

**The Guidance Charter School
Title IX Administrative Policy and Procedures**

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I. Introduction to Policy

This policy addresses The Guidance Charter School responsibilities under Title IX. Title IX prohibits discrimination on the basis of sex (gender) in educational programs and activities. And request that School have procedures in place to respond to matters of sexual assault, relationship (dating) violence and stalking. This policy covers student-related concerns of sexual harassment, sexual assault and sexual misconduct, dating violence or domestic violence (“Relationship Violence”) and stalking (collectively Prohibited Conduct) involving students, regardless of whether the alleged Prohibited Conduct occurred on or off of campus and regardless of whether the alleged perpetrator (Respondent) is student, faculty, staff or third party. Except as provided in Section XIII, this policy sets forth the procedures that The Guidance Charter School will follow to assess a concern and investigate allegations of Prohibited Conduct, as appropriate, in cases in which the Impacted Party is a student (or was a student at the time of the incident); In all student-related instances in which Prohibited Conduct is found to have occurred under this policy, the Title IX Coordinator will take appropriate steps to end such conduct, prevent its recurrence and redress its effects.

II. Title IX Decision-Makers

As appropriate for the individual circumstances of a concern, designated decision-makers under this policy may consult with other departments or offices on campus such as the Sexual Harassment Policy Office, the Office of the General Counsel, Human Resources or academic departments. Subject to confidentiality concerns, the Title IX Coordinator will inform the Sexual Harassment Policy Office of concerns relating to sexual harassment.

- A. **Respondent is Student.** The Guidance Charter School has designated Al-Khatib as the School’s Title IX Coordinator, and Suresh Bajnath, 7-12th School principal as an Alternate to manage concerns and make decisions under this Policy in which both the Impacted Party and Respondent are students.
- B. **Respondent is Faculty Member.** For concerns in which the Respondent is a faculty member, The Guidance Charter School has designated Al-Khatib as School’s Title IX Coordinator, and Suresh Bajnath 7-12th School principal as Alternate as the Respondent’s school, to work jointly and manage concerns and make decisions jointly under this policy. In such instances, the term “Title IX Coordinator” in this policy will include both the School’s Title IX Coordinator, the Executive Director. The Guidance Charter School has designated.
- C. **Respondent is Staff Member.** For concerns in which the Respondent is a staff member, The Guidance Charter School has designated Al-Khatib as School’s Title IX Coordinator, and Suresh Bajnath as the 7-12th Campus principal as an Alternate, to work jointly and manage concerns and make decisions jointly under this policy.

III. Reporting a Concern

- A. Title IX concern can be raised by contacting School’s Title IX Coordinator: kamal@thegcs.org or the alternate sbajnath@thegcs.org. Any The Guidance Charter School student who believes he or she has been subjected to Prohibited Conduct is encouraged to report such a concern and may request that an investigation be conducted. Except for

School-recognized confidential resources, the following School staff members with knowledge of unreported Prohibited Conduct (or potentially Prohibited Conduct) must report such allegation to the Title IX Coordinator: (i) faculty and teaching staff, (ii) departmental student managers, staff within the offices. Additionally, any person with knowledge of Prohibited Conduct is encouraged to report the concern to the Title IX Coordinator.

IV. Confidentiality & Confidential Resources.

A. Confidentiality. The School will make reasonable and appropriate efforts to preserve an Impacted Party's and Respondent's privacy and to protect the confidentiality of information. Should an Impacted Party request confidentiality, the Title IX Coordinator will inform the Impacted Party that the School's ability to respond may therefore be limited – but that where feasible, School will take reasonable steps to prevent Prohibited Conduct and limit its effects. The Title IX Coordinator will further inform the Impacted Party that it is not possible to provide confidentiality in all cases and that the School's decision to share information with others is subject to the balancing test described below in Section VII. In summary, although the School's goal is to limit the number of individuals who may learn about an allegation of Prohibited Conduct or an investigation, the School cannot guarantee confidentiality in all matters.

B. Confidential Resources. There are Confidential Resources at Stanford. Discussing allegations of Prohibited Conduct with a Confidential Resource will not result in a report to the Title IX Coordinator.

V. Assessment of the Concern

Upon notice of any concern regarding Prohibited Conduct, the Title IX Coordinator will assess whether a formal Title IX investigation will be conducted under this Policy; that is, whether the allegation(s), if true, would rise to the level of Prohibited Conduct and, if so, whether a formal investigation is appropriate under the circumstances. In circumstances in which the Title IX Coordinator determines that there is no ongoing risk of harm to the community and that Interim Measures, such as a No Contact letter, have redressed the concerns, the Title IX Coordinator may forego a formal investigation. If the determination is that no further action is necessary or that the Interim Measures will remain in place as ongoing Accommodations, the Impacted Party will be provided an Outcome Letter. To the extent appropriate under this policy and if involved in the assessment, the Respondent will also be provided an Outcome Letter. To the extent that the Outcome Letter states that the School will not investigate a matter, that determination may be appealed under Section X.

VI. Purposes of an Investigation

The purposes of an investigation are to determine:

A. Whether Prohibited Conduct has occurred;

- B. Whether there is an ongoing risk of harm for further Prohibited Conduct (and if so, what steps should be taken to prevent its recurrence);
- C. Whether accommodations for the Impacted Party need to be put in place to redress the effects of Prohibited Conduct;
- D. Whether accommodations or safety measures should be put in place to make the Guidance School campus safe;
- E. Whether the conduct warrants review by the Office of Guidance Charter, if such review has not been initiated; and
- F. Whether system-wide or local changes to policies, practices or training should be considered and implemented.

VII. Determination of Undertaking an Investigation

If after assessing a concern as provided in Section V above the Title IX Coordinator determines there is sufficient basis to initiate a Title IX investigation, the Title IX Coordinator will meet with the Impacted Party, when possible, to provide information about a Title IX investigation. A copy of this policy will be provided to the Impacted Party. Before beginning an investigation, the Title IX Coordinator will contact the Impacted Party and request consent from the Impacted Party to proceed to an investigation. An investigation may still go forward even if the Impacted Party declines to consent, if appropriate,. That letter states that, in such cases, institutions should balance factors including:

- o The seriousness of the alleged harassment;
- o The Impacted Party's age;
- o Whether there have been other harassment complaints about the same individual; and
- o The Respondent's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy the Title IX Coordinator may also refer the matter to another process or to a School administrator (

VIII. Time Frame of a Title IX Investigation:

A Title IX Investigation should normally be completed within 60 calendar days after the School has notice of an allegation of Prohibited Conduct. The Title IX Coordinator or her designee may extend this time frame for good cause, including School breaks.

IX. Investigation Process

A. Assigning an Investigator. When a determination is made to proceed with a Title IX investigation, the Title IX Coordinator will investigate or will assign an investigator or investigators. The Title IX Coordinator can delegate all or part of her responsibilities under this policy.

B. Standard of Review. This Title IX investigation procedure will determine findings of fact using the “preponderance of the evidence” standard (i.e., it is more likely than not that the Prohibited Conduct occurred).

C. Cooperation. All The Guidance Charter School faculty, staff, students and community members are expected to cooperate in the investigation process, although students have the right not to incriminate themselves.

D. Notice of Investigation. At the outset of an investigation, the investigator will advise the Respondent of the allegations against him or her in writing (Notice of Investigation) and a copy of the Notice of Investigation will be provided to the Impacted Party.

E. Opportunity to Participate. Both the Respondent and the Impacted Party will have an opportunity to respond to the Notice of Investigation in writing and in a meeting with the investigator. Both parties have the right to request that the investigator meet with relevant witnesses and evaluate relevant documentary or other evidence.

F. Support Persons. Students may have a support person accompany him or her through the process. A support person may not speak for the student.

G. Evidentiary Determinations. The investigator has broad discretion in determining whether an offered witness or documentary evidence would be relevant or helpful to a determination. For example, some reasons an investigator might decline to speak to an offered witness include: there is not a sufficient basis that the person could have relevant information to the factual determination; the information to be solicited would be repetitive; and confidentiality concerns balanced against the importance of the information. Similarly, an investigator might decline to seek or review documentary evidence include: the School does not have the expertise to consider scientific evidence; the information is repetitive; cost considerations balanced against the importance of the information; and confidentiality concerns balanced against the importance of the information.

H. Review of Title IX Coordinator. In the event the investigator is not the Title IX Coordinator, the investigator may provide a written report to the Title IX Coordinator, as appropriate to assist the decision-maker. In such cases, the Title IX Coordinator will review the report and may request further review from the investigator, or may ask for additional information directly from parties or witnesses.

I. Investigation Outcome. Upon completion of the investigation and review of all materials, the Title IX Coordinator or her designee will issue each party a written Outcome Letter including finding(s) of fact, and if applicable, any actions the School will take to provide accommodations to the Impacted Party, or safety measure(s) for the School community. The letter will also describe whether any systemic remedies are being considered or implemented. Additionally, the letter may include a recommendation that the matter be referred for disciplinary review by another School process, such as the Office of Community Standards (for students) or the Faculty Discipline Process (for faculty). An Outcome Letter will be provided to both parties, although the content of each letter may be

modified subject to the limitations of FERPA and other relevant federal or state privacy laws. Where Prohibited Conduct has been found to have occurred by the Respondent, the Outcome Letter will be provided to the Respondent's supervisor, HR manager or Dean, as appropriate under the circumstances.

X. Appeal

If the Impacted Party or the Respondent is dissatisfied with final determinations made under this policy, that person may file an appeal. The Appeal should be filed in writing with the Title IX Coordinator within 5 business days of the Outcome Letter, unless there is good cause for an extension. A delay in filing the Appeal may be grounds for rejection of that Appeal. The Appeal should follow the standards for review provided here and the Appeal should state the remedy sought by the appealing party. The Appeal will be forwarded to Kamal Al-Khatib, the School's designated Title IX Appeal Officer, who may attempt to resolve the matter informally, or may refer the matter (or any part of it) to another designee or other School administrator to resolve the matter. The Appeal review should be completed within 20 business days unless there is good cause for an extension, including School breaks. The appeal decision will be provided in writing and the appeal decision is final. No School grievance process (including the Student Non Academic Grievance Process) is available to reconsider a final decision under this policy. For the avoidance of doubt, the appeal process under this policy will serve as the grievance process required under Title IX. Grounds for appeal. The grounds for the Appeal will usually be limited to the following considerations: 2014 A. Is there new compelling evidence that was not available at the time of the initial review? Were the proper criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear that substantially affected the decision to the detriment of the Impacted Party or the Respondent?

B. Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the Impacted Party or the Respondent?

C. Given the proper facts, criteria and procedures, was the decision one that a person in the position of the decision-maker might reasonably have made?

XI. Accommodations, Safety Measures and Interim Measures

A. Accommodations and Safety Measures: The School will take steps to prevent the recurrence of Prohibited Conduct through safety measures, and will redress its effects through appropriate accommodations. To the extent reasonable and feasible, the School will consult with the Impacted Party and Respondent in determining accommodations and safety measures. Appropriate actions may include:

- i. Class reassignments
- ii. No contact directives
- iii. Limitation on extracurricular or athletic activities

- iv. Removal from School campus
- v. Referral to School disciplinary process
- vi. Review or revising School policies or practices
- vii. Training
- viii. Other appropriate actions as necessary to stop the Prohibited Conduct, prevent its recurrence, remedy its effect on the Impacted Party or improve School policies or practices.

B. Interim Measures: When the School has notice of an allegation of Prohibited Conduct, a qualified School staff member (HR Manager, Title IX Coordinator or Deputy Title IX Coordinator) may impose interim accommodations or safety measures, which will generally remain in effect throughout the duration of the Title IX Investigation. When a qualified School staff member imposes interim measures,

C. Potential Accommodations in the Event of No Investigation: Even if the School decides not to confront the Respondent because of the Impacted Party's request for confidentiality, the School may pursue other reasonable steps to limit the effects of the alleged harassment and prevent its recurrence as reasonable in light of the Impacted Party's request for confidentiality.

XII. Retaliation It is a violation of The Guidance Charter School policy to retaliate against any person making a complaint of Prohibited Conduct or against any person participating in the investigation of any such allegation. Retaliation should be reported promptly to the Title IX Coordinator. Retaliation is grounds for School disciplinary action.

XIII. The Title IX Process in Conjunction with other School and Police Investigations

A. Administrative Process to Evaluate Conduct and Redress the Effects of Prohibited Conduct. This Title IX Process is an administrative process to evaluate, redress and prevent student-involved incidents of Prohibited Conduct; this is not a disciplinary process. When Prohibited Conduct is found to have occurred, the Title IX outcome will focus on providing accommodations for the Impacted Party, such as assistance with housing or academic needs; imposing safety measures to protect the Impacted Party and other affected community members; and implementing systemic remedies as necessary to improve policies and practices. The Respondent will not be subjected to discipline through a Title IX process (although administrative actions to protect the victim or the community may be imposed.)

B. Disciplinary and Corrective Action Processes. The School has a process that focuses on the imposition of discipline for individuals found responsible for violating the Fundamental Standard or a School Policy. For students, the Principal reviews allegations of sexual assault, sexual misconduct, sexual harassment, Relationship Violence and stalking. The School also has processes to review the group conduct of student organizations including the Organization Conduct Board process. Similarly the School has a faculty disciplinary process. Similarly the School has other corrective action and

disciplinary processes applicable to faculty, staff and other members of the School community. Where Prohibited Conduct has been found to have occurred by the Respondent, the Outcome Letter will be provided to the Executive Director, Principal, Board members as appropriate under the circumstances.

C. Coordination of Title IX and Disciplinary Processes. Where possible the Title IX process will be coordinated with (as applicable) the Office of Community Standards, the faculty disciplinary process, a human resources review or other School reviews to avoid the need for multiple investigations of the same incident.

a. Title IX Coordinator may rely on other School Processes or Findings. When a concern of Prohibited Conduct is fully reviewed by the Office of Community Standards, the faculty disciplinary process, a human resources or another School process, the Title IX Coordinator may rely on the findings of the other proceeding without conducting an independent Title IX investigation. The Title IX Coordinator may take administrative actions necessary to redress the effects of the Prohibited Conduct on the Impacted Party and on the community, as described in Section XI.

i. In Order to Defer to Another Process, the process must be fair, equitable and prompt. Both the Impacted Party and Respondent must have access to the following:

1. Adequate, reliable, and impartial investigation of complaints;
2. An opportunity to object to the findings by the initial decision-maker; and
3. Notice to parties of the outcome of the complaint, subject to FERPA and other privacy laws.

Following the finding of Prohibited Conduct under such a process, the Title IX Coordinator will take steps to prevent recurrence of any Prohibited Conduct and to correct its discriminatory effects on the Impacted Party and others, if appropriate.

b. Title IX Coordinator will share information with other School processes. If the Title IX Coordinator initiates an investigation prior to a disciplinary, group conduct or other School review, the Title IX Coordinator will generally complete the investigation. If another School process is then undertaken (such as through the Office of Community Standards, the faculty disciplinary process or a staff corrective action process) the Title IX Coordinator will provide to that process a summary of the investigation conducted and finding(s) of fact. Subsequent proceedings will review the summary of the investigation and finding(s) of fact and determine whether a proceeding under its process should move forward. Nothing in this Title IX Administrative Process is intended to instruct the subsequent process as to what information will ultimately be shared with the decision-makers in any subsequent process.

i. Deferring Title IX Investigation to Another Process when an Investigation has been initiated. While a Title IX investigation is under way, the Title IX Coordinator may determine it is in the best interest of the School and the parties to defer the Title IX Investigation to another process provided the provisions of Section (C)(a)(i) are met. In such instances, the Title IX Coordinator

should turn over the material gathered during the partial investigation to the other process. For example, if an Impacted Party decides to file a concern with the Office of Community Standards, the Title IX Coordinator may defer her investigation to this process.

XIV. Police/Criminal Investigation.

In addition to seeking redress through the School, students are also encouraged to report criminal concerns to The Guidance Charter School or the jurisdiction where the incident took place. (Note that students are not required to report the matter to the police.) Local law enforcement agencies do not notify the School when a crime has occurred in their jurisdiction, so the School will not have notice of an incident unless a report is also made to the School. Further, reports made to the Guidance Charter School may be subject to state privacy laws, so the School may not be given notice unless the victim waives confidentiality. Therefore, victims are also encouraged to notify the School of Prohibited Conduct that has been reported to a police department. A criminal investigation is separate from a School process and will not be coordinated through the School.

XVI. Resources

Whether or not an Impacted Party chooses to make an official report of Prohibited Conduct, he or she is urged to seek appropriate help. There are numerous resources for students. Specific resources, either on or off campus, for medical treatment, legal evidence collection, obtaining information, support and counseling and officially reporting a sexual misconduct or sexual assault are listed below. Each resource can assist a person to access the full range of services available. Please note that confidential resources are noted in parenthetical form following a resource.

A. Services Available 24 Hours a Day

- o For emergency medical and police services, call 911

B. Medical Treatment — an individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible.

- o For life-threatening conditions, call 911

- o For treatment of less serious injuries, students and/or their spouses/domestic partners

- o For evaluation and prevention of sexually transmitted diseases and pregnancy, as well as consultation for other health issues, students and/or their spouses or domestic partners can use

C. Medical-Legal Evidence Collection — an individual who has been sexually assaulted is encouraged to request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

D. Obtaining Information, Support and Counseling — whether one chooses to make an official report, an individual who has suffered an act of sexual misconduct or sexual assault is encouraged to obtain information, support and counseling. Counselors at a variety of agencies, both on and off campus, can help that person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling or reporting to authorities. Information, support and advice are available (see resources below) for anyone in the Stanford community who wishes to

discuss issues related to sexual misconduct or sexual assault, whether sexual misconduct or sexual assault has actually occurred and whether the person seeking information has been assaulted, has been accused of sexual misconduct or sexual assault, or is a third party. The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed, if possible (see Section IV, Confidentiality).

XVI. Definitions

Alternate Review Process (ARP) is the disciplinary process within the Office of Community Standards for addressing allegations of breaches of the Fundamental Standard relating to sexual assault, sexual harassment, relationship violence, or stalking.

Confidential School Resource is an individual who by law or School policy is exempted from the obligation to report an allegation of Prohibited Conduct to the Title IX Coordinator. Confidential School Resources include the following individuals when acting in the capacity of providing medical care, advice, counseling or comfort: licensed School medical and mental health providers, and School clergy.

Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

Impacted Party is a student who has made an allegation against another person of Prohibited Conduct or a student whose education was or is being negatively impacted by the Prohibited Conduct.

Notice means a School employee has information about a concern regarding Prohibited Conduct.

Notice of Investigation is the written statement provided to the Respondent advising him or her that an investigation will take place under this policy. It will include a general statement of the concern/allegations.

Office of Community Standards promotes the mutual responsibility of members of the Stanford community to uphold the Honor Code and Fundamental Standard and coordinates the student conduct system.

Outcome Letter is the letter provided to both parties at the end of the investigation. It generally includes finding(s), and if applicable, and any actions the School will take to provide accommodations to the Impacted Party or safety measure(s) for the School community. Additionally, the letter may include a recommendation that the matter be referred for disciplinary review through the Alternate Review Process.

Prohibited Conduct as used in this document means student-related concerns, connected to a School program or activity, regardless of whether the alleged Prohibited Conduct occurred on or off of campus, of sexual harassment, sexual assault, sexual misconduct, relationship (dating) violence, and stalking.

Relationship Violence is dating violence or domestic violence that is physical violence within a romantic or intimate relationship regardless of the length of the relationship or gender of the individuals in the relationship.

Respondent is the person who is accused of engaging in Prohibited Conduct.

Sexual Assault (1) against a person's will by means of force (express or implied), violence, duress, menace, fear or fraud, or (2) when a person is incapacitated or unaware of the nature of the act, due to unconsciousness, sleep and/or intoxicating substances.

Sexual Harassment The definition is reprinted here. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a School activity, OR
- b. The conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic, work or student living environment.

Sexual Misconduct The definition is reprinted here. Sexual misconduct is the commission of an unwanted sexual act, whether by an acquaintance or by a stranger, that occurs without indication of consent.

Stalking means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

Title IX of the Education Amendments of 1972 (Title IX) is a federal law that states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title IX Appeal Officer hears appeals under this policy. The Title IX Appeal Officer is Kamal Al-Khatib, Executive Director. As provided in Section II B – C, the Appeal Officer may also include a joint decision-maker.

Title IX Coordinator is the Stanford employee responsible for investigating Title IX complaints. The Title IX Coordinator is Catherine Criswell. As provided in Section II B –C, the Title IX Coordinator may also include a joint decision-maker.