exists when a report is made to the District’s Title IX Coordinator or to **any employee of the District**, except that the District shall not be deemed to have actual knowledge when the only employee with actual knowledge is the respondent.

## **Application**

### **District Awareness and Obligation to Respond to Sexual Harassment**

The District must respond when it has **actual knowledge** of conduct that may constitute **sexual harassment** as defined under Title IX. Under the 2020 Title IX regulations.

The District must respond to every report of sexual harassment in a manner that is not deliberately indifferent. This means the District must offer **supportive measures** and follow its **Title IX grievance procedures** if a **formal complaint** is filed, or if the **Title IX Coordinator signs a formal complaint**.

Title IX and its implementing regulations, along with this Grievance Procedure, apply to conduct that:

- Occurs **within the United States**, and
- Occurs **within the District’s education program or activity**.

The District’s **education program or activity** includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurred. The District is not required under Title IX to investigate conduct that occurred entirely outside of the United States, but may address such conduct under other applicable District policies.

### **Reporting Sexual Harassment**

Any person may report conduct that may constitute sexual harassment under Title IX,



regardless of whether the person reporting is the alleged victim. Reports may be made in person, by mail, by telephone, by email, or through the District's online reporting form. Reports may be made at any time, including during non-business hours, using the contact information provided below.

Reports may be made to **any employee of the District**, all of whom are required to forward the information to the Title IX Coordinator.

**To file a report or complaint, contact:**

Grace Szulak, Title IX Coordinator, Director of Student Services (Middle)

- [gszulak@argosycollegiate.org](mailto:gszulak@argosycollegiate.org)
- 508-617-1347
- 263 Hamlet Street, Fall River, MA ,02724

*The District's Title IX Coordinator may delegate specific duties to one or more designees as the Title IX Coordinator finds appropriate.*

Employee Reporting of Sexual Harassment

**Notice of Sexual Harassment**

Any employee of the District who has information about conduct that may constitute sexual harassment under this policy provides the District with actual knowledge, which triggers the District's obligation to respond promptly and appropriately.

**District Policy on Reporting**

To ensure a consistent and coordinated response, all employees must promptly report such information to the Title IX Coordinator. The Title IX Coordinator will determine the appropriate steps in accordance with this policy and applicable regulations.

**Confidential Resources**

Although certain employees (e.g., school counselors, school psychologists, the school nurse) may be designated as confidential resources for purposes of state law or professional obligations, under Title IX regulations, information shared with these employees may still constitute notice to the District requiring a response.

These employees will inform any person disclosing information about the limits of confidentiality and provide information about how to contact the Title IX Coordinator, how to file a complaint, and available supportive measures.

**Mandated Reporting**

Nothing in this policy relieves any employee from mandated reporting obligations under state law (e.g., child abuse, neglect, or imminent harm). In such cases, employees must comply with all reporting requirements under law and District policy.

**Initiating a Complaint of Sexual Harassment**

**Who May File a Formal Complaint**

A **Formal Complaint** of sexual harassment may be filed by:



- A **Complainant**, meaning an individual who is alleged to be the victim of conduct that could constitute sexual harassment, and who is participating in or attempting to participate in the District’s education program or activity at the time of filing the complaint; or
- The **Title IX Coordinator**, who may sign a Formal Complaint in circumstances where the Title IX Coordinator determines that initiating the grievance process is necessary to address the conduct

A parent, guardian, or other legally authorized representative may file a Formal Complaint on behalf of a Complainant.

### **How to File a Formal Complaint**

A Formal Complaint must be filed with the Title IX Coordinator in person, by mail, by email, or by telephone. The Formal Complaint must be a document or electronic submission that contains the Complainant’s physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint. A Formal Complaint may also be reduced to writing by any employee who receives the complaint verbally from the complainant.

### **Title IX Coordinator’s Discretion to File a Complaint**

The Title IX Coordinator may initiate a Formal Complaint by signing a complaint when the Coordinator determines that doing so is necessary to address sexual harassment in the District’s education program or activity, including in circumstances where:

- The Complainant does not wish to file a Formal Complaint, but the Coordinator determines that a non-deliberately indifference response requires an investigation to ensure equal access to the education program or activity.

The Title IX Coordinator’s decision to override the complainant’s decision not to file a formal complaint must be documented in writing, along with why the decision was necessary in order to avoid deliberate indifference. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become a Complainant or a party to the grievance process.

### **Complaints of Other Forms of Sex Discrimination**

Complaints alleging sex discrimination **other than sexual harassment** as defined in this policy will be addressed under separate policies and procedures applicable to discrimination complaints. Individuals who believe they have been subjected to other forms of sex discrimination are encouraged to contact the Title IX Coordinator for guidance on how to report and pursue resolution under applicable policies.

### **Consolidation of Formal Complaints**

The District may consolidate formal complaints as permitted by law, including complaints involving allegations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances. The District cannot consolidate multiple complaints if doing so would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA if the District obtains prior written



consent from the parents or eligible students to the disclosure of their education records.

## **Responding to Formal Complaints of Sexual Harassment**

### **1) Supportive Measures**

The District will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, without fee or charge to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.

Supportive measures may include, but are not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

If the complainant or respondent is a student with a disability, the Title IX Coordinator will consult with appropriate members of the student's IEP or 504 team to ensure supportive measures comply with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.

The Title IX Coordinator will maintain as confidential any supportive measures provided to the extent that maintaining such confidentiality does not impair the ability of the District to provide the measures. The Title IX Coordinator will document in writing the supportive measures offered or provided and, if no supportive measures are provided, the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **2) Written Notice**

Before any investigation can begin, the District must send written notice to both the complainant and the respondent including sufficient details. Sufficient details include the identities of the parties involved in the incident, if known; a description of the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice (who may be, but is not required to be, an attorney) and that they may inspect and review evidence. The written notice must inform the parties that the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If additional allegations are added during the course of the investigation, additional written notice must be provided to the parties.

### 3) Informal Resolution

At any time after the filing of a formal complaint and before reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that:

- The District provides both parties with a written notice disclosing:
  - The allegations;
  - The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
  - That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  - Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- The parties provide voluntary, written consent to the informal resolution process.
- The District may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Informal resolution is entirely voluntary. Either party may elect to withdraw from the informal resolution process at any time prior to reaching a resolution and resume the grievance process.

### 4) Dismissal of a Formal Complaint

#### Mandatory Dismissal:

The District must dismiss a formal complaint of sexual harassment if:

- The conduct alleged, if proved, would not constitute sexual harassment as defined in this policy;
- The conduct did not occur in the District's education program or activity;
- The conduct did not occur against a person in the United States.

#### Discretionary Dismissal:

The District may dismiss a formal complaint or any allegations therein if:

- The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or any allegations therein; or
- The alleged victim is no longer participating or attempting to participate in a

- program or activity of the District; or
- The respondent no longer attends or no longer is employed by the District; or
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Upon dismissal, the District will promptly send written notice of the dismissal and the reasons for dismissal simultaneously to the parties. After dismissal, the District may still address the conduct under other applicable policies or codes of conduct and will offer supportive measures as appropriate.

### **Grievance Procedures**

*for Formal Complaints of Sex Discrimination (§ 106.45)*

During the grievance process, the District will treat complainants and respondents equally, and will provide for adequate, reliable, and impartial investigation of complaints. The Title IX Coordinator or designated investigator must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

### **Timelines**

The District will make its best effort to respond in a timely manner to all reports.

- Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The length of the investigation depends upon, for example, the number of parties involved; the number of allegations; the complexity of the allegations; the availability of complainant, respondent, witnesses, and/or their advisors for interviews; the amount of documentation available for review; and concurrent police or agency investigations of the allegations.
- The investigator, however, will make sure that the complaint is handled as quickly as is feasible and will strive to complete the investigation within thirty (30) working days.
- When more than thirty (30) working days is required for the investigation, the investigator shall provide written notice to the complainant and the respondent explaining the reason for the delay and confirming the anticipated timeline for completion.

### **Privacy**

The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures.

These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance

procedures.

Retaliation against any party for filing a complaint, participating in interviews, providing information, or otherwise assisting the investigation is prohibited. Parties who believe that they have suffered retaliatory actions should inform the Title IX Coordinator.

### **Step-by-Step**

**1) Initial Consultation with the Title IX Coordinator:** Upon receiving a report or other notice of alleged sexual harassment, the Title IX Coordinator will promptly contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant that supportive measures are available with or without the filing of a formal complaint; and
- Explain the process for filing a formal complaint of sexual harassment under this policy.

**2) Notice of Allegations:** Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will provide written notice to the complainant and respondent(s), if known. . This notice will include:

- A copy of the District's grievance process, including any informal resolution process; Notice of the allegations potentially constituting sexual harassment as defined by this policy, including sufficient details known at the time, such as:
  - The identities of the parties involved in the incident(s),
  - The conduct allegedly constituting sexual harassment,
  - The date and location of the incident(s), if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the parties may inspect and review evidence; and
- Notice that the District's code of conduct prohibits knowingly making false statements or submitting false information during the grievance process.

If, in the course of the investigation, the District decides to investigate additional allegations that were not included in the original notice, the District will provide notice of the additional allegations to the complainant and respondent(s), if known.

### **3) Assignment of Investigator and Decision-maker**

The Title IX Coordinator will appoint an **investigator** to gather facts relevant to the

complaint. The investigator will conduct interviews, collect evidence, and prepare an investigative report.

The Title IX Coordinator will designate a **decision-maker**, who will be a separate person from the investigator. The decision-maker is responsible for reviewing the investigative report, considering the evidence, and issuing a written determination regarding responsibility.

The Title IX Coordinator will ensure that all individuals selected to serve as investigators or decision-makers have received appropriate training and do not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.

Complainant	Respondent	Investigator
Scholar(s)	Scholar(s)	Title IX Coordinator, or designee <i>(Possible designees: Principal, Director of Student Services, Dean of Students)</i>
ACCS Staff	Scholar(s)	Title IX Coordinator, or designee <i>(Possible designees: Principal, Director of Student Services, Dean of Students)</i>
Scholar(s)	ACCS Staff	<i>In consultation with the Director of HR:</i> <ul style="list-style-type: none"> <li>• Title IX Coordinator, or designee <i>(Possible designees: Principal, Director of Student Services, Dean of Students)</i></li> </ul>
ACCS Staff	ACCS Staff	<i>In consultation with the Title IX Coordinator:</i> Director of HR

**4) Gathering the Evidence:** The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties. During the investigation, complainants and respondents have a right to have advisors of their choice participate in all aspects of the proceedings. The District will provide both parties with written notice of investigative interviews, meetings, and hearings, with sufficient time to prepare.

Prior to completion of the investigative report, the District will send to each party the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have ten (10) days to submit a written response, which the investigator will consider prior to completion of the report. The investigator will avoid making any final determinations of responsibility for sexual harassment. Upon completion, the final investigation report will be provided to the complainant and the respondent, and the designated decision-maker.

The following evidence is not relevant and will not be considered:

- Information protected by a legally recognized privilege (e.g., attorney-client, physician-patient), unless the privilege is waived in writing;
- A party's medical, psychological, or similar treatment records without that party's voluntary, written consent;
- Evidence of the complainant's prior sexual behavior, unless:
  - Offered to prove that someone other than the respondent committed the alleged conduct, or
  - It concerns specific incidents between the complainant and the respondent and is offered to prove consent.

**5) Questioning the Parties and Witnesses:** After the final investigative report has been sent to the parties for review, and before a determination of responsibility is made by the decision-maker, each party may submit written, relevant questions that they want the decision-maker to ask of any other party or witness. The decision-maker will provide each party with the answers to the submitted questions and will allow limited follow-up questions from each party.

The decision-maker will explain to the party proposing any questions any decision to exclude questions as not relevant.

**6) Determination Regarding Responsibility:** The decision-maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

The decision-maker will use the preponderance of the evidence standard to determine responsibility, if any, for sexual harassment.

The decision-maker will issue a written determination regarding responsibility that includes:

- Identification of the allegations potentially constituting sexual harassment; A description of the procedural steps taken from receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the District's policies to the facts;

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any disciplinary sanctions the District imposes on the respondent;
- Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided to the complainant; and
- The District's procedures and permissible bases for the complainant and respondent to appeal the decision-maker's determination. Reference to this policy will be considered adequate notice of the appeal process.

The written determination will be provided to the parties simultaneously. The determination regarding responsibility becomes final either on the date the District provides the parties with the written determination of the result of any appeal, or if an appeal is not filed, the date on which an appeal would no longer be timely.

No disciplinary sanctions will be imposed until the grievance process is completed.

## **7) Appeal**

Appeal of Complaint: Either party may appeal the dismissal of a formal complaint or the determination of the decision-maker within ten (10) working days of receipt of the dismissal or determination on the following bases:

- Procedural irregularity that affected the outcome;
- New evidence that was not reasonably available at the time of the determination or dismissal that could affect the outcome;
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome.

### Appeal of Dismissal:

Either party may appeal the dismissal of a formal complaint or any allegations on the following bases:

- Procedural irregularity that affected the outcome;
- New evidence that was not reasonably available at the time of the determination or dismissal that could affect the outcome;
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome.

### Upon receipt of an appeal, the District will:

- Notify the other party in writing;
- Ensure the decision-maker for the appeal is not the same person as the decision-maker(s) that reached the initial determination or dismissal, the investigator(s), or the Title IX Coordinator;

- Provide the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and rationale, and provide it simultaneously to both parties.

Requests for an appeal should be made in writing to the Executive Director, Sunil Jagannath at: [sjagannath@argosycollegiate.org](mailto:sjagannath@argosycollegiate.org). Upon receipt of an appeal, the District will:

- Notify the other party in writing;
- Ensure that the Executive Director, or his designee, is not the same person as the decision-maker(s) that reached the initial determination or dismissal, the investigator(s), or the Title IX Coordinator;
- Provide the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

The Executive Director or designee will issue a written decision describing the result of the appeal and rationale, and provide it simultaneously to both complainant and respondent within thirty (30) school days of the appeal.

#### Post-Dismissal Steps:

After dismissal, the District may still address the conduct under other applicable policies or codes of conduct and will offer supportive measures as appropriate.

**After the grievance process, the District may as appropriate, modify or terminate supportive measures.** If the District does so, it will provide the parties to timely seek from an appropriate and impartial employee, modification or reversal of the District's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee will be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. The District will also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Finally, these procedures do not limit the District from removing a student or employee from its program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the IDEA, Section 504, or the ADA. These procedures do not limit the District from placing an employee respondent on administrative leave from employment responsibilities during the pendency of this Grievance Procedure. This provision must not be construed to modify any rights under Section 504 or the ADA.

## **Retaliation Prohibited**

Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the coordinator. The coordinator will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

## **Additional Provisions**

### **Record Keeping**

A record will be maintained for a period of seven (7) years of any actions, including supportive measures, grievance procedures or informal resolution, taken in response to a report or formal complaint of sexual harassment. District staff will document the basis for the District's conclusion that its response was not deliberately indifferent.

### **Referral to Law Enforcement; Other Agencies**

Some alleged conduct may constitute both a violation of District policies and criminal activity. The building Principal, coordinator, Executive Director, or designee will refer matters to law enforcement and other agencies as appropriate under the law or District policy, and inform the complainant and/or alleged victim of the right to file a criminal complaint.

### **Training**

All employees will be trained annually and upon hire on:

- the District's obligation to address sex discrimination in its education program or activity;
- The scope of conduct that constitutes sex discrimination, including the definition of sexual harassment; and
- All applicable notice and information requirements.

All investigators, facilitators of informal resolution, and other persons responsible for supportive measures/Title IX process will have additional training on:

- The District's grievance procedures;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance; and



- rules and practices associated with the district’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

**Complaints Involving Early College or Dual Enrollment Programs**

Argosy Collegiate Charter School offers early college programs through which students participate in classes and activities at partner postsecondary institutions. When a report or complaint of sexual harassment involves conduct occurring in connection with such programs or activities, the District will assess whether the alleged conduct occurred in a context over which the District exercises substantial control and whether the conduct potentially constitutes sexual harassment under this policy.

The District will coordinate, as appropriate, with the partner institution’s Title IX personnel to ensure a prompt and effective response, including supportive measures, consistent with Title IX and applicable law. The District retains responsibility for responding to any part of the education program or activity under its control.

**External options available at any time**

Any student, parent or employee who chooses not to use the District's grievance procedures or who is not satisfied with the District's grievance procedures may file a complaint of discrimination or harassment with an appropriate state or federal agency.

For complaints related to discrimination/harassment:

The Office for Civil Rights, US Department of Education, 5 Post Office Square, 8th Floor  
Boston, MA 02109-3921, Telephone: 617-289-0111, FAX: 617-289-0150, TDD:  
877-521-2172

OR

The Massachusetts Commission Against Discrimination One Ashburton Place Sixth  
Floor, Room 601 Boston, MA 02108 Phone 617-994-6000, TIY: 617-994-6196

OR

The Equal Employment Opportunities Commission John F. Kennedy Federal Building  
475 Government Center Boston, MA 02203 Phone: 1-800-669-4000