**STUDENT DISCIPLINE**

The Imboden Area Charter School Board of Education has a responsibility to protect the health, safety, and welfare of the school’s students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs:

* At any time on the school grounds;
* Off school grounds at a school sponsored function, activity, or event; and
* Going to and from school or a school activity.

The Director may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to a felony or an act that would be considered a felony if committed by an adult, an assault or battery, drug law violations, or sexual misconduct of a serious nature. Any disciplinary action pursued by the school shall be in accordance with the student’s appropriate due process rights.

The School shall incorporate the School’s implementation of positive behavioral supports in accordance with Policy 4.60 in the application of student discipline.

The school’s Director and staff shall annually review the School’s student discipline policies, including State and School student discipline data, and may recommend changes in the policies to the Imboden Area Charter School Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

The School’s student discipline policies shall be distributed to each student during the first week of school each year and to new students upon their enrollment. Each student’s parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall sign and return to the school an acknowledgment form documenting that they have received the policies.

The School shall develop and provide programs, measures, or alternative means and methods for continued student engagement and educational access during periods of suspension or expulsion.

The Director is authorized to modify the penalties set forth in the School’s student discipline policies on a case-by-case basis.

It is required by law that the Director report to the police any incidents the person has personal knowledge of or has received information leading to a reasonable belief that a person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision. If the person making the report is not the Director, that person shall also inform the Director of the incident. Additionally, Director shall inform any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The Director shall inform the Board of Directors of any such report made to law enforcement.

The Director shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation: the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

**PROHIBITED CONDUCT**

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices on the school campus during normal school hours unless specifically exempted by the Director for health or other compelling reasons.
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, sexual orientation, gender identity, or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student.
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, “throwing signs” or other gestures associated with gangs are prohibited;
21. Sexual harassment;
22. Bullying;
23. Operating a vehicle on school grounds while using a wireless communication device;
24. Theft of another individual’s personal property.

The Board directs the Director to develop implementation regulations for prohibited student conduct consistent with applicable Board policy, State and Federal laws, and judicial decisions.

**DISRUPTION OF SCHOOL**

No student shall, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process, or function of the school, or engage in any such conduct for the purpose of causing disruption or obstruction of any lawful mission, process, or function. Nor shall any student encourage any other student to engage in such activities.

Disorderly activities by any student or group of students that adversely affect the school’s orderly educational environment shall not be tolerated at any time on school grounds. Teachers may remove from class and send to the Director’s office a student whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher’s ability to teach the students, the class, or with the ability of the student’s classmates to learn. Students who refuse to leave the classroom voluntarily will be escorted from the classroom by the Director.

Consequences for repeated disruption are as follows:

Minimum Consequences: Parent Call

Maximum Consequences: Expulsion

**STUDENT ASSAULT OR BATTERY**

A student shall not threaten, physically abuse, or attempt to physically abuse, or behave in such a way as to be perceived to threaten bodily harm to any other person (student, school employee, or school visitor). Any gestures, vulgar, abusive or insulting language, taunting, threatening, harassing, or intimidating remarks by a student toward another person that threatens their well-being is strictly forbidden. This includes, but is not limited to, fighting, racial, ethnic, religious, or sexual slurs.

Furthermore, it is unlawful, during regular school hours, and in a place where a public school employee is required to be in the course of his or her duties, for any person to address a public school employee using language which, in its common acceptation, is calculated to:

1. Cause a breach of the peace;
2. Materially and substantially interfere with the operation of the school;
3. Arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.

Students guilty of such an offense may be subject to legal proceedings in addition to any student disciplinary measures.

Consequences for assault or battery are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

**WEAPONS AND**

**DANGEROUS INSTRUMENTS**

No student shall possess a weapon, display what appears to be a weapon, or threaten to use a weapon while in school, on or about school property, before or after school, in attendance at school or any school sponsored activity, en route to or from school or any school sponsored activity, off the school grounds at any school bus stop, or at any school sponsored activity or event. Military personnel, such as ROTC cadets, acting in the course of their official duties are exempted.

A weapon is defined as any firearm; knife; razor; ice pick; dirk; box cutter; nun chucks; pepper spray or other noxious spray; explosive; Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or any other instrument or substance capable of causing bodily harm. For the purposes of this policy, “firearm” means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

Possession means having a weapon, as defined in this policy, on the student’s body or in an area under his/her control. If, a student discovers prior to any questioning or search by any school personnel that he/she has accidentally brought a weapon, other than a firearm, to school on his/her person, in a bookbag/purse, or in his/her vehicle on school grounds, and the student informs the Director immediately, the student will not be considered to be in possession of a weapon unless it is a firearm. The weapon shall be confiscated and held in the office until such time as the student’s parent/legal guardian shall pick up the weapon from the school’s office. Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of not less than one year. The Director shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by the school that include the use of firearms. Such activities may include ROTC programs, hunting safety or military education, or before- or after-school hunting or rifle clubs. Firearms brought to school for such purposes shall be brought to the Director. The Director shall store the firearms in a secure location until they are removed for use in the approved activity.

The school shall report any student who brings a firearm to school to the criminal justice system or juvenile delinquency system by notifying local law enforcement.

Consequences for weapons possession are as follows:

Minimum Consequence: Call to police, parent call

Maximum Consequence: One year expulsion

**TOBACCO, ELECTRONIC NICOTINE DELIVERY SYSTEMS, AND RELATED PRODUCTS**

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by the school, including school buses owned or leased by the school, is prohibited. Students who violate this policy may be subject to legal proceedings in addition to student disciplinary measures.

With the exception of recognized tobacco cessation products, this policy’s prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other name or descriptor.

Consequences for possessing tobacco are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

**LASER POINTERS**

Students shall not possess any hand held laser pointer while in school; on or about school property, before or after school; in attendance at school or any school-sponsored activity; en route to or from school or any school-sponsored activity; off the school grounds at any school bus stop or at any school-sponsored activity or event. School personnel shall seize any laser pointer from the student possessing it and the student may reclaim it at the close of the school year, or when the student is no longer enrolled in the school.

**DRUGS AND ALCOHOL**

An orderly and safe school environment that is conducive to promoting student achievement requires a student population free from the deleterious effects of alcohol and drugs. Their use is illegal, disruptive to the educational environment, and diminishes the capacity of students to learn and function properly in our schools.

Therefore, no student in the Imboden Area Charter School shall possess, attempt to possess, consume, use, distribute, sell, buy, attempt to sell, attempt to buy, give to any person, or be under the influence of any substance as defined in this policy, or what the student represents or believes to be any substance as defined in this policy. This policy applies to any student who; is on or about school property; is in attendance at school or any school sponsored activity; has left the school campus for any reason and returns to the campus; is en route to or from school or any school sponsored activity.

Prohibited substances shall include, but are not limited to: alcohol, or any alcoholic beverage; inhalants or any ingestible matter that alter a student’s ability to act, think, or respond; LSD, or any other hallucinogen; marijuana, cocaine, heroin, or any other narcotic drug; PCP; amphetamines; steroids; “designer drugs;” look-alike drugs; or any controlled substance.

The sale, distribution, or attempted sale or distribution of over-the-counter (OTC) medications, dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited. The possession or use of OTC medications dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited except as permitted under Policy 4.35 – STUDENT MEDICATIONS.

Consequences for possession of drugs are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

**GANGS AND GANG ACTIVITY**

The Board is committed to ensuring a safe school environment conducive to promoting a learning environment where students and staff can excel. An orderly environment cannot exist where unlawful acts occur causing fear, intimidation, or physical harm to students or school staff. Gangs and their activities create such an atmosphere and shall not be allowed on school grounds or at school functions.

The following actions are prohibited by students on school property or at school functions:

1. Wearing or possessing any clothing, bandanas, jewelry, symbol, or other sign associated with membership in, or representative of, any gang;
2. Engaging in any verbal or nonverbal act such as throwing signs, gestures, or handshakes representative of membership in any gang;
3. Recruiting, soliciting, or encouraging any person through duress or intimidation to become or remain a member of any gang; and/or
4. Extorting payment from any individual in return for protection from harm from any gang.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion.

Students arrested for gang related activities occurring off school grounds shall be subject to the same disciplinary actions as if they had occurred on school grounds.

Consequences for gang activity are as follows:

Minimum Consequence: Parent call, exclusion from privileges and 1-3 days out-of-school suspension

Maximum Consequence: Expulsion

**STUDENT SEXUAL HARASSAMENT**

The Imboden Area Charter School is committed to providing an academic environment that treats all students with respect and dignity. Student achievement is best attained in an atmosphere of equal educational opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.

The School believes the best policy to create an educational environment free from sexual harassment is prevention; therefore, the School shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

* the nature of sexual harassment;
* The School’s written procedures governing the formal complaint grievance process;
* The process for submitting a formal complaint of sexual harassment;
* That the district does not tolerate sexual harassment;
* That students can report inappropriate behavior of a sexual nature without fear of adverse consequences;
* The supports that are available to individuals suffering sexual harassment; and
* The potential discipline for perpetrating sexual harassment.

**Definitions**

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Education program or activity” includes locations, events, or circumstances where the School exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A School employee:
2. Conditions the provision of an aid, benefit, or service of the School on an individual’s participation in sexual conduct; or
3. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;
4. The conduct is:
5. Unwelcome; and
6. 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; or
7. Constitutes:
8. Sexual assault;
9. Dating violence
10. Domestic violence; or
11. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or made available to the respondent designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the School’s educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; and non-employees and students.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

* Making sexual propositions or pressuring for sexual activities;
* Unwelcome touching;
* Writing graffiti of a sexual nature;
* Displaying or distributing sexually explicit drawings, pictures, or written materials;
* Performing sexual gestures or touching oneself sexually in front of others;
* Telling sexual or crude jokes;
* Spreading rumors related to a person’s alleged sexual activities;
* Discussions of sexual experiences;
* Rating other students or employees as to sexual activity or performance;
* Circulating or showing e-mails or Web sites of a sexual nature;
* Intimidation by words, actions, insults, or name calling; and
* Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual or transgender.

Students who believe they have been subjected to sexual harassment, or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sexual harassment, are encouraged to bring their concerns to **any** School staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the School staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the School staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another School staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

* Discuss the availability of supportive measures;
* Consider the complainant’s wishes with respect to supportive measures;
* Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
* explain to the complainant the process for filing a formal complaint.

**Supportive Measures**

The School shall offer supportive measures to the complainant and make supportive measures available to the respondent that are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The School shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the School’s offer of supportive measures may request supportive measures at a later time and the School shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

**Formal Complaint**

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

* Notice of the School’s grievance process and a copy of the procedures governing the grievance process;
* Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
* The identities of the parties involved in the incident, if known;
* The conduct allegedly constituting sexual harassment; and
* The date and location of the alleged incident, if known;
* 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 process;
* That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
* That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
* That the School’s code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the School shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the School has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a School shall:

* Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties;
* Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the School obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
* Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
* Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
* Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
* Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
* Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
* Whether obtained from a party or other source,;
* The School does not intend to rely upon in reaching a determination regarding responsibility; and
* That is either Inculpatory or exculpatory; and
* Create an investigative report that fairly summarizes relevant evidence.

At least ten (10) days prior to completion of the investigative report, the School shall send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10) days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties’ inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

* Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
* Provide each party with the answers;
* Allow for additional, limited follow-up questions from each party; and
* Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, 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 that 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.

No earlier that ten (10) days following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
3. Any notifications to the parties;
4. Interviews with parties and witnesses;
5. site visits;
6. Methods used to gather other evidence,; and
7. Hearings held;
8. Findings of fact supporting the determination;
9. Conclusions regarding the application of the School’s code of conduct to the facts;
10. A statement of, and rationale for, the result as to each allegation, including:
11. A determination regarding responsibility;
12. Any disciplinary sanctions imposed on the respondent; and
13. Whether remedies designed to restore or preserve equal access to the School’s education program or activity will be provided by the School to the complainant; and
14. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

* If an appeal is not filed, the day after the period for an appeal to be filed expires; or
* If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The School shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the School’s education program or activity; or did not occur against a person in the United States, then the School shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the School’s code of conduct.

The School may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

* The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
* The respondent is no longer enrolled at the School; or
* Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the School shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The School may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

**Appeals**

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

1. The existence of a procedural irregularity that affected the outcome of the matter;
2. Discovery of 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;
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the School shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously Provide all parties a written copy of the School’s procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

**Confidentiality**

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

* individuals who are responsible for handling the School’s investigation and determination of responsibility to the extent necessary to complete the School’s grievance process;
* Submit a report to the child maltreatment hotline;
* Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
* The extent necessary to provide either party due process during the grievance process.

Except as listed above, the School shall keep confidential the identity of:

* Any individual who has made a report or complaint of sex discrimination;
* Any individual who has made a report or filed a formal complaint of sexual harassment;
* Any complainant;
* Any individual who has been reported to be the perpetrator of sex discrimination;
* Any respondent; and
* Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the School to provide the supportive measures.

**Emergency removal**

The School may remove a respondent from the School’s education program or activity on an emergency basis only after the completion of an individualized safety and risk analysis that determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A removed student will be provided with notice and an opportunity to challenge the removal decision immediately following the removal.

**Retaliation Prohibited**

Students, or the parents/legal guardians/ other responsible adult of a student, who submit a report or file a formal complaint of sexual harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The School shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by School officials, students, or third parties.

**Disciplinary Sanctions**

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the School’s grievance process, any student who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Students who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including expulsion. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

**Records**

The School shall maintain the following records for a minimum of seven (7) years:

* Each sexual harassment investigation including:
* Any determination regarding responsibility;
* any disciplinary sanctions imposed on the respondent;
* Any remedies provided to the complainant designed to restore or preserve equal access to the School’s education program or activity;
* Any appeal and the result therefrom;
* All materials used to train Title IX Coordinators, investigators, and decision-makers;
* Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
* The basis for the School’s conclusion that its response was not deliberately indifferent; and
* Document:
* If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the School’s education program or activity; or
* If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.