

## **Title IX Policy & Procedures**

### **Nondiscrimination on the Basis of Sex in Education Programs & Activities**

#### **Introduction**

The Governing Authority of Capital Collegiate Preparatory Academy, Inc., (the “Board”), recognizes the importance of students being able to frequent and attend the school free of discriminatory conduct on the basis of sex. Neither the Board nor Capital Collegiate Preparatory Academy, Inc., (the “School”), discriminates on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission. The Board is committed to maintaining an education environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the Board or School, through its acting operator, has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Board members, operator employees, students, third-party vendors and contractors, guests, and other members of the School community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the School’s education programs and activities.

#### **What Is Title IX?**

“Sexual harassment of students is illegal. A federal law, Title IX of the Education Amendments of 1972 (Title IX), prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. All public and private education institutions that receive any federal funds must comply with Title IX. Title IX protects students from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs or activities of schools, regardless of the location. Title IX protects both male and female students from sexual harassment by any school employee, another student, or a non-employee third party...[T]he U.S. Department of Education’s Office for Civil Rights (OCR)...is the federal agency responsible for enforcing Title IX in schools that receive federal funds from the U.S. Department of Education.”

#### **Sexual Harassment Defined & Explained**

“**Sexual Harassment**” is defined by the U.S. Department of Education as any of the following:

1. Conduct that is sexual in nature;
2. Conduct that is unwelcome; or
3. Conduct that denies or limits a student’s ability to participate in or benefit from a school’s education program.

The U.S. Department of Education provides the following as examples of Sexual Harassment; however, Sexual Harassment may come in other forms or acts.

- Making sexual propositions or pressuring students for sexual favors.
- Touching of a sexual nature.
- Writing graffiti of a sexual nature.
- Displaying or distributing sexually explicit drawings, pictures, or written materials.
- Performing sexual gestures or touching oneself sexually in front of others.
- Telling sexual or dirty jokes.
- Spreading sexual rumors or rating other students as to sexual activity or performances.
- Circulating or showing e-mails or websites of a sexual nature.

### **Definitions**

For purposes of this policy, the following additional terms have each respective meaning.

- **Actual Knowledge.** Notice of Sexual Harassment or allegations of Sexual Harassment to the School's Title IX Coordinator or Board Member. Notice includes, but is not limited to, a report, verbal or written to the Title IX Coordinator or Board Member.
- **Complainant.** An individual, who is participating in or attempting to participate in the School's educational program (i.e., is or is attempting to become a student), who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- **Education Program or Activity.** Such refers to all operations of the School, including, but not limited to, in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on School grounds or other property occupied by School personnel. This includes locations, events, and circumstances that take place off-school property/grounds over which School personnel exercise substantial control over both the Respondent and the context in which the Sexual Harassment occurs.
- **Exculpatory Evidence.** Evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.
- **Formal Complaint.** A document filed or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation into the allegation(s) of Sexual Harassment containing the representative of the Complainant's physical or electronic signature.
- **Inculpatory Evidence.** Evidence that tends to establish the responsibility for alleged Sexual Harassment of a Respondent.
- **Informal Complaint.** Generally, a non-written and non-formalized communication to the Title IX Coordinator or Board Member alleging Sexual Harassment against a Respondent.
- **Preponderance of Evidence.** The evidentiary standard or threshold of proving that it is more likely than not that Sexual Harassment or violence occurred.
- **Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- **School.** Capital Collegiate Preparatory Academy, Inc.
- **Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and 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. Such measures are designed to restore or preserve equal access to the School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties and/or the School's educational environment, and/or deter Sexual Harassment. Such measures may include, but are not obligated or limited to, counseling, course-

related adjustments, work or class schedule modifications, mutual restrictions of contact between the parties, leaves of absence, or increased security.

- **Third Parties.** Individuals which include, but are not limited to, guests and/or visitors on School Property, vendors conducting business with or seeking to conduct business with the School, and other individuals who come in contact with members of the School population and/or community on School property and/or at School-related events and activities, whether on or off School property.
- **Title IX Coordinator.** Principal/School Leader, Antwan Pratt, 614.300.3685, 1414 Gault St., Columbus, Ohio, 43205, apratt1@capcollprep.com.

## **Grievance Process and Procedures**

The Board is committed to promptly and equitably resolving student complaints alleging Sexual Harassment. The Board's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including potentially providing Supportive Measures to the Complainant and/or Respondent, as appropriate throughout this process.

The Title IX Coordinator, along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate a resolution or appeal process, shall not have a conflict of interest or bias for or against any Complainant or Respondent.

### **1. REPORTING**

Any person may report Sexual Harassment, whether the person reporting is the alleged victim. Employees of the School and Board Members are required to report allegations of Sexual Harassment promptly to the Title IX Coordinator or a Board Member. Any person may also or alternatively file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR).

- a. **Formal.** A Formal Complaint can be directed to and sent to the Title IX Coordinator in person, by e-mail, or by mail. The Formal Complaint should include as much detail as possible and the signature and clearly printed name of the Complainant and reporting party, if not the Complainant or filing on behalf of Complainant. If the reporting party and/or Complainant wish to remain anonymous, the School cannot guarantee a full investigation depending on the circumstances, but the School will operate at its upmost to accommodate. If unable to or desiring not to report to the Title IX Coordinator, the reporting party can direct the report to any Board Member in-person or by e-mail, as disclosed on the School website. If the Formal Complaint is sent by mail, include an accurate return address for the Title IX Coordinator return a signed copy of the Formal Complaint. Upon receipt of a Formal Complaint the investigative process can commence.
- b. **Informal.** An Informal Complaint can be provided to the Title IX Coordinator or Board Member. An Informal Complaint can cause the initiation of an informal process. If a reporting party and/or Complainant desires a formal process, a Formal Complaint must be filed as provided, above.

### **2. INITIAL RESPONSE & INVESTIGATION**

- a. **Formal.** Upon receipt of a Formal Complaint, the Title IX Coordinator will provide a copy of the signed Formal Complaint back to the reporting party and/or Complainant acknowledging receipt of the Formal Complaint. The Title IX Coordinator will provide a notice to the Complainant of the investigatory process, Complainant's rights, and option

to commence with a formal or informal process. Thereafter the Title Coordinator will conduct a prompt, impartial, and thorough investigation to determine the events that took place and appropriate resolution.

- b. **Informal.** Upon receipt of an Informal Complaint or a request from a Formal Complaint to engage in an informal process, such as mediation, the Title IX Coordinator shall document such action or choice provide a written notice of commencement of informal proceedings. However, at any time during the informal process, the Complainant may request a formal process and may be required to file a Formal Complaint.

### **3. INTERMEDIATE MEASURES**

During the investigative process, the School and/or Board may, but is not required to, institute interim measures in line with the circumstances. During the investigative process, the Title IX Coordinator will provide appropriate period status updates regarding the stage of the investigatory process and/or any interim measures being taken or information sought.

### **4. DECISIONS**

- a. If a determination of Sexual Harassment is made against the Respondent, the Board will approve and/or provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the School's education program or activity.
- b. Potential remedies may include, but are not limited to, individualized services that constitute Supportive Measures or actions that are disciplinary or punitive in nature and that may burden the Respondent.
- c. Any determination will be provided to the parties in written form. "The [Title IX Coordinator] must notify the victim (and his or her parents depending on the age of the victim) of the outcome of its investigation and of any punishments imposed that directly relate to the victim, such as an order for the harasser to stay away from the victim. If the [Title IX Coordinator] determines that a student was [S]exually [H]arassed, the [Title IX Coordinator] must take reasonable, prompt, age-appropriate, and effective action to end the [Sexual] [H]arassment and prevent it from happening again to the victim or to others. If the [Title IX Coordinator] fails to do so, it must remedy the effects of the [Sexual] [H]arassment on the victim that could have been avoided if the [S]chool had responded promptly and effectively. In addition, if the [Respondent] is a [S]chool employee and if the [Sexual] [H]arassment occurs while the employee is acting, or reasonably appears to be acting, in the context of carrying out his or her responsibilities to provide aid, benefits, and services, the [S]chool must remedy the effects of the [Sexual] [H]arassment on the victim." In the instance the School employee is under the employee of an operator, the operator must take all action consistent with policy to remedy the victim and create a safe and equitable School environment, including consistent actions of the Board.

### **5. APPEALS**

Either the Complainant or Respondent may appeal from a determination of the Title IX Coordinator regarding a Formal Complaint. An appeal may be made directly to the president of the Board in writing within five (5) days after receipt of the written determination. The written appeal shall describe in particularity the reason for the appeal. Upon receipt of the written appeal,

the opposing party shall be notified by the Title IX coordinator in writing of the appeal. Both parties will be provided written notice of all procedural aspects of the appeal process. No further internal review beyond the appeal is permitted. The appeal may be on the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence that was reasonably unavailable at or during the investigative process or time of determination that could impact the outcome of the matter;
- c. A conflict of interest or bias of the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome of the matter; and/or
- d. The recommended remedies are unreasonable or not consistent with circumstances.

### **Complainant Rights**

- ***Right to Presentation.*** “Every [C]omplainant has the right to present his or her case. This includes the right to adequate, reliable, and impartial investigation of complaints, the right to have an equal opportunity to present witnesses and other evidence, and the right to the same appeal processes, for both parties.”
- ***Right to Initial Notification.*** “Every [C]omplainant has the right to be notified of the time frame within which: (a) the school will conduct a full investigation of the complaint; (b) the parties will be notified of the outcome of the complaint; and (c) the parties may file an appeal, if applicable.”
- ***Right to Evidentiary Hearing.*** “Every [C]omplainant has the right for the complaint to be decided using a preponderance of the evidence standard.”
- ***Right to Outcome Notification.*** “Every [C]omplainant has the right to be notified, in writing, of the outcome of the complaint. Even though federal privacy laws limit disclosure of certain information in disciplinary proceedings.”

### **Retaliation**

Title IX prohibits retaliation against students for reporting Sexual Harassment and/or engaging the grievance process. The School and Board do not and will not tolerate any form of retaliation against such students. The Board will enforce measures at its disposal to protect students and discipline parties who retaliate against such students.

### **Confidentiality**

The Board and School will keep confidential the identity of any individual who has made a report or Formal or Informal Complaint, including any individual who has made a report, any Complainant, any individual who has been reported to be the perpetrator, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the School’s obligation to maintain confidentiality shall not impair or otherwise affect the Complainant’s and Respondent’s receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Recordkeeping**

The School shall maintain records of each matter for seven (7) calendar years unless the School ceases to operate at an earlier time, and in such time the recordkeeping function shall terminate at the time of ceasing.

**Coverage**

This policy applies to Sexual Harassment that occurs within the School's education programs and activities and that is committed by a member of the School's community or a Third Party. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the School's education programs and activities. Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the School's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Handbook if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or operator employee/administrator handbook(s) if committed by a School employee or Board Member.