|  |
| --- |
| **Sussex Academy** |
| **Board Policy: Section 500 Pupils** |

522 Sussex Academy Title IX Policy

# INTRODUCTION AND PURPOSE

Sussex Academy is committed to providing a safe, respectful and supportive learning and working environment, free from sexual harassment and sexual violence, in which all members of the school community can thrive and succeed.

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All schools that receive any Federal funds must comply with Title IX. Consistent with the requirements set forth in Title IX, and its interpreting regulations, codified at 34 C.F.R. § 106.1, et seq., Sussex Academy does not discriminate on the basis of sex in its education programs or activities. Sussex Academy community members have the right to be free from sexual harassment and violence. All Sussex Academy community members are expected to conduct themselves in a manner that does not infringe upon the rights of others. Sussex Academy does not tolerate sexual misconduct, and this Policy applies to all employees and students. Non- members of the Sussex Academy community who engage in discriminatory actions within school programs or on school property are not under the jurisdiction of this Policy, but can be subject to actions that limit their access to and/or involvement with school programs and activities as the result of their misconduct.

Any Reports or Formal Complaints (as defined below) of Sexual Misconduct, or any other conduct prohibited by Title IX, committed by any student or employee (including faculty and staff) of the Sussex Academy will be resolved according to the procedures outlined in this Title IX Sexual Harassment Policy (the “Policy”), unless otherwise noted. Violations of this Policy may result in discipline, including the possibility of expulsion or termination from Sussex Academy. Inquiries regarding the application of Title IX to Sussex Academy may be directed to the Title IX Coordinator or to the Assistant Secretary for Civil Rights of the United States Department of Education.

# OVERVIEW & SCOPE

Under Title IX, schools must operate free from sex discrimination, including sexual harassment. Sussex Academy prohibits all forms of discrimination and harassment. Sussex Academy will promptly review and investigate all allegations of conduct which may be a violation of the above- mentioned policies. This Policy and the Grievance Procedures herein apply only to conduct falling within the scope of Title IX. Conduct that does not implicate this policy will be handled under the appropriate policy, such as Sussex Academy’s Code of Conduct. This Policy and the administrative procedures outlined herein apply to all members of the Sussex Academy community for actions occurring in the United States. Sussex Academy shall have the authority, in any Investigation conducted pursuant to this Policy, to assign one or more functions to an independent third party, such as an attorney.

Note, If an allegation of sexual misconduct does not meet the definition of Sexual Harassment as set forth in Section V, Sussex Academy may choose in its sole discretion to:

* 1. Investigate the allegations under the procedures set forth in this Policy or
	2. Address such allegations through other policies, such as the Sussex Academy Code of Conduct, Grievance Policy, etc.

A criminal investigation into allegations of sexual harassment or sexual violence does not relieve Sussex Academy of its duty under Title IX to resolve complaints promptly and equitably.

Sussex Academy reserves the right to modify this Policy at any time to take into account changes to with applicable local, state, and federal laws and regulations and/or directives from relevant government agencies. Information on changes, updates or amendments to the Policy will be provided to students, parents/guardians, and employees at the start of each school year or from time-to-time as needed.

# EFFECTIVE DATE

This Policy covers sexual harassment that allegedly occurred on or after August 14, 2020, committed by any individual against Sussex Academy students, Sussex Academy employees, and other participants in Sussex Academy Education Programs or Activities.

# TITLE IX COORDINATOR

Complaints and/or inquiries concerning allegations of Sexual Harassment, or sexual misconduct, shall be directed to Sussex Academy’s Title IX Coordinator in person, or by phone, mail, or e-mail. Any person (e.g., the alleged victim or any third party, including parents) may report to the Title IX Coordinator. All complaints will be received and investigated in a prompt and equitable manner.

Sussex Academy has the authority to designate a Title IX Coordinator (or multiple coordinators) who shall fulfill designated responsibilities under this Policy. The Title IX Coordinator shall publish and disseminate this Policy at least annually to students, parents/guardians, and employees and post the Policy publicly on the Sussex Academy’s website. Nondiscrimination statements published on the Sussex Academy’s website and in student and employee handbooks shall include the position, office address, and telephone number of the Title IX Coordinator. The Title IX Coordinator is responsible for:

1. Communicating with all members of the Sussex Academy community regarding their responsibilities and rights under Title IX;
2. Ensuring adequate nondiscrimination procedures are in place and reviewing applicable Sussex Academy policies to facilitate compliance with Title IX;
3. Recommending new procedures or modifications to procedures, and to monitor their Implementation;
4. Monitoring Sussex Academy’s administration of its own applicable policies, including this Policy and all related record keeping, timeframes, and other procedural requirements
5. Conducting or coordinating training regarding sexual misconduct, Title IX, and prohibited conduct defined in this Policy and related policies; and
6. Responding to any Report or Formal Complaint regarding conduct that violates this Policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any supportive measures (as defined below in Section V), and monitors the administration of any related appeal.

The Title IX Coordinator may delegate responsibilities under this Policy to designated administrators, who will be appropriately trained.

The Title IX Coordinators contact information is as follows:

**Andi Davis**

**21150 Airport Road**

**Georgetown, DE 19947**

**Phone: 302-856-3636, ext. 1017**

andi.davis@saas.k12.de.us

**Andrea Rogers**

**21150 Airport Road**

**Georgetown, DE 19947**

**Phone: 302-856-3636, ext. 1004**

andrea.rogers@saas.k12.de.us

Sussex Academy provides the contact information of the Title IX Coordinators to students, faculty, staff, applicants for admission, and applicants for employment at Sussex Academy.

## All Sussex Academy employees must immediately inform the Title IX Coordinator of all Reports or Formal Complaints of violations of this Policy made to the employee.

In addition, even in the absence of a Report, complainant, or Formal Complaint, employees must report any suspected sexual harassment they witness or hear about to the Title IX Coordinator.

# DEFINITIONS

**Actual Knowledge** means notice of Sexual Harassment to a Title IX Coordinator or a Reporting Adult.

**Advisor** means any individual who has been chosen by a Complainant or Respondent or designated by Sussex Academy to provide support and guidance during the Grievance Procedures.

**Appeal Officer** means an individual, who will be free from conflicts of interest and bias, and will not serve as the Investigator, Title IX Coordinator, or Decision-maker in the same matter.

**Complainant** is any individual who has reported being or is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Consent** exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the Complainant is not required.

**Consent** does not exist if a sexual act was by forcible compulsion, which is the use of physical, intellectual, moral, emotional, or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of Consent has been expressed through words or actions, sexual activity must cease. Delaware defines the age of Consent as age sixteen (16) or above. Children under age twelve (12) cannot Consent to sexual activity. Children between the ages of twelve (12)-fifteen (15) cannot Consent to sexual activity with a person four (4) or more years older than them.

**Decision-maker** means the person(s) assigned by the Title IX Coordinator to conduct a fair and impartial review of all relevant facts and evidence to make a determination regarding whether a violation of this Policy has occurred. Decision-maker(s) must be unbiased and trained in Title IX and Grievance Procedures.

**Deliberately Indifferent** means clearly unreasonable in light of known circumstances.

**Document Filed by a Complainant** means a document or electronic submission (such as by email or through an online portal provided for this purpose by the school) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

**Education Program or Activity** includes:

1. Any Sussex Academy on-campus premises;
2. Any Sussex Academy off-campus premises over which Sussex Academy has substantial control over the Respondent and the context in which the Sexual Harassment occurred; and/or
3. Any activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, Sussex Academy programs and activities over which Sussex Academy has substantial control.

**Exculpatory Evidence** means evidence tending to exonerate the accused or helps to establish their innocence.

**Formal Complaint** means a document, including an electronic submission, filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment and requesting that Sussex Academy investigate the allegation(s) under the Grievance Procedures. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in in, an Education Program or Activity of the Sussex Academy.

**Grievance Procedures** means a formal resolution process to address reported conduct that may constitute Sexual Harassment in violation of this Policy that begins with the filing of a Formal Complaint.

**Inculpatory Evidence** means evidence tending to incriminate the accused or indicate their guilt.

**Informal Resolution** means a process conducted in lieu of an Investigation and adjudication of a Formal Complaint after a Formal Complaint has been filed.

**Informal Resolution Facilitator** means the person assigned by the Title IX Coordinator to manage the Informal Resolution process. The Informal Resolution Facilitator must be fair, impartial, unbiased, and trained in Title IX policy and procedures.

**Investigation** means an investigation of the conduct alleged to constitute Sexual Harassment contained in a Formal Complaint that begins with Notice of Allegations that is performed by an Investigator under a reasonably prompt timeframe.

**Investigative Report** means the Investigator’s written report submitted to the Title IX Coordinator after the Investigation that fairly summarizes all relevant evidence.

**Investigator(s)** means the individual(s) assigned by the Title IX Coordinator to conduct a prompt, fair, and impartial Investigation into a Formal Complaint. An investigator must be unbiased and trained in Title IX policy and Grievance Procedures. The Investigator(s) will provide an Investigative Report summarizing all relevant evidence for review by both the Complainant and Respondent at least ten (10) calendar days before any determination of responsibility.

**Notice of Allegations** means notice of the allegations in the Formal Complaint potentially constituting Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

1. The identity of the parties involved, if known; (b) The conduct allegedly constituting Sexual Harassment; and (c) Date(s) and location(s) of the alleged incident(s), if known.

**Privacy** relates to actions of Charter School employees, who cannot guarantee confidentiality, to maintain privacy to the greatest extent possible. Information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or their designee, who is responsible for tracking patterns and spotting systemic issues. Sussex Academy will limit the disclosure of information as much as practicable, even if the Title IX Coordinator determines that a request for confidentiality cannot be honored.

**Reporting Adult** means any Sussex Academy employee who has notice that a Sussex Academy student or employee has been subject to conduct that may constitute Sexual Harassment.

**Resolution Process** is a formal process to address reported conduct that may be a violation of this Policy.

**Respondent** is any individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Retaliation** means actions prohibited by the Retaliation section of this Policy, except when an individual’s actions constitute protected speech under the First Amendment.

**Sanctions** means disciplinary actions or consequences for a member of the Sussex Academy community found responsible for violations of this Policy. For students, Sanctions may include the entirety of disciplinary consequences listed in the Student Code of Conduct and can range from a conference with a Sussex Academy employee, up to and including permanent expulsion from the Sussex Academy. For employees, Sanctions include employee discipline consistent with Board policy, up to and including termination from employment.

**Sexual Harassment** (\*1)in accordance with the Final Rule issued by the U.S. Department of Education on May 19, 2020 (the “Title IX Final Rule”), includes any conduct on the basis of sex that is alleged to have occurred in a Sussex Academy Education Program or Activity, and is alleged to have been perpetrated against a person in the United States. The conduct alleged, if true, must satisfy one or more of the following conditions:

* 1. A Sussex Academy employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.
	2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a Sussex Academy Education Program or Activity.
	3. Is considered “sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v) (and below), “dating violence” as defined in 34 U.S.C. 12291(a)(10) (and below), “domestic violence” as defined in 34 U.S.C. 12291(a)(8) (and below), or “stalking” as defined in 34 U.S.C.12291(a)(30) (and below).
		1. **Sexual Assault** means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving Consent (such as incapacitation, age, family relation to the other party, or intellectual or other disability). Sexual Assault can be committed by or against individuals of any sex or gender and can occur between individuals of the same sex/gender or different sexes/genders. As required by the Title IX Final Rule, Sussex Academy will rely on the following definitions of Sexual Assault:
			1. Sexual intercourse with another person, including oral or anal sexual intercourse, or the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity;
			2. Touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity;
			3. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
			4. Sexual intercourse with a person who is under the statutory age of Consent. The age of Consent for sexual activity in Delaware is sixteen (16). Minors under the age of twelve (12) cannot Consent to sexual activity. Minors aged twelve (12)-fifteen (15) years old cannot Consent to sexual activity with anyone who is four (4) or more years older than they are at the time of the activity. Minors aged sixteen (16) years of age or older can legally Consent to sexual activity, as long as the other person does not have authority over them as defined in 11 Del. C. § 778.
		2. **Dating Violence** means violence committed by a person:
			1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
			2. Where the existence of such a relationship shall be determined based on a consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved.
		3. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is co-habitating with or has co-habitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
		4. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
			1. Fear for their safety or the safety of others; or
			2. Suffer substantial emotional distress.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

**Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures shall be designed to restore or preserve equal access to Sussex Academy’s Education Program or Activity without unreasonably burdening the other party, and includes measures designed to protect the parties’ safety or the safety of the educational environment, or to deter Sexual Harassment. To determine the appropriate Supportive Measure(s) to be implemented, Sussex Academy will conduct an individualized assessment based on the unique facts and circumstances of a particular situation. Whether a possible Supportive Measure would unreasonably burden the other Party is a fact-specific determination made by Sussex Academy in its discretion that takes into account the nature of the Education Program and Activity, opportunities and benefits in which an individual is participating. Supportive Measures will remain private to the extent possible. Some Sussex Academy employees will be notified of Supportive Measures as needed for their implementation. The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures.

# CONFIDENTIALITY

Confidentiality of all parties, witnesses, allegations, the filing of a Formal Complaint, and the Investigation related to alleged Sexual Harassment or Retaliation, shall be handled in accordance with applicable law, regulations, this Policy, and the Sussex Academy’s legal and investigative obligations. If a request for confidentiality is received, Sussex Academy will evaluate such request in the context of Sussex Academy’s responsibility to provide a safe and nondiscriminatory environment for all students and employees. A

request for confidentiality may limit Sussex Academy’s ability to respond to a Formal Complaint. All incidents that are required by law to be reported to law enforcement or the Delaware Department of Services for Children, Youth and Their Families, Division of Family Services will be reported in accordance with Sussex Academy’s legal obligations.

# REPORTING

## Informal Complaints

Sussex Academy encourages any individual who believes they or others have been subject to Sexual Harassment to promptly report such incidents to the Title IX Coordinator or other Sussex Academy employees, even if some elements of the incident took place or originated away from a Sussex Academy Education Program or Activity. Reports may be made at any time, including during non-school hours.

Reports may be made using a designated report form **(Appendix A)** or by making a general report verbally or in writing to the Title IX Coordinator, or by any method that results in the Title IX Coordinator or Sussex Academy employee receiving the report (e.g., mail, telephone, email).

A Reporting Adult shall immediately report any incidents that may constitute Sexual Harassment to the Title IX Coordinator and shall make any mandatory police or child protective services reports as required by applicable law. Failure of a Reporting Adult to report instances or suspected instances of Sexual Harassment covered by this Policy may subject the Reporting Adult to discipline.

If the Title IX Coordinator is known or suspected to be involved in an incident constituting Sexual Harassment, a student or Reporting Adult shall report the incident directly to a Sussex Academy employee that is not the Title IX Coordinator. The Head of School shall promptly notify the Title IX Coordinator of all Formal Complaints of Sexual Harassment and/or Retaliation.

An individual may make a report of Sexual Harassment or suspected Sexual Harassment to the Title IX Coordinator, and if preferred, may do so without disclosing one’s name.

Depending on the level of information available about the incident or the individuals involved, Sussex Academy’s ability to respond to an anonymous report may be limited. Sussex Academy will, however, take whatever steps it deems appropriate and in the best interest of the Sussex Academy community (in its discretion), consistent with the information available. Sussex Academy will not refuse to respond on the grounds that a report was made anonymously. Information collected through anonymous reporting will be shared only with necessary Charter School employees in order to respond to the reported concerns. Information is kept confidential and no personally identifiable information is shared, except as necessary to follow this Policy, without the reporting party’s consent.

## Formal Complaints

A formal complaint is an official document alleging Sexual Harassment. Sussex Academy will investigate the allegations set forth in a Formal Complaint by following the Grievance Process (set forth below).

A Formal Complaint must be submitted by a student, or the student’s parent or legal guardian, and signed by the Title IX Coordinator. Even if the student opts not to file a formal complaint, the Title IX Coordinator may decide to file a Formal Complaint on his/her own, which starts an investigation.

Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by telephone, or by email.

## Emergency Removal/Administrative Leave

Sussex Academy may remove a Respondent from a Charter School Education Program or Activity on an emergency basis, where Sussex Academy:

1. Undertakes an individualized safety and risk analysis; and
2. Determines that an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of Sexual Harassment justifies removal. If a Charter School employee determines such removal is necessary, the Respondent will be provided notice and an opportunity to appeal the decision immediately following removal.

Sussex Academy retains the authority to place a non-student employee Respondent on administrative leave during the pendency of the Resolution Process. An employee will not be placed on administrative leave unless and until a Formal Complaint has been filed with Sussex Academy.

## Initial Duties Upon Receipt of Report

When Sussex Academy has Actual Knowledge of Sexual Harassment, Sussex Academy must respond promptly and in a manner that is not Deliberately Indifferent. All reports and Formal Complaints of Sexual Harassment (or suspected Sexual Harassment) made by a student or received or made by a Sussex Academy employee or the Head of School shall be directed to the Title IX Coordinator.

1. When a Formal Complaint or report of known or suspected Sexual Harassment is made to the Title IX Coordinator, the Title IX Coordinator shall:
	1. Share any information contained in the Formal Complaint or report on a limited basis and only as required to take appropriate next steps.
	2. Gather additional information from the reporter and other parties identified in the report and document receipt thereof. The Title IX Coordinator may use a form developed by the Head of School in fulfillment of this responsibility.
	3. Confidentially contact the Complainant to:
		1. Gather additional information and to discuss the availability of Supportive Measures.
		2. Explain the process for filing a Formal Complaint (if one was not filed) and inform the Complainant that any Formal Complaint made in good faith will not result in discipline.
	4. The Title IX Coordinator shall consider the Complainant’s wishes with respect to Supportive Measures and with respect to whether to file a Formal Complaint, unless the Title IX Coordinator determines it is necessary to file a Formal Complaint in light of a health or safety concern for the Sussex Academy community.
2. The Title IX Coordinator shall evaluate the Formal Complaint or report and any additional information gathered to determine whether the allegations:
	1. Occurred on or after August 14, 2020;
	2. Occurred while the Complainant was in the United States;
	3. Occurred in a Sussex Academy Education Program or Activity under the control of Sussex Academy;
	4. Meet the definition Sexual Harassment;
	5. Involve or implicate other Sussex Academy policies or the Sussex Academy Code of Conduct; and
	6. Raise an immediate threat to the physical health or safety of a member of the Sussex Academy community, based on an individualized safety and risk analysis.
3. If the Title IX Coordinator determines through an initial assessment that the allegations may constitute Sexual Harassment, the Title IX Coordinator shall:
	1. Promptly explain to the Complainant the process for filing a Formal Complaint and inform the Complainant of the continued availability of Supportive Measures with or without the filing of a Formal Complaint.
	2. Ensure that Complainants and Respondents are treated equitably by:
		1. Offering Supportive Measures to the Complainant and considering Supportive Measures that may be offered to the Respondent and/or any witnesses identified in the Formal Complaint or report;
		2. Following the Grievance Procedures (outlined herein) for Formal Complaints prior to any imposition of Sanctions or other actions toward the Respondent that are not Supportive Measures; and
		3. Presuming that the Respondent is not responsible for the alleged conduct until completion of the Grievance Procedures for Formal Complaints.
	3. Ensure that the reported conduct is appropriately addressed under other applicable Board policies or laws, such as mandatory reporting, incident/data reporting, and threat assessment.
	4. Not restrict any rights protected under the United States Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment when complying with Title IX.
4. Requirements related to Supportive Measures.
	1. All Supportive Measures provided by Sussex Academy shall remain confidential to the extent that maintaining confidentiality would not impair the ability of Sussex Academy to provide such Supportive Measures.
5. Requirements related to emergency removals.
	1. When a Respondent poses an immediate threat to the physical health or safety of any student or other individual due to the severity of the allegations of Sexual Harassment, the Respondent may be removed from Sussex Academy’s Education Program or Activity.
	2. Nothing in this Policy shall be construed to alter any rights of Sussex Academy to make employment decisions when a Sussex Academy employee is a Respondent.

# INITIATION OF GRIEVANCE PROCEDURES

Grievance Procedures apply upon the receipt of a Formal Complaint. Sussex Academy acknowledges that choosing to make a report, file a Formal Complaint, and/or meet with the Title IX Coordinator after a report or Formal Complaint has been made, and deciding how to proceed, can be a process that unfolds over time. The Complainant will not be pressured to decide whether to pursue a Formal Complaint or to identify any other party/parties.

Sussex Academy will endeavor to honor the wishes of the Complainant concerning whether to move forward with an Investigation. If the Complainant requests that no Investigation occur or refuses to participate in the Grievance Procedures, the Title IX Coordinator will determine whether the allegations, nonetheless, require an Investigation under this Policy to mitigate a potential health, safety, or other substantial risk to the Sussex Academy community.

In the event the Title IX Coordinator initiates formal Grievance Procedures by signing a Formal Complaint, the Title IX Coordinator shall do so by utilizing a form developed for that purpose by the Head of School **(Appendix B)**. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not considered the “Complainant” or otherwise a party for purposes of this Policy. The Title IX Coordinator shall inform the Complainant of their decision to pursue a Formal Complaint and Grievance Procedures in writing, and the Complainant need not participate in the Grievance Procedures further, but the Complainant will still be treated as a party entitled to inspect and review evidence and to receive all notices, including the Notice of Allegations, notice of any proceeding, and notice of the outcome of the Grievance Procedures. At no time will Sussex Academy coerce or retaliate against a Complainant or any party or witness in order to convince the Complainant or any party or witness to participate in the Grievance Procedures.

Sussex Academy may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondent, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. If Formal Complaints involving multiple Complainants, multiple Respondents, or multiple allegations are consolidated, each party will have access to all of the information being considered including as provided by all involved Complainants, all involved Respondents, and all involved witnesses. The decision to consolidate Formal Complaints is not subject to appeal.

Upon the filing of a Formal Complaint, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties (where applicable). The written notice shall contain:

1. A copy of this Policy and any Informal Resolution process that may be available;
2. Information regarding the availability of Supportive Measures;
3. A statement that Sussex Academy explicitly prohibits Retaliation by or against the Complainant, the Respondent, and witnesses, that Sussex Academy will take prompt action if Retaliation is reported, and instructions regarding how to report acts of alleged Retaliation;
4. Notice of Allegations;
5. 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 Procedures;
6. Notice that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
7. Notice that Sussex Academy’s Code of Conduct prohibits knowingly making false statements or knowingly submitting false information in connection with reports of misconduct or discrimination;
8. A statement that before the conclusion of the Investigation, the parties may inspect and review evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint; and
9. At the outset and during the course of the Investigation, notice of any allegations about the Complainant or Respondent that were not included in the Notice of Allegations but otherwise fall within this Policy.

Nothing in this Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the Grievance Procedures or other procedures and processes outlined in this Policy.

## Advisors

Parties participating in the Grievance Procedures as a Complainant or Respondent may be accompanied by an Advisor to any meeting which they are required or are eligible to attend. The Advisor is not an advocate. Except where explicitly stated in this Policy, as consistent with the Title IX Final Rule, Advisors shall not participate directly in the process outlined in the Grievance Procedures.

Sussex Academy will reasonably attempt to accommodate meetings and other proceedings on dates when Advisors are available, provided that an Advisor acts reasonably in providing available dates and works collegially to find dates and times that meet all schedules.

Sussex Academy’s obligation to investigate and adjudicate in a prompt timeframe under Title IX and other applicable policies apply to matters governed by this Policy, and Sussex Academy cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator.

Sussex Academy, due to the unavailability of an Advisor, may offer a party the opportunity to obtain a different Advisor or utilize one provided by Sussex Academy.

Sussex Academy will provide the parties equal access to Advisors and support persons; any restrictions on Advisor participation will be applied equally.

## Informal Resolution Process

Upon the filing of a Formal Complaint, a Complainant who does not wish to pursue a formal Investigation and resolution may request an Informal Resolution. Generally, Informal Resolution is less time intensive than formal Grievance Procedures, while still affording parties an opportunity to actively participate in a process for resolution of complaints of Sexual Harassment.

Sussex Academy may not require the parties to participate in an Informal Resolution process under this Policy and may not offer an Informal Resolution process unless a Formal Complaint is filed. Sussex Academy may not require, as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an Investigation and adjudication of Formal Complaints of Sexual Harassment. However, at any time prior to reaching a determination regarding responsibility, Sussex Academy may facilitate an Informal Resolution process, such as mediation, that does not involve full Grievance Procedures.

## Informal Resolution cannot be used to resolve allegations involving an employee sexually harassing a student.

Informal Resolution requires the Title IX Coordinator to:

1. Obtain the parties’ voluntary and informed written consent to the Informal Resolution process. This informed written consent shall include all terms of the elected Informal Resolution process, including a statement that any agreement reached through the process is binding on the parties; and
2. Provide the parties with written notice disclosing the allegations, the requirements of the Informal Resolution process including the circumstances under which Informal Resolution precludes the parties from resuming a Formal Complaint arising from the same allegations.

All parties must agree on the form of Informal Resolution, and the Title IX Coordinator must approve the decision to commence an Informal Resolution Process and may determine that Informal Resolution is not appropriate under the circumstances. Factors in considering the appropriateness of Informal Resolution include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the Sussex Academy community, whether the Respondent is a repeat offender, and whether the parties are participating in good faith. The Title IX Coordinator’s determination is not subject to appeal.

At any time after the commencement of the Informal Resolution process, Sussex Academy may determine that Informal Resolution is not an appropriate method for resolving the matter and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal. In addition, either party may elect to leave the Informal Resolution process any point prior to resolution. If a party elects to leave the Informal Resolution process, the Grievance Procedures may recommence, if necessary.

In entering the Informal Resolution process, the parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the Informal Resolution process concerning the allegations in the Formal Complaint is confidential. No evidence concerning the allegations obtained within the Informal Resolution process may be disseminated to any person, provided that any party to the Informal Resolution process may generally discuss the allegations under investigation with a parent, friend, Advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the Informal Resolution process, any evidence shared or received during the Informal Resolution process may not be used in any subsequent Grievance Procedure or appeal.

## Dismissal of Formal Complaints

If the conduct alleged in a Formal Complaint:

1. Would not constitute Sexual Harassment, even if proven;
2. Did not occur in Sussex Academy’s Education Program or Activity; or
3. Did not occur against a person in the United States

The Title IX Coordinator must dismiss the Formal Complaint. “Dismissal” of a Formal Complaint only ends the formal Grievance Procedures (outlined in this Policy); it does not preclude Sussex Academy from taking other action against a party in accordance with Sussex Academy Code of Conduct or any other applicable policy.

The Title IX Coordinator may, but is not required to, dismiss the Formal Complaint or any allegations therein, if at any time during the Investigation or adjudication:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations contained therein;
2. The Respondent (\*2) is no longer enrolled at or employed by Sussex Academy; or
3. Circumstances prevent Sussex Academy from gathering evidence sufficient to reach a determination as to responsibility based on the Formal Complaint or allegations therein.

Sussex Academy retains discretion on a case-by-case basis to dismiss a Formal Complaint based on any of the above reasons. Just because one or all of the conditions above are satisfied, does not mean Sussex Academy will automatically dismiss a Formal Complaint. Instead, Sussex Academy will determine if such decision is appropriate under the circumstances. Proceeding with the Grievance Procedures may allow Sussex Academy to determine the scope of the alleged Sexual Harassment, whether Charter School employees knew about it, but failed to respond, whether there is a pattern of Sexual Harassment in particular programs or activities, whether multiple Complainants experienced Sexual Harassment by the same Respondent, and what remedial actions may be necessary.

Upon a dismissal required or permitted pursuant to this Policy, Sussex Academy will promptly send written notice of dismissal of the Formal Complaint, or any allegations contained therein, and the reason(s) therefore simultaneously to the parties. Parties may appeal a dismissal of the Formal Complaint pursuant to appeal procedures set forth in the Appeal Section of this Policy.

# INVESTIGATION PROCESS

The Title IX Coordinator will oversee the Investigation and designate an Investigator to conduct a fair, thorough, and impartial Investigation. The Title IX Coordinator shall assess whether the Investigation should be conducted by a Charter School employee, an attorney, or another third party, and shall assign the Investigation to that individual.

The burden of proof and gathering evidence sufficient to reach a determination regarding whether violation(s) of this Policy occurred rests with Sussex Academy (through the Investigator). The burden does not rest with either party, and either party may decide not to share their account of the allegations in the Formal Complaint or may decide not to participate in the Investigation or any Proceedings under this Policy. This does not shift the burden of proof away from Sussex Academy and does not indicate responsibility.

During the process of gathering evidence, unless Sussex Academy or Investigator obtains the written consent of a party or their parent (if applicable), in the form of a waiver, Sussex Academy or Investigator cannot access, consider, disclose, or otherwise use a party’s records protected by legal privilege, such as records made or maintained by a physician, psychologist, or other recognized medical or mental health professional acting in the professional’s capacity, and which are made or maintained in connection with providing treatment to the party.

The Investigator shall work with the Title IX Coordinator to assess the anticipated scope of the Investigation, who needs to be interviewed, and what records may be relevant to the Investigation.

Parties whose participation is requested or expected during the Investigation process shall be provided with the date, time, location, participants, and purpose of all investigative interviews or other meetings, in sufficient time for the party to prepare.

The Complainant and Respondent shall be provided an equal opportunity to meet with the Investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the Investigator to ask the other party and witnesses. The parties shall not be restricted in discussing the allegations under Investigation or from gathering or presenting relevant evidence. However, Sussex Academy may request a nondisclosure agreement be signed by the parties and their Advisor(s), if any, stating that they will not disclose evidence and documents exchanged during the Investigation.

The Investigator has discretion to determine which witnesses to interview based on the relevance of the evidence they allegedly would offer, and to determine what questions to ask, and will decline to ask questions that are not relevant, are unduly repetitive, or which would not serve the goals of this Policy.

When a Formal Complaint involves allegations relating to conduct which took place away from a Charter School Education Program or Activity, the Investigation may include inquiries related to those allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The person making the report, parties, and/or witnesses shall be informed of the prohibition against Retaliation for anyone’s participation in the Investigation process and that conduct believed to be retaliatory should be reported. To the extent permitted by law, all individuals providing statements or other information or participating in the Investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the Investigator.

The Investigator shall objectively evaluate all evidence, including Inculpatory and Exculpatory Evidence. The Investigator may determine the relevance and weigh the value of any witness testimony or other evidence to the findings and may exclude evidence that the Investigator determines, in their discretion, is irrelevant or immaterial. Neither the Complainant nor the Respondent is required to participate in the resolution process outlined in this Policy. Sussex Academy will not draw any adverse inferences from a Complainant’s or Respondent’s decision not to participate or to remain silent during such process. An Investigator or Decision-maker will reach findings and conclusions based on the information available.

When a party selectively participates in the Investigation process—such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the Investigation—an Investigator or Decision- maker may consider the selective participation in evaluating the party’s credibility.

If the Investigation reveals that the conduct being investigated may involve a violation of criminal law, the Investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations. The obligation to conduct an Investigation pursuant to this Policy shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The Investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling Sussex Academy’s investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Deferments shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Prior to completion of the Investigative Report, the Investigator shall send to each party and the party’s Advisor, if any, the evidence subject to inspection and review(\*3) in an electronic format or a hard copy.

All parties must submit any evidence they would like the Investigator to consider prior to when the parties’ time to inspect and review evidence begins.

The parties will be permitted to review the evidence and submit a written response to the Investigator. The Investigator will consider the parties’ written responses before completing the Investigative Report.

## Investigative Report

The Investigator shall prepare and submit the Investigative Report to the Title IX Coordinator and shall provide the Investigative Report to all parties at least ten (10) calendar days before any determination of responsibility. The Investigator shall also furnish the Investigative Report to the designated Decision-maker.

The Investigative Report shall include a summary of the Investigation, a determination of whether the Formal Complaint has been substantiated, the information and evaluation that formed the basis for such determination, credibility determinations (when appropriate), an analysis of whether the conduct violated this Policy (and/or any other law or Board policy, which may warrant further Charter School action), and may include a recommended disposition of the Formal Complaint. The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide an accurate summary of the relevant evidence.

Only relevant evidence (including both Inculpatory and Exculpatory Evidence) will be referenced in the Investigative Report. The Investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

# WRITTEN DETERMINATION AND ACTION BY SUSSEX ACADEMY

The Title IX Coordinator shall, as soon as practicable, send the completed Investigative Report to the designated Decision-maker. The Decision-maker cannot be the same person as the Title IX Coordinator or the Investigator. The Title IX Coordinator shall designate the Decision-maker as soon as practical upon the commencement of formal Grievance Procedures.

## Sussex Academy is not required under Title IX and the Title IX Final Rule to offer a live hearing in the formal Grievance Procedures.

The Title IX Coordinator must also send the Investigative Report to the parties. After the Title IX Coordinator has sent the Investigative Report to the parties and before reaching a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove Consent. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

The Decision-maker must issue a written determination regarding responsibility based on the preponderance of the evidence, or whether it is more likely than not/highly probable that the Respondent violated the Policy. The written determination must include:

1. Identification of the allegations potentially constituting Sexual Harassment;
2. Description of the procedural steps taken from the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and proceedings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any Sanctions Sussex Academy imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Sussex Academy’s Education Program or Activity will be provided by Sussex Academy to the Complainant; and
6. Procedures and permissible bases for the Complainant and Respondent to appeal.

Sussex Academy must provide the written determination to the parties simultaneously; the determination regarding responsibility becomes final either on the date Sussex Academy provides the parties with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies. If the Investigation results in a finding that the complaint constitutes a violation of this Policy, Sussex Academy shall take prompt, corrective action to ensure that such conduct ceases and that no Retaliation occurs. Sussex Academy shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the Complainant and Sussex Academy or Charter School community. Charter School staff shall document the corrective action taken and, where not prohibited by law, inform the Complainant. The Title IX Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an Investigation results in a finding that a different policy was violated separately from or in addition to this Policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of the Investigation or through other appropriate referrals where further evaluation or investigation is necessary.

## Sanctions

When a Respondent accepts or is found responsible for violating this Policy, factors considered when determining a Sanction/responsive action may include, but are not limited to:

1. The nature of, severity of, and circumstances surrounding the violation(s);
2. The Respondent’s conduct history;
3. Previous allegations against or allegations involving similar conduct by the Respondent; and
4. The impact on the parties.

The sanctions will be implemented as soon as feasible, either upon the resolution of any appeal or the expiration of the appeal window. Possible Sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or Sanctions imposed by external authorities.

# APPEAL PROCEDURES

Either party may appeal:

1. The dismissal of a Formal Complaint or any included allegations; and/or
2. A determination regarding responsibility.

Appeals will be decided by an Appeal Officer.

To appeal, a party must submit their written appeal within ten (10) calendar days of being notified of the decision, including the grounds for the appeal. If no Appeal Officer has been designated, the written appeal shall be filed with the Title IX Coordinator.

The grounds for appeal are as follows:

* 1. Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow Sussex Academy’s procedures);
	2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
	3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against the Complainant or Respondent in general, that affected the outcome of the matter.

The submission of an appeal stays any Sanctions for the pendency of the appeal. Supportive Measures (including remote instruction, if applicable) remain available during the pendency of an appeal.

The Appeal Officer shall review the Investigation and the Investigative Report and may also conduct or designate another person to conduct a reasonable supplemental Investigation to assess the sufficiency and propriety of the prior Investigation.

The Appeal Officer shall prepare a written response to the appeal within fifteen (15) calendar days. Copies of the response shall be provided to the Complainant, the Respondent, and the Investigator who conducted the initial Investigation. The decision of the Appeal Officer is not subject to review.

# RETALIATION

Sussex Academy will keep the identity of any individual who has made a report or complaint of Sexual Harassment confidential, including the identity of any individual who has made a report or filed a Formal Complaint under this Policy, any Complainant, any individual who has been reported to be the perpetrator of Sexual Harassment under this Policy, any Respondent, and any witness, except as 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 or proceeding under this Policy. Pursuant to this Policy, Retaliation\*4 is prohibited. **Retaliation** means:

1. Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX.
2. Intimidation, threats, coercion, or discrimination against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an Investigation or proceeding under this Policy.

Individuals are encouraged to contact the Title IX Coordinator immediately if they believe Retaliation has occurred. Substantiated allegations of Retaliation may result in the same disciplinary action applicable to one who engages in a violation of this policy.

# TRAINING-RELATED REQUIREMENTS

Sussex Academy shall ensure that:

1. Title IX Coordinators, Investigators, Decision-makers, and any individuals who facilitate an Informal Resolution process pursuant to this Policy have appropriate training, including:
	1. Training on the definition of Sexual Harassment;
	2. Training on the scope of Sussex Academy’s Education Program or Activity;
	3. Training on how to conduct an Investigation and Grievance Procedure (where applicable);
	4. Training on the appeals process outlined in this Policy;
	5. Training on the Informal Resolution process outlined in this Policy; and
	6. Training on how to serve impartially.
2. All materials used to train Title IX Coordinators shall be made publicly available on Sussex Academy’s website.
3. All materials used to train Charter School employees who are also Investigator(s), Decision-maker(s), or individual(s) who facilitate Informal Resolution processes shall be made publicly available on Sussex Academy’s website.
4. Information regarding community resources is maintained and provided to staff, so that staff may in turn make the resources available to Complainants, Respondents, or others who have been impacted by Sexual Harassment or allegations thereof.

# RECORDKEEPING

Sussex Academy shall maintain for a period of seven (7) years records of:

1. Each Formal Complaint;
2. Records of any actions taken by Sussex Academy, including any Supportive Measures, in response to a Formal Complaint;
3. Each Investigation undertaken pursuant to this Policy including any determination regarding responsibility, any disciplinary Sanctions imposed, and any remedies designed to restore or preserve equal access to Sussex Academy’s Education Program or Activity;
4. Any appeal and the results therefrom;
5. Any Informal Resolution and the results therefrom; and/or
6. All materials used to train Title IX Coordinators, Investigators, Decision- makers, and any person who facilitates an Informal Resolution process.

# REPORTING AND SUPPORT OPTIONS FOR THE COMMUNITY

As it relates to the prohibited conduct under this Policy, a complainant, respondent, or witness has many options within and outside Sussex Academy for reporting Sexual Harassment and for receiving counseling and support services. Information regarding contact information for local law enforcement as well as contact information for confidential resources that are available to provide support to parties and witnesses are described in further detail in **Appendix C.**

Sussex Academy encourages all individuals to report any alleged or suspected violation of this Policy to the Title IX Coordinator and to report potential criminal conduct to law enforcement. Anyone who seeks to make a Report (or a Formal Complaint, if the complainant or a complainant’s parents/guardians) may:

1. Request supportive measures from the Title IX Coordinator; and/or
2. Contact local law enforcement to file a criminal complaint. At the complainant’s request, Sussex Academy will assist the complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue a criminal process.

Any individual other than an employee of Sussex Academy can make a report without disclosing one’s own name, identifying the Respondent, or requesting any action. Anonymous reports are referred to the Title IX Coordinator for review for appropriate action. If a reporting individual makes an anonymous report, the Title IX Coordinator will consider how to proceed, taking into account the individual’s articulated concerns, the best interests of the Sussex Academy community, fair treatment of all individuals involved, and Sussex Academy’s obligations under Title IX. Depending on the level of information available about the incident or the individuals involved, Sussex Academy may not be able to fully respond or take further action in response to an anonymous report. **A complainant cannot file a Formal Complaint anonymously.**

\*1 The definition of “sexual harassment” applies only to allegations subject to the procedures set forth in this Policy. Claims of sexual harassment not falling within the scope of Title IX may be addressed by other applicable Sussex Academy policies.

\*2 Should a student withdraw from Sussex Academy or refuse to participate in the Grievance Procedures, Sussex Academy reserves the right to continue with the Formal Complaint in the student’s absence. Should an employee resign with unresolved allegations pending, Sussex Academy reserves the right to continue with a Formal Complaint in the employee’s absence.

\*3 Evidence “subject to inspection and review” is: (1) any evidence directly related to the allegations in the Formal Complaint, even if that evidence does not end up being relied upon in determining responsibility; and (2) Inculpatory or Exculpatory Evidence that is directly related to the allegations, whether obtained from a Party or other source.

\*4 The prohibition against Retaliation applies to any charges filed against an individual for Sussex Academy Code of Conduct violations that are not covered by this Policy, but that arise from the same facts or circumstances as a report or Formal Complaint under this Policy.

# APPENDIX A

**TITLE IX SEXUAL MISCONDUCT REPORT**

Name of Complainant:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Incident: Time of Incident:

Name of Respondent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attach Complaint

Brief Description of Incident:

Police Contacted? Yes or No

Who made the police report?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Name of Police Agency:

Date Contacted: Time of Report:

DFS Contacted? Yes or No

Who made the DFS report?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of DFS Caseworker:

Date Contacted: Time of Report:

Was an ambulance called for medical evaluation? Yes or No

Who called the ambulance?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Ambulance company:

Date Contacted: Time of Report:

Victim’s Parent(s)/Guardian(s) notified? Yes or No

Who called the victim’s parents?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Parent Contacted:

Date Contacted: \_\_\_\_\_\_\_\_\_\_\_\_\_Time:\_\_\_\_\_\_\_\_\_\_\_\_\_

Perpetrator’s Parents notified? Yes or No

Who called the Perpetrator’s parents?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Parent Contacted:

Date Contacted:\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time:\_\_\_\_\_\_\_\_\_\_\_\_\_

Department of Education Notified? Yes or No

Who notified DOE?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of DOE staff notified:

Date Notified: Time:\_\_\_\_\_\_\_\_\_\_\_\_

Will Charges be filed? Yes or No

Attach Complainant’s Current School Schedule:

 Complainant’s After-School Activities:

Attach Respondent’s Current School Schedule:

Respondent’s After-School Activities:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

School Action Taken:

# INCIDENT UPDATE

Person Completing Update:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Incident Update (further resources and counseling):

Status Report from Complainant:

# APPENDIX B

**FORMAL COMPLAINT FORM FOR TITLE IX SEXUAL MISCONDUCT**

Complainant Name:

Date Reported: Time Reported:

What happened?

When did it happen?

Where did it happen?

Who was involved?

Name (s) and Grade(s) of Alleged Victim(s):

Name(s) and Grade(s) of the Alleged Perpetrator(s):

Witnesses:

Is there anyone else who could provide more information regarding this complaint? Please provide first and last names:

Complainant Signature:

Date:\_\_\_\_\_\_\_\_\_\_\_\_

Name of Person Receiving Complaint:

Receiving Signature:

Date:\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX C**

**RESOURCES**

* 1. Resources for Sexual Assault
		1. Break the Cycle: 1-202-824-0707 or 1-310-286-3383 <http://www.breakthecycle.org>
		2. Lifeline Rape Crisis
			1. New Castle County: 302-761-9100
			2. Kent and Sussex Counties: 1-800-262-9800
		3. Prevention and Behavior Health Services 24-Hour Child Priority Response: 1-800-969-4357
		4. Domestic Violence Hotline
			1. New Castle County: 302-762-6110
			2. Kent and Sussex Counties: 302-422-8058
			3. Bilingual (Sussex): 302-745-9874
		5. National Dating Abuse Hotline 1-866-331-9474; TTY 1-866-331- 8453 [www.loveisrespect.org](http://www.loveisrespect.org/)
		6. National Sexual Violence Research Center [http://www.nsvrc.org](http://www.nsvrc.org/)
		7. Useful websites for teaching
			1. <http://www.doe.k12.de.us/infosuites/staff/ci/content> areas/health.html
			2. [www.safeandrespectful.org](http://www.safeandrespectful.org/)
			3. <http://www.safeandrespectful.org/teachers/showcase_ho> me.html
	2. Resources for Families and Victims of Child Abuse and Neglect
		1. Beau Biden Foundation [www.beaubdienfoundation.org](http://www.beaubdienfoundation.org/)
		2. Children and Families First Strengthening Families Program 1- 800-734-2388
		3. Delaware Department of Justice – Family Division: 302-577- 8400
		4. Department of Services for Children, Youth and Their Families: 302-633-2500
		5. Division of Family Services Child Abuse & Neglect Report Line: 1-800-292-9582
		6. Division of Prevention and Behavioral Health Services 24-Hour Child Priority Response (CPR): 1-800-969-4357
		7. Office of the Child Advocate: 302-255-1730
	3. Resources for Teen Pregnancy i. Children and Families First - The Adolescent Resource Center (ARC): 1-800-924-6977
		1. Children and Families Fist – The adolescent Resource Center (ARC): 1-800-924-6977
		2. Henrietta Johnson Medical Center: 302-655-6187
		3. La Red Health Center, Inc.; 302-855-1233
		4. Planned Parenthood of Delaware: 302-655-7296
		5. Safe Arms for Babies - Toll-free 24-hour hotline: 1-800-262- 9800
		6. <http://www.dhss.delaware.gov/dhss/dph/chca/dphahsab01.html>
	4. Information/Referrals & Training:
		1. Child Welfare Information Gateway: <http://www.childwelfare.gov/>
		2. Child Protection Accountability Commission: 302-255-1730.
		3. National Center for Missing and Exploited Children: [www.missingkids.com](http://www.missingkids.com/)
		4. Darkness to Light - Child Sexual Abuse Prevention - [www.d2l.org](http://www.d2l.org/)
		5. Mandatory Reporting and Resources - [www.Iseethesigns.org](http://www.Iseethesigns.org/)
		6. Prevent Child Abuse Delaware - [www.pcadelaware.org](http://www.pcadelaware.org/)
		7. Delaware Department of Justice – Family Division: 302-577- 8400

|  |  |
| --- | --- |
| Date Approved: | Date(s) Amended: |
| 1/24/2024 |  |