

# SusQ-Cyber Charter School

## Board of Trustees Policy

### TITLE IX POLICY #248

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

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

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

#### **When Does Title IX Apply?**

Title IX covers sexual harassment that happens in a school’s “education program or activity.” This includes locations, events, and circumstances where a school exercises substantial control over the context of the alleged harassment and the person accused of committing the sexual harassment.

#### **Sexual Harassment**

Title IX prohibits the following conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity.

- School employee conditioning educational benefits on participation in unwelcome sexual conduct, otherwise known as “Quid pro Quo” harassment.
- “Sexual assault,” as defined in 20 U.S.C. 1092(f)(6)(A)(v) “dating violence,” as defined in 34 U.S.C. 12291(a)(10) “domestic violence,” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30)

### **Charter School’s Response to Allegations/Knowledge of Sexual Harassment**

Once the Charter School has actual knowledge of sexual harassment or allegations of sexual harassment, the Charter school must respond or take action.

The Charter School has “actual knowledge” when it has been given notice that a person may have been victimized by sexual harassment. Any person, whether the alleged victim or a parent, friend, or bystander, has the right to report sexual harassment to put the Charter school on notice. A report to any school employee will result in the Charter School having “actual knowledge.” Further, Charter School personnel who personally witness sexual harassment can mean that the Charter School has “actual knowledge.”

The Charter School cannot be “deliberately indifferent” in responding to a complaint of sexual harassment. That means that it cannot be “clearly unreasonable” in light of the known circumstances. Upon receipt of a complaint, the Title IX Coordinator must act promptly, and must provide the following information to the complainant:

- The availability of supportive measures
- The right to file a complaint
- How to file a complaint

### **Supportive Measures:**

Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect or preserve equal access to education, protect safety, or deter sexual harassment. A complainant does not need to file a formal complaint for him/her to receive supportive measures. Supportive measures are intended to support a student and are not punitive or disciplinary with respect to another student. These measures do not unreasonably burden any other person. Each student, the complainant and respondent, must have equal access to education prior to any determination of responsibility.

Examples of supportive measures include:

- Counseling
- Extension of deadlines

Adopted July 22, 2020

Page 2

Title IX Policy  
2020

McKenna Snyder  
Attorney Client Privilege

- Modification or work or class schedules
- Escort services
- Mutual restrictions on contact between individuals

The Title IX Coordinator is responsible for implementing these supportive measures and must consider the alleged victim's wishes when it comes to requests for supportive measures. Generally, these measures must remain confidential.

**Title IX Coordinator:**

Per Title IX federal funding mandates, the Charter School shall designate a Title IX Coordinator whose duties will include:

- (a) receiving reports from victims and third parties of sexual discrimination or sexual harassment in person or by mail, telephone, email, or any other means that results in the Title IX Coordinator receiving the report at any time, including nonbusiness hours;
- (b) oversee mandated (seven-year) recordkeeping regarding investigations, appeals, informal resolutions, and training for Coordinator, investigators and decision-makers on the definition of sexual harassment in the Final Rule, the application of the Title IX policy, how to make relevancy determinations (including how to apply rape shield protections for complainants), the Charter School's education program or activity, and the grievance process, including how to conduct investigations, hearings (including technology for live hearings), appeals, informal resolution processes, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- (c) maintaining current contact information in Charter School's nondiscrimination notices and website;
- (d) ensuring Charter School is compliant with Title IX, coordinating the investigation and disciplinary process and looking for patterns or systematic problems with compliance to ensure Charter School fulfills federal obligations;
- (e) signing formal complaints alleging sexual harassment;
- (f) receiving notice of sexual harassment or allegations of sexual harassment (or authorized Charter School representative authorized to institute corrective measures), triggering actual knowledge designation;
- (g) upon receipt of a complaint, providing prompt info to complainants about availability of supportive measures, the right to file a complaint and how to file a complaint and consideration of complainant's wishes regarding supportive measures;

- (h) ensuring the Charter School grievance process and the Title IX Coordinator, investigator, decision-maker and facilitator of an informal resolution process is free of conflicts of interest or bias against a party;
- (i) dismissing a complaint (1) when complainant provides written notice to the Title IX Coordinator to do so, (2) when allegations do not constitute sexual harassment, (3) if the allegations did not occur in the Charter School's educational program or activity, (4) if the allegations did not occur in the United States, (5) if respondent is no longer enrolled or employed by the Charter School, or (6) when specific circumstances prevent the gathering of evidence sufficient to reach a determination;
- (j) coordinating Charter School efforts to comply with Title IX; and
- (k) respecting a complainant's wishes regarding whether the Charter School investigates, unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances;

The Charter School's Title IX Coordinator's duties do not include:

- (a) the ability to be named the decision-maker tasked with issuing a written determination regarding responsibility with findings of fact, conclusion about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent and whether remedies will be provided to the complainant (Title IX Coordinator or the investigator cannot be named decision-maker);
- (b) the ability to be named as the decision-maker on any appeal (cannot be the same person as the initial decision-maker on the formal complaint, the investigator, or the Title IX Coordinator);
- (c) any other job responsibility that creates a conflict of interest with responsibilities under Title IX;
- (d) becoming a complainant or a party during the grievance process upon the signing of a formal complaint; and
- (e) a requirement that the Title IX Coordinator file a formal complaint any time the Charter School received notice of multiple reports against a particular respondent and corresponding safe harbor.

## **Grievance Procedures**

Procedures outlining the Title IX Grievance Process that are consistent with this policy and final rules from the United States Department of Education are attached to this policy.

Adopted July 22, 2020

Page 4

Title IX Policy  
2020

McKenna Snyder  
Attorney Client Privilege

The Charter School will follow a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Charter School will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.

The Charter School will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.

It is the policy of the Charter School during the grievance process to treat complainants and respondents equitably. That includes providing remedies to a complainant if a respondent is found responsible, and by following these policies in imposing discipline on the respondent.

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

If the Title IX Coordinator submits the complaint, the Title IX Coordinator must recuse him/herself from the investigation and allow the Board to appoint a qualified individual who is not employed by the Charter School to conduct the investigation.

Once the Title IX Coordinator completes his/her investigatory report, the case will be turned over to a neutral decision maker for the hearing process. A neutral decision maker must be a person(s) who is free from all conflicts of interest or bias for or against complainants or respondents and must receive special training about how to be impartial and how to decide what evidence is relevant.

A school can remove a respondent from the Charter school's educational programs or activities on an emergency basis if the respondent poses an immediate threat to anyone's physical health or safety. If the respondent is an employee, the Charter school may place the employee on administrative leave pending the investigation.

No one will be forced, threatened, coerced, or discriminated against for choosing not to be a part of this grievance process.

Both complainant and respondent have equal rights throughout the entire investigation and hearing process, including, but not limited to, the opportunity to present witnesses and evidence, including expert witnesses, as well as inculpatory and exculpatory evidence. The Charter School will further comply with all disability laws to ensure that all participants are appropriately accommodated.

## **Publishing Requirements of this Policy:**

The Charter School will disseminate a notice of nondiscrimination, which the U.S. Department of Education recommends should specify that sexual harassment and violence are prohibited. Such notice shall appear in the Charter School's student handbook and/or code of conduct, on the Charter School's website, and be available in print on campus so that school members may understand its purpose and utility and include enough detail in the policy so that members of the community realize that sexual harassment and sexual violence are prohibited forms of sex discrimination.

The Charter School will adopt and publish a grievance procedure outlining the complaint, investigation, and disciplinary process for addressing sex discrimination, sexual harassment, and sexual violence occurring within educational programs. This process should address discrimination perpetrated by students, employees, or third parties. Additionally, school security and/or law enforcement personnel must notify victims of their rights to use the Charter school's grievance procedure in addition to being able to file a criminal complaint.

This grievance procedure requires the Charter school's process be "prompt and equitable," meaning it must be a timely response to discrimination and provide both parties equivalent rights during the disciplinary process rather than having one-sided due process. For example, if the accused student is given a right to have an attorney present, so may the accusing student.

While sexual misconduct complaints may be resolved through informal mechanisms, such as mediation, students are not required to use informal methods of grievance resolution and should not be pressured into such a process.

The Charter School will provide educational and awareness programming on sexual harassment and discrimination. The Charter School must address hostile educational environments created by sex discrimination, sexual harassment, and sexual violence school-wide. Addressing a hostile environment means remedying a current situation, addressing its effects, and preventing its recurrence in the future.

The Charter School will maintain and make publicly available on its website all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process (or available in response to a request from the public if it does not maintain a website).

The Charter School shall designate an individual as its Title IX Coordinator and publish the Coordinator's name, title, office address, email address and phone number on its

website, notifying applicants for admission or employment, students, parents, legal guardians, employees, and unions of this designation. Designating one employee as the Title IX Coordinator ensures that students and employees know that notifying the Title IX Coordinator triggers the Charter School's legal obligations to respond to sexual harassment under the regulations.

## **Training**

Title IX mandates that Charter School employees that address sexual violence complaints have appropriate training. The U.S. Department of Education (ED) recommends that teachers, campus security, administrators, counselors, nurses, cleaning staff, coaches, and others likely to receive reports be trained on how to identify and report sexual harassment and violence.

Per the Department of Education, the Charter School will:

- 1) Ensure that responsible employees with the authority to address sexual violence know how to respond appropriately to reports of sexual violence;
- 2) That other responsible employees know that they are obligated to report sexual violence to appropriate school officials; and
- 3) That all other employees understand how to respond to reports of sexual violence.

The Charter School will ensure that counselors and advocates understand the extent to which they may and will keep a report confidential.

The Charter School will provide training to all employees likely to witness or receive reports of sexual violence, including teachers, campus security, school administrators, school counselors, general counsels, athletic coaches, and nurses.

The Charter School will train responsible employees to inform students of:

- 1) The reporting obligations of responsible employees;
- 2) Students' option to request confidentiality and available confidential advocacy, counseling, or other support services; and
- 3) Their right to file a Title IX complaint with the Charter School and to report a crime to campus security or local law enforcement.

The Charter School will ensure that the Title IX Coordinator, investigator, decision-maker, and/or facilitator of an informal resolution process be free of conflicts of interest

Adopted July 22, 2020

Page 8

Title IX Policy  
2020

McKenna Snyder  
Attorney Client Privilege



or bias against a party and that such Charter School Title IX personnel be trained on the application of the Title IX Policy, the definition of sexual harassment in the Final Rule, the scope of the Charter School's education program or activity, how to conduct an investigation and grievance process, including hearings (and technology to be used at a live hearing), appeals, and informal resolution processes, as applicable, and how to make relevancy determinations (and applying rape shield protections for complainants) and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Charter School shall maintain and make publicly available on its website all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process (or available in response to a request from the public if it does not maintain a website).

The training materials must be impartial and not rely on sex stereotypes.

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

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

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

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

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

### **Other Reporting Requirements in Compliance with Local and State Laws:**

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

Documents regarding substantiated charges of sexual harassment shall be placed in the accused student's file. Documents regarding unsubstantiated charges shall not be placed in student files, but shall be maintained by the Board of Trustees in a confidential file established expressly for retaining Title IX complaints against students.

### **Retaliation:**

Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

The Charter School will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

Complaints alleging retaliation may be filed according to the Charter school's prompt and equitable grievance procedures. The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not

constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

**CONCLUSION**

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

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020

---

President

---

Secretary

# SusQ-Cyber Charter School

## Title IX Complaint Procedures

Once a formal complaint is filed, the student may seek either an informal or formal resolution of his or her complaint:

### **A. Informal**

When a Title IX Coordinator receives a complaint, the Title IX Coordinator may offer an informal resolution process. An informal resolution process is only appropriate if each party enters the process voluntarily and the respondent is a student. The Charter School will not force, threaten, or require any party, complainant or respondent, into participating in informal resolution.

The Charter School will provide a facilitator to oversee the informal resolution process who is free from conflicts of interest or bias, and who has received special training.

The Charter School will provide both complainants and respondents with notice of the allegations, notice of their rights, information about whether an informal process is confidential, and about withdrawing from the process.

Any party, at any time, can decide to stop participating in an informal resolution process and instead go to a formal process.

### **B. Formal**

A formal complaint is an official document alleging sexual harassment. Any student (or any parent of a student) who believes that his or her Title IX rights have been violated may file a complaint requesting a formal investigation into the allegations. Formal complaints shall be taken in writing by the Title IX Coordinator and signed by the complainant. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail at the Title IX Coordinator's posted contact information on the Charter School's website.

In cases where an alleged victim does not file a formal complaint, a Title IX Coordinator might file a complaint and initiate grievance procedures where discipline is appropriate.

A thorough and complete investigation shall be conducted by the Title IX Coordinator.

This investigation shall determine: (1) whether or not the conduct occurred; (2) whether the conduct constitutes a violation of this policy, and, (3) if the conduct was a violation, what actions the Charter School will take to end the violation.

To the extent possible and allowed by law, confidentiality shall be maintained within the confines of the investigation of the alleged prohibited behavior. All parties will be treated with dignity and due process. The Charter School is not allowed to access a party's personal records if they are maintained by a physician, psychiatrist, psychologist, or other professional for the purpose of treatment to the party, without consent.

### **C. Dismissals:**

The Charter School **must** dismiss a complaint:

- That does not describe conduct that meets the definition of sexual harassment;
- That alleges sexual harassment that did not occur in the Charter school's educational program or activity;
- That alleges sexual harassment that did not occur in the United States.

The Charter School **may** dismiss a complaint:

- If the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or some of its allegations;
- If the respondent is no longer enrolled or employed by the Charter school;
- If specific circumstances prevent the Charter school from gathering specific evidence sufficient to reach a determination about the allegation.

When the Charter School dismisses a formal complaint, or any allegations in it, the Charter School must promptly send written notice of the dismissal to the parties. That notice must also clearly state the reasons. The Charter School can still address dismissed Title IX complaints under the Student Code of Conduct, even if the misconduct is not sexual harassment under Title IX.

## D. Conducting Investigations

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

- Upon receipt of the complaint, the Title IX Coordinator must provide the parties with written notice including the names of the parties, the date and location of the alleged misconduct, and a description of the alleged misconduct. The notice must further:
  - Provide the allegations and facts that would constitute sexual harassment
  - State the presumption of innocence
  - A statement that the parties are entitled to an advisor of their choice
  - A statement that the parties can request to inspect and review certain evidence
  - Provide information regarding the Charter School's Code of Conduct and penalties for false statements.
  - If additional allegations come to light, notice must be supplemented.
- The Title IX Coordinator shall meet with every complainant and respondent. The complainant may have his or her Parent(s) present during any such meeting. The respondent, if he or she is a student, shall also have the right to have his or her parent(s) present at any meetings with the Title IX Coordinator as well.
- The Charter School shall provide written notice of the date, time, location, participants, and purpose of all interviews, or other meetings, with sufficient time for the party to prepare.
- The Respondent is presumed not responsible during the investigation.
- From these meetings, the Title IX Coordinator will conduct an adequate, reliable, and impartial investigation of complaint(s), which includes interviewing and obtaining statements from any witnesses of both the complainant and alleged perpetrator, and the review of all evidence presented. Parties will be provided updates until a determination is made in writing.
- No information protected by a legal privilege, such as the attorney-client privilege, or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it.

- After gathering evidence, the Charter School must prepare an investigative report on the allegations of the formal complaint. The report, along with physical evidence (including written witness statements), must be provided to the parties. The Charter School will give each party ten (10) days to respond to the evidence in writing. The Charter School will review and consider the response of any party before making a final determination. After allowing time for a response, the Charter School will then finalize the report and submit it to the parties at least ten (10) days prior to any determination of responsibility or a hearing.

#### **E. Hearings/Final Determination of Responsibility**

- Final Determinations of Responsibility will only be provided after a hearing.
- The Charter School has the option to hold a live hearing. If a live hearing is held, the complainant can request that he/she be in a separate room from the respondent, with technology allowing everyone to see/hear each other. A court reporter will be present at a live hearing and a transcript will be provided to all parties at the conclusion of the hearing.
- The Charter School shall provide written notice of the date, time, location, participants, and purpose of the hearing, with sufficient time for the party to prepare.
- If a live hearing is held, the Charter School must provide each party with an advisor, of the Charter school's own choosing, free of charge, solely for the purpose of conducting cross examination on that party's behalf. **No party is ever allowed to personally cross examine anyone.** Live cross examination must only be done through an attorney or advisor provided by the Charter School.
- In the absence of a live hearing, the Charter School will provide the parties equal opportunity to submit relevant, written questions to each other, before the Charter School reaches a determination of responsibility. If a party refuses to answer any questions, the party must state the reasons why.
  - Questions and evidence about the complainant's prior sexual history are not relevant, except:
    - Where such information is offered to prove that someone other than the respondent committed sexual harassment
    - Where it relates to sexual behavior between the complainant and respondent and if offered to prove consent.



- If a party or witness chooses not to appear at a live hearing, or not to answer cross examination questions, the decision-maker excludes that party or witness's statements and evaluates any evidence that does not include those statements.
- A neutral decision maker, who did not prepare the investigatory report, will preside over the hearing and make the final determination of responsibility.
- The neutral decision maker will not make inferences about the determination regarding responsibility based on the fact that a party or witness did not come to the hearing or submit answers to cross examination.
- The neutral decision maker will make a determination on whether the respondent is responsible within sixty (60) days of the receipt of a complaint unless good cause is shown. Good cause can include law enforcement activities, the absence of a party or witness, the absence of a party's advisor of choice, or the need to provide language assistance or accommodation of a disability.
- The complaint will be decided using a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred).
- The determination will be in writing, and include:
  - The Charter School Policies that were violated
  - Standard of proof used
  - A description of the procedural steps that were taken by the Charter school
  - A findings of fact section
  - A section that draws conclusions after applying the facts to the applicable portions of the Charter school's policies
  - A statement and rationale for the ultimate determination of responsibility
  - Disciplinary sanctions that the Charter school will impose on the respondent
  - Possible remedies for the complainant (see supportive measures above)
  - A statement of the remedies provided to the complainant and rationale, addressing how those remedies will restore or preserve equal access
  - The right and procedure for each party to file an appeal.
- The determination will be provided to both parties simultaneously.

- Both parties have ten (10) days to file an appeal.
- Discipline for a respondent found responsible for sexual harassment can include but not be limited to in-school suspension, out-of-school suspension, or expulsion. If the Title IX Coordinator or the CEO believes that expulsion against an accused student may be appropriate, then a formal hearing shall be held pursuant to the Pennsylvania Code of Regulations, 22 Pa.Code §12.6 and §12.8. The formal disciplinary procedures contained in the Charter School's Code of Conduct shall be followed for such hearings to assure due process protection for the respondent.
- Even though FERPA limits disclosure of certain information in disciplinary proceedings, the Charter School will disclose information to the complainant about the sanction imposed on the perpetrator when the sanction directly relates to the complainant. This could include an order that the perpetrator stay away from the complainant, or that the perpetrator is prohibited from attending the Charter School for a period of time, or is transferred to other homeroom/classes in the Charter School building.
- The Title IX Coordinator is responsible for carrying out the remedies contained in the written decision.

#### **F. Appeals**

- Both the complainant and respondent are permitted to appeal a determination of responsibility.
- Appeals can be taken:
  - After a dismissal before the grievance process, whether mandatory or discretionary
  - At the end of the grievance process
- Grounds for Appeal
  - A procedural irregularity affected the outcome of the matter
  - New evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal
  - A conflict of interest on the part of a Title IX Coordinator, an investigator who compiled evidence, or a decision maker, and the conflict of interest affected the outcome

- Additional grounds
- Appeals will be referred to the Charter School Board of Trustees, unless the Board has or is scheduled to preside over a formal disciplinary hearing pursuant to 22 Pa.Code §12.6 and §12.8. In those cases, the Charter School Board of Trustees will appoint a neutral hearing officer to hear appeals of a determination of responsibility who is 1) not an employee of the Charter school, 2) not the investigator of the complaint, and 3) not the neutral decision-maker who made the initial determination.
- Both parties will have equal opportunities to submit a written statement supporting or challenging the outcome to the Board of Trustees or neutral hearing officer
- After considering the parties' written statements, the Board of Trustees or neutral hearing officer must issue a written decision and send it to the parties simultaneously. This decision is final.