



## **TITLE IX GRIEVANCE PROCEDURES**

In compliance with Title IX of the Education Amendments of 1972 (“Title IX”), First State Montessori Academy (the “School”) does not discriminate on the basis of sex in its educational programs and activities, course offerings, financial aid, athletics, or employment.

The School has adopted a Title IX Policy and these Title IX Grievance Procedures which apply to all students, employees, volunteers, independent contractors, vendors, and members of the School community. The Title IX Policy and Grievance Procedures shall apply to conduct that occurs on the School’s campus, at School-sponsored events, and to events on or off campus that have sufficient ties to the School.

The purpose of this document is to outline the steps the School will take to provide the prompt and equitable and reliable resolution of student and employee complaints under the School’s Title IX Policy. These procedures apply only to complaints alleging sex-based discrimination, harassment, and/or violence prohibited by Title IX and as outlined in the School’s Title IX Policy.

### **Sex-Based Harassment**

The School prohibits sex-based harassment by students, employees, or third parties when the conduct is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the School’s educational programs and activities; submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of admission or employment or the basis for an admission or employment decision; or such conduct has the purpose or effect of unreasonably interfering with performance or creating an intimidating, hostile, humiliating, or sexually offensive learning or work environment.

Title IX prohibits several types of sex-based harassment. For the purposes of these grievance procedures, the following definitions apply. Sex-based harassment means unwanted conduct that is related to an individual's sex or the sex of another person. Sexual violence is a form of sex-based harassment and refers to physical sexual acts perpetrated against a person’s will or where an individual is incapable of giving consent (e.g., due to the individual’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Gender-based harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. All of these types of sex-based harassment are forms of sex-based discrimination prohibited by Title IX.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

Sex-based harassment may occur between students, between students and employees, between employees, between students and third parties, and between employees and third parties, regardless of the gender of the victim and harasser.

### **Complaint Process**

All complaints regarding sex-based discrimination, harassment and/or violence experienced by students or employees in violation of Title IX shall be submitted to the School's Compliance Coordinator:

Name: Courtney Fox

Title: Head of School

Address: 1000 N French St Wilmington, DE 19801

Telephone Number: (302)576-1500

Email Address: Courtney.fox@fsma.k12.de.us

#### **Step 1: Reporting Complaints**

Complaints may be reported orally or by submitting the School's Title IX Complaint Form to the Compliance Coordinator. The Title IX Complaint Form may be obtained from the Compliance Coordinator.

The complaint, whether reported orally or in writing, shall contain information that describes the conduct that has allegedly occurred and caused the violation of the School's policy and Title IX prohibitions against sex-based discrimination, harassment, and/or violence and identifies the complainant, respondent(s), and any witnesses to the alleged conduct.

Complaints may be reported by employees or students (or on their behalf) as detailed above. While the School encourages the reporting individual to reveal his or her name to facilitate investigation, complaints reported anonymously will be investigated to the fullest extent possible under the circumstances.

#### Step 2: Determining Applicability of Procedures

Upon receipt of a complaint, the Compliance Coordinator will review the information provided to determine whether the matter falls within the scope of these procedures. Within ten (10) days after receipt of a complaint, the Compliance Coordinator will either begin an investigation or inform the complainant in writing that the conduct alleged in the complaint is not within the scope of these procedures and an investigation will not be conducted. If the matter does not involve allegations of sex-based discrimination, harassment, or violence within the scope of these procedures, the Compliance Coordinator will forward the matter to the appropriate School administrator to handle a review in accordance with applicable School policies and procedures.

#### Step 3: Investigation

If the complaint falls within the scope of these procedures, the Compliance Coordinator will initiate an investigation. The Compliance Coordinator may conduct the investigation or designate other school employees or an external investigator (the "Investigator") to assist with an investigation, as necessary, in his or her sole discretion. The Compliance Coordinator will advise the parties of the name of the Investigator assigned to the complaint. To the extent practicable, the Investigation shall include interviews with all the parties identified in the complaint as well as other witnesses, students, or employees whom the Investigator determines may provide information relevant to addressing the complaint. Both the complainant and respondent(s) will have an opportunity to identify witnesses to be interviewed and provide documentation or other relevant evidence for review by the Investigator.

The Investigator may take any additional actions as necessary to complete the investigation. The Investigator will maintain documentation of all proceedings related to the investigation, which may include, but is not limited to, notes or transcripts from witness interviews, evidence provided by witnesses or involved parties, audio recordings, or written findings of fact.

#### Step 4: Closure of Complaint

The Investigator will provide written notice of the results of the investigation, including the Investigator's findings and conclusions (based on the preponderance of the evidence) supporting the determination, promptly after the complaint is resolved, to the complainant and respondent, and in the case of minor students to their parents/guardians. The written notice shall also advise the parties of their right to appeal an adverse decision to the Compliance Coordinator or the Head of School (or his or her designee).

If the Investigator determines that the preponderance of the evidence supports the allegations of discriminatory conduct, the Investigator, in consultation with the Compliance Coordinator, shall also provide recommendations for: (a) immediately ending the discriminatory conduct; (b) ways to remedy the effects of the discriminatory conduct on the complainant, and if applicable, the School community; and (c) steps to be taken to prevent the recurrence of any discriminatory or harassing conduct found to have occurred.

The School will strive to complete investigations, including issuance of written notice of the Investigator's findings and conclusions to the complainant and respondent, in as timely and efficient a manner as possible within sixty (60) days of receipt of a complaint. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks including summer break, and complexity of the complaint. If an investigation cannot be completed within sixty (60) days of receipt of the complaint, then the Investigator will notify the complainant and respondent of that fact and provide a timeframe for completing the investigation. Both parties will be given periodic updates throughout the investigation process.

#### Step 5: Appeal Rights

Any party not satisfied with the result of a Title IX investigation or the suggested recommendations of the Investigator and/or Compliance Coordinator may submit a written appeal to the Compliance Coordinator (or his or her designee). Appeals shall be decided by the

The written appeal shall state the nature of the disagreement with the result of the investigation, the reasons supporting the appeal, and how the outcome would be changed by reconsideration of the determination. The Head of School (or his or her designee) will consider all issues presented by the appealing complainant, respondent, or their parent/guardian and the relevant documentation. The Head of School (or his or her designee) will issue a written determination within a reasonable timeframe after receipt of the appeal.

#### **Confidentiality**

Confidentiality will be maintained to the greatest extent practicable during the complaint and investigation process. Any information gathered during the investigation will only be shared with those who the Compliance Coordinator determines has a need-to-know, except in limited circumstances, including but not limited to, when the School is required by law to report the information, in order to further an investigation and/or stop a discriminatory practice, or when such disclosure is necessary to protect the health, safety, or well-being of members of the School community.

### **Interim Measures During Complaint Process**

The School will take steps to strive to ensure equal access to its educational programs and activities and protect the complainant as appropriate, including taking interim measures before the final outcome of an investigation, once it has notice of a complaint. The School will notify the complainant of his or her options to avoid contact with the respondent and/or change his or her academic and extracurricular activities, living, transportation, dining, and working situation as appropriate. Other interim measures will be based on the complaint and may be based on a variety of considerations, such as: any specific need expressed by the complainant; the ages of the individuals involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and the respondent share class, transportation, or extra-curricular activities; and whether any other measures have been taken to protect the complainant.

The School will ensure that the complainant is aware of his or her rights under Title IX and any other available resources that may be applicable, such as academic support, counseling, and health and mental health services.

### **Relationship Of These Procedures And Timelines To Law Enforcement Activities**

Though the School has jurisdiction over all Title IX complaints, nothing in these procedures should in any way be deemed to discourage the complainant from reporting acts subject to these procedures, including acts of sexual violence, to local law enforcement.

In the event that an allegation includes behavior or actions that are under review by law enforcement authorities, the school will consider whether continuing its own investigation will interfere with a criminal investigation. The School may defer its investigation to avoid compromising the criminal process, but once it is clear that any such concerns have passed or can be mitigated, the School will promptly resume its investigation.

In the event the School elects to delay temporarily the fact-finding portion of a Title IX investigation while local law enforcement officials are investigating, the School may impose interim measures to protect the complainant during that time. The School will also continue to update the parties on the status of the investigation and inform the parties when the School resumes its Title IX investigation.

### **Right to Additional Complaint Procedures**

The School's Title IX Policy and Grievance Procedures are designed to prevent and address sex-based discrimination, harassment, and violence under Title IX promptly and appropriately. These grievance procedures are not intended to be the exclusive remedy for such violations. School community members, complainants, respondents, and their parents/guardians are

entitled to pursue additional avenues of recourse, which may include reporting or filing charges with appropriate legal, state, and federal agencies, initiating civil action, or reporting perceived criminal conduct to the appropriate authorities, including but not limited to:

U.S. Department of Education Carvel State Office Bldg. 820 N. French St., Wilmington, DE 19801

### **Retaliation**

Retaliation or reprisal by any student or employee against complainants, witnesses, or any other individual who reports allegations of sex-based harassment, discrimination, and/or violence or provides information to assist in an investigation is strictly prohibited. Individuals who believe they have been retaliated against in connection with such action should immediately report such conduct to the Compliance Coordinator.

### **Disciplinary Action**

The Compliance Coordinator will refer the matter to the Head of School (or his or her designee) to administer or initiate disciplinary action against anyone found to have engaged in discriminatory conduct or retaliation in connection with an investigation under these procedures. The School recognizes that false accusations, especially of sex-based harassment, discrimination, and/or violence may have serious effects on innocent persons. Any individual found to have made false accusations of sex-based harassment, discrimination, and/or violence may also be subject to appropriate disciplinary action.