



## BOSTON COLLEGIATE CHARTER SCHOOL

### Title IX Policy and Procedures as of August 1, 2024

#### **Sex-based Harassment:**

While all types of harassment are prohibited, sex-based harassment requires particular attention. Boston Collegiate Charter School is committed to maintaining a school environment free of discrimination based on sex. The protections afforded under harassment are extended to sex-based harassment. In addition, protections extend to locations, events, or circumstances over which the school exercises substantial control over both the respondent and context in which the harassment occurs.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity including when it takes the form of:

- quid pro quo harassment (when a n employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct );
- specific offenses (sexual assault, dating violence, domestic violence, and stalking as defined by federal statutes); and/or
- hostile environment harassment, defined unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's) education program or activity.

#### **Harassment and Retaliation Prohibited**

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. In addition, retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of the school or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by Boston Collegiate.

Persons who engage in harassment or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or Board of Trustees, subject to applicable procedural requirements.

#### **Grievance Procedure**

Any student or employee who believes that Boston Collegiate has discriminated against or harassed her/him because of her/his race, color, religion, national origin, age, gender, sexual orientation, gender identity, homelessness, disability, or any other protected status under state or federal law in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with the High School Principal, Middle School Principal, or Lower School Principal. If the Principal is the person who is alleged to have caused the discrimination or harassment, the complaint may be filed with the Executive Director. These individuals are listed below and are hereinafter referred to as "Grievance Administrators."

To ensure prompt and equitable procedures, Boston Collegiate will follow these steps for filed complaints.



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- I. Boston Collegiate will provide notice of the school's grievance procedures, including how to file a complaint, to students, parents, and employees.
- II. Boston Collegiate will apply the the appropriate grievance procedures to complaints alleging harassment, including sex-based harassment, carried out by employees, other students, or
- III. Boston Collegiate will ensure an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence.
- IV. Boston Collegiate will designate and follow a prompt time frame for major stages of the complaint process.
- V. Boston Collegiate will provide notification to parties of the outcome of the complaint
- VI. Boston Collegiate will provide assurance that the school will take steps to prevent recurrence of any harassment and to remedy its discriminatory effects, as appropriate.

### **Confidentiality**

Boston Collegiate will take steps to alleviate any concerns of confidentiality in its response to allegations of Harassment. Boston Collegiate will discuss confidentiality standards and concerns with the complainant and other participants. If a complainant, or their parent or guardian, asks that the student's name not be disclosed to the respondent or that nothing be done about the alleged harassment, the school will inform the student that the confidentiality request may limit the school's ability to respond. At the same time, schools should inform any student who asks that their name not be revealed that the school will take steps to prevent retaliation and will take strong responsive actions if retaliation occurs.

Boston Collegiate will evaluate confidentiality requests in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The factors that a school may consider include the seriousness of the alleged harassment, the age of the student harassed, whether there have been other grievances filed against the alleged harasser, and the rights of the accused individual to receive information about the complainant and the allegations if a formal proceeding with sanctions may result. Exceptions as permitted by FERPA, or is required by law, or to carry out the purpose of the Title IX regulations, including to conduct an investigation, hearing, or judicial process. If Boston Collegiate determines that it is possible to respond without revealing the identity of the complainant, the school will take all reasonable steps to investigate and respond to the complainant with the student's request as long as doing so does not prevent the school from responding effectively to harassment and the prevention of harassment of other students.

### **Supportive/Interim Measures**

Boston Collegiate will offer supportive measures to the complainant, whether or not they file a formal grievance. Consideration will be given to the complainant's wishes in respect to those supportive measures. Supportive measures are defined to include non-disciplinary, non-punitive individualized services offered as appropriate or 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 are designed to establish, restore, or preserve equitable access to Boston Collegiate' educational programs and activities without unreasonably burdening the other party. Supportive measures may include counseling, extensions of deadlines or other course-related adjustment, modifications of class schedules, escort services, mutual restrictions on contact between the parties, leaves of absence, increased monitoring of certain areas of the school, and other similar measures.



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Whether or not a formal grievance was filed, a respondent may be removed from an educational program or activity on an emergency basis. This is provided that Boston Collegiate undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex- based harassment justifies removal. The respondent, in that situation, will be provided notice and an opportunity to challenge the decision immediately following the removal.

### **Formal Complaints of Sex- based Harassment**

When responding to an allegation of sexual harassment, the Title IX Coordinator will meet with the complainant to inform them of their rights under Title IX, including the right to file a “Formal Complaint” against the alleged perpetrator/respondent.

A “Formal Complaint” is a document filed by the Complainant alleging sexual harassment against a respondent and requesting that the school initiate the Title IX Grievance Process. Formal Complaints may be filed with the Title IX Coordinator in person, by mail, or electronic mail. If a Formal Complaint is dismissed because the alleged events do not fall within the parameters of title IX, the District will promptly notify the parties of its dismissal and the reasons therefore. When the Complainant chooses not to file a Formal Complaint, the Coordinator may elect to do so, particularly when the Coordinator deems the investigation and potential sanctions are necessary to address safety or similar concerns within the school. If electing to override a Complainant’s decision, the Coordinator will document the reasons for doing so in writing.

### **Investigation and Resolution of the Complaint**

Each complaint will be resolved based upon the nature of the allegation and investigation required. Respondents will be informed of the charges as soon as the Grievance Administrator deems appropriate. Generally speaking, the Grievance Administrator will interview witnesses whom s/he deems necessary and appropriate to determine the facts relevant to the complaint, and will gather other relevant information. Such interviews and gathering of information will be completed within fifteen (15) school days of receiving the complaint.

Within twenty (20) school days of receiving the complaint, the Grievance Administrator will meet with the grievant and/or her/his representative to review the information gathered and, if applicable, to propose a resolution designed to stop the discrimination or harassment and to correct its effect. Within ten (10) school days of the meeting with the grievant and/or representative, the Grievance Administrator will provide written disposition of the complaint to the grievant and/or representative and to the respondent(s).

Notwithstanding the above, it is understood that in the event a resolution contemplated by Boston Collegiate involves disciplinary action against an employee or a student, the complainant will not be informed of such disciplinary action, unless it directly involves the complainant (i.e., a directive to “stay away” from the complainant, as might occur as a result of a complaint of harassment).

### **Sexual Harassment Grievance Process**

Pursuant to Title IX, Boston Collegiate has a separate Grievance Process for resolving Formal Complaints of Sexual Harassment. Once a Formal Complaint is filed, the Boston Collegiate will provide the Complainant and Respondent with written notice of the allegations and information about the Grievance Process. This written notice will include details of the specific allegations including (if known) the individuals involved, the alleged conduct, and its date and location. The notice must include a



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statement that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility is to be made at the conclusion of the Grievance Process. The parties will be informed of the right to have an advisor of their choice (who may be, but is not required to be, an attorney) who may accompany them at any point during the process. Each party will also be informed of their right to inspect and review evidence that is gathered. The parties will also be reminded of the school's prohibition against knowingly making false statements during this process and of the Boston Collegiate's policy prohibiting retaliation against anyone who participates in the Grievance Process.

After the Formal Complaint is filed and the parties have been advised of their rights, the Title IX Coordinator will offer the parties the option of participating in an informal resolution process if appropriate. Before beginning an informal resolution process, the Boston Collegiate will obtain written consent from the Complainant and Student and Family Handbook 68 Respondent. A Facilitator assigned by the Coordinator will conduct a mediation. If a resolution is reached, the Facilitator will maintain the result in writing, and no further action need be taken. As the process is entirely voluntary, either party may withdraw from the informal resolution process at any time.

If either party declines informal resolution, or in the event no agreement reached, the Grievance Process will resume. The Coordinator will assign an "Investigator" and a separate "Decision-Maker." In the event of an appeal, a separate "Appeal Officer" must also be appointed. All individuals involved in processing a Formal Complaint must be free of bias and conflict of interest and must receive training regarding this policy and their respective roles.

The Investigator will complete an investigation into the Formal Complaint. Both the Complainant and Respondent will have an equal opportunity to present witnesses and other evidence. Prior to any interviews with a witness, the Investigator will provide the witness with notice of the date, time, location, participants, and sufficient time to prepare for that interview. Both parties will have an equal opportunity to examine and inspect evidence. At the conclusion of the investigation, the Investigator will create an initial Investigative Report that summarizes the relevant evidence and will send it simultaneously to each party and the party's advisor. The parties will have 10 days to review and respond to the report if they so choose. After considering any response, the Investigator will then finalize the Investigative Report and provide a copy to each party, their advisor, and to the Decision Maker.

The Decision-Maker will afford each party the opportunity (1) to submit written, relevant questions that a party wishes to ask of any party or witness, (2) to provide answers, and (3) to submit additional, limited follow-up questions. The Decision-Maker must provide an explanation in the event they exclude a question as not relevant.

In addition, or in the alternative, Boston Collegiate has the discretion (and is not required) to conduct a live hearing as a part of the Grievance Process. At such a hearing, the Decision-Maker will permit each party's advisor to ask the other party and any witnesses relevant questions. If a party does not have an advisor for the hearing, Boston Collegiate will provide one at no cost. Upon the request of the Complainant or Respondent, Boston Collegiate will utilize technology to separate the parties during the hearing process. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not consider any statement of that party or witness in determining responsibility.

Following the written or live hearing process, the Decision-Maker will issue simultaneously to both parties a written decision as to whether Respondent engaged in Sexual Harassment, using a preponderance of the evidence standard. The report must include a description of the allegations, the procedural steps followed in the grievance process, a finding of facts, the conclusions reached, and the rationale therefore, and if applicable, any discipline imposed (subject to applicable procedures). If



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applicable, the Decision-Maker will also include remedies designed to restore or preserve equal access to education and activities at Boston Collegiate.

Both the Complainant and Respondent shall have the right to appeal the decision by notifying the Title IX Coordinator in writing within 10 business days of receiving the decision. Boston Collegiate will provide written notice of the appeal to the other party. The grounds for appeal are limited to : procedural irregularity, new evidence that was not reasonably available at the time of the determination or dismissal, or an alleged conflict of interest. Both parties shall have an opportunity to provide a written statement supporting their position on Appeal. The Appeal shall be reviewed by a person who is not the original Facilitator, Investigator, Decision-Maker, or Title IX Coordinator. The Appeal Officer shall issue simultaneously to the parties a written decision and rationale therefore.

Boston Collegiate will maintain for seven years a record of the alleged conduct and of any actions taken, including supportive measures provided and the basis for Boston Collegiate's conclusion with respect to the alleged conduct.

**Title IX Compliance**

Ayanna Hudson, Director of DEI, coordinates Boston Collegiate's compliance under Title IX, She can be contacted at 617-265-1172, x2132 or at [ahudson@bostoncollegiate.org](mailto:ahudson@bostoncollegiate.org)