

Title IX Grievance Policy

I. Title IX Policy Statement

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance. Specifically, Title IX provides in part that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .” As such, Raleigh Charter High School (“RCHS”) shall not on the basis of sex, exclude from participation in, deny the benefits of, or subject any person to discrimination under any RCHS program or activity.

In providing any aid, benefit, or service to a student, Title IX also prohibits RCHS from doing any of the following on the basis of sex.

- A. Treating one person differently from another in determining whether such person satisfies any requirement or condition for the provision of any aid, benefit, or service RCHS proposes;
- B. Providing different aid, benefits, or services or providing aid, benefits, or services in a different manner;
- C. Denying any person any such aid, benefit, or service;
- D. Subjecting any person to separate or different rules of behavior, sanctions, or other treatment;
- E. Applying any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- F. Aiding or perpetuating discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- G. Otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity; and
- H. Treating complainant or respondent equitably in response to a formal complaint.

II. Definitions

- A. Actual knowledge – Notice of sexual harassment or allegations of sexual harassment to RCHS Title IX Coordinator or to any employee of RCHS.
- B. Complainant – An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- C. Education program or activity - Includes locations, events, or circumstances over which RCHS exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

- D. Formal complaint – A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that RCHS investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of RCHS.
- E. Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- F. Sexual harassment – conduct on the basis of sex that satisfies one or more of the following:
 1. A RCHS employee conditioning the provision of an aid, benefit, or service of RCHS on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to RCHS' education program or activity; or
 3. "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\(a\)\(30\)](#).
- G. Supportive measures – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to RCHS' education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or RCHS' educational environment, or deter sexual harassment.

III. Response to Sexual Harassment

If RCHS' Title IX Coordinator or any employee has actual knowledge of sexual harassment in any RCHS education program or activity against a person in the United States, RCHS must respond promptly in a manner that is not deliberately indifferent. RCHS would be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. All employees are responsible for immediately reporting allegations of Title IX violations to the Title IX Coordinator.

The Title IX Coordinator must promptly 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. All communications between RCHS and the parties and advisors in a Title IX Complaint shall go through

the Title IX Coordinator. The Title IX Coordinator shall be responsible for providing communications to the necessary parties within 24 hours of receipt.

IV. Grievance Process

- A. During the grievance process, RCHS shall treat complainants and respondents equitably by providing remedies to a complainant when there is a determination of responsibility for sexual harassment, and by following this grievance process before imposing disciplinary sanctions against respondent.
- B. RCHS shall objectively evaluate all relevant evidence and avoid making credibility determinations based on a person's status as a complainant, respondent, or witness. The Title IX Coordinator, any investigators, decision-makers, or any person facilitating an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- C. RCHS shall ensure that the Title IX Coordinator, investigators, decision-makers, and any person who facilitates the informal resolution process, receive training on the definition of sexual harassment in Title IX, the scope of RCHS' education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- D. RCHS shall ensure that decision-makers receive training on issues of relevance of questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.
- E. RCHS shall ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Title IX.
- F. RCHS shall also ensure that the materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates the informal resolution process do not rely on sex stereotypes and shall promote impartial investigations and resolution of formal complaints of sexual harassment. Unless a determination regarding responsibility is made at the conclusion of the grievance process, the respondent is presumed not responsible for the alleged conduct constituting sexual harassment. When making a determination regarding responsibility, RCHS shall use the preponderance of the evidence standard.
- G. Process After Receipt of a Formal Complaint

1. Once the complainant submits a formal complaint, within (3) three business days of receipt of the written complaint, RCHS shall include the following information in the written notice to the known parties.
 - a. Notice of RCHS' grievance process and informal resolution process.
 - b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in Title IX. The notice of allegations shall include sufficient details known at the time. The notice of allegations shall be provided 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 specific conduct allegedly constituting sexual harassment under Title IX, and the date and location of the alleged incident, if known. General, nonspecific facts are not sufficient for the written notice.
 - c. The written notice must include 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. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
 - d. The written notice shall notify the parties of their right to inspect and review evidence.
 - e. If during the investigation, RCHS decides to investigate allegations that were not included in the written notice, RCHS shall provide an amended written notice that includes the additional allegations to the known parties.
2. RCHS has the authority to consolidate formal complaints about sexual harassment against more than one respondent; by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.
3. RCHS shall investigate the allegations in a formal complaint, unless the formal complaint is dismissed for one of the following reasons.
 - a. Even if the alleged conduct is true, if the alleged conduct does not meet the definition of sexual harassment as defined in Title IX, RCHS shall dismiss the formal complaint with regard to that specific conduct.
 - b. If the alleged conduct did not occur in a RCHS program or activity as defined above, RCHS shall dismiss the formal complaint with regard to the specific conduct that did not occur in a RCHS program or activity.
 - c. If the alleged conduct did not occur against a person in the United States, RCHS shall dismiss the formal complaint.
 - d. If a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or withdraw any specific allegations in the formal complaint, RCHS has the discretion to dismiss the Title IX formal complaint.
 - e. If the respondent is no longer enrolled or employed at RCHS, RCHS has the discretion to dismiss the Title IX formal complaint.

- f. If specific circumstances prevent RCHS from gathering evidence sufficient to reach a determination as to the formal complaint or the allegations in the formal complaint, RCHS has the discretion to dismiss the Title IX formal complaint.
4. Upon dismissal based on one of the above factors, RCHS shall promptly provide written notice of the dismissal with the rationale simultaneously to the parties.

H. Informal Resolution Process

1. If a formal complaint is filed, RCHS offers the opportunity for the parties to participate in an informal resolution process based on the following requirements.
 - a. Respondent is willing to accept responsibility for each allegation in the formal complaint or respondent is amenable to a mutually agreeable outcome without accepting responsibility for any allegation.
 - b. Both parties voluntarily provide written consent to the informal resolution process.
2. RCHS will facilitate an informal resolution process at any time prior to reaching a determination regarding responsibility. Either party has the right to provide written notice of withdrawal from the informal resolution process at any time prior to a written resolution. Withdrawal from the resolution process will result in the grievance procedure being resumed.
3. This informal resolution process provides an alternative to the full investigation and adjudication of the formal complaint.
4. RCHS will use an agreement-based resolution. An agreement-based resolution is a proposed agreement that is fully formed from a party or from RCHS that provides an outcome agreeable to both parties that would resolve the formal complaint.
5. If the parties agree to a written resolution, the parties are precluded from bringing a formal complaint arising from the same allegations that are the subject of the written resolution.
6. RCHS shall provide ten (10) business days from the latest date that either party provided written consent to the informal resolution process to agree to a written resolution. If the parties are not able to agree to a written resolution within ten (10) business days, RCHS shall resume the grievance process.

I. Investigation of a Formal Complaint

1. Throughout the investigation of a formal complaint and throughout the grievance process, RCHS shall ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination on responsibility rests on RCHS and not on the parties.
2. RCHS shall provide an equal opportunity for the parties to present witnesses, including expert witnesses and other evidence suggesting or implying responsibility as well as evidence suggesting that respondent is not responsible.
3. RCHS shall not restrict the ability of either party to discuss allegations under investigation or to gather and present relevant evidence.
4. RCHS shall allow the parties the same opportunity to have others present during any grievance proceeding. The parties are allowed to be accompanied by an advisor of their choice to any meeting or investigative interview where the party is invited. The advisor also has the right to inspect and review any evidence related to the formal complaint. During any meeting or investigative interview, advisors are limited to advising the party to which the advisor is advising and is not permitted to speak for the party to which the advisor is advising.
5. RCHS shall provide written notice of the date, time, location, participants, and purpose of all meetings or investigative interviews to which either party is invited. The written notice must be provided to the parties with sufficient time for the parties to prepare to participate.
6. RCHS shall 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 a formal complaint. RCHS shall provide evidence upon which RCHS does not intend to rely in reaching a determination regarding responsibility. RCHS shall also provide both parties an equal opportunity to inspect and review any evidence suggesting or implying responsibility as well as evidence suggesting that respondent is not responsible so that both parties can meaningfully respond to the evidence prior to the conclusion of the investigation.
7. Before the investigation report is complete, RCHS shall send to each party and to each party's advisor the evidence subject to review in an electronic format or via hard copy.
 - a. Each party shall have ten (10) calendar days to submit a written response to the evidence. The parties shall submit any written response to the Title IX Coordinator.
 - b. The investigator shall consider timely received written responses to the evidence before completing the investigation report.

8. The investigation report shall fairly summarize relevant evidence. The Title IX Coordinator shall send the investigation report in an electronic format or via hard copy to each party and to each party's advisor.
 - a. The Title IX Coordinator shall send the investigation report at least ten (10) business days prior to completion of the written determination regarding responsibility.
 - b. Both parties shall be permitted to provide a written response to the Investigation Report to the Title IX Coordinator within ten (10) calendar days of receiving the investigation report.

J. Written Determination Regarding Responsibility

1. The decision-maker, who cannot be the same person(s) as the Title IX Coordinator or Investigator(s) shall issue a written determination regarding responsibility using the preponderance of the evidence standard.
2. Before reaching a determination regarding responsibility, the decision-maker shall afford 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, and allow for additional, limited follow-up questions from each party.
 - a. The parties shall submit initial questions to the Title IX Coordinator within fifteen (15) calendar days of receiving the Investigation Report. The parties shall specify the individual to which each question is directed.
 - b. Parties and witnesses shall provide answers to the question(s) to the Title IX Coordinator within three (3) business days of receiving the question(s).
 - c. Parties shall have two (2) business days from receipt of the responses to submit follow-up questions to the Title IX Coordinator. Follow-up questions shall be limited to questions related to the answers received from the questions raised in the initial set of questions. Any follow-up questions not related to the answers received from the questions raised in the initial set of questions will not be submitted for an answer.
 - d. Parties and witnesses shall provide answers to the follow-up question(s) to the Title IX Coordinator within three (3) business days of receiving the question(s).
 - e. This question and answer period shall not exceed ten (10) business days from the date the Title IX Coordinator received the parties' question(s).
3. Questions and evidence about complainant's sexual predisposition or previous sexual behavior are not relevant except under the following circumstances.
 - a. The 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.
 - b. 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.

4. If the decision-maker excludes a question for lack of relevance, the decision-maker(s) shall explain to the party proposing the questions any decision to exclude a question as not relevant. The decision-maker shall provide the explanation to exclude a question in writing within five (5) business days of receiving the question from the party.
5. The written determination regarding responsibility shall include all of the following.
 - a. Identification of each allegation potentially constituting sexual harassment as defined above;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of RCHS' code of conduct to the facts;
 - e. A statement of, and rationale for, the result as to each allegation;
 - f. A determination regarding responsibility for each allegation;
 - g. Disciplinary sanctions RCHS imposes on the respondent;
 - h. Whether remedies designed to restore or preserve equal access to RCHS' education program or activity will be provided by RCHS to the complainant; and
 - i. A copy of RCHS' Title IX Appeal policy.
6. The Title IX Coordinator shall provide the written determination to the parties simultaneously.
7. The determination regarding responsibility is final when neither of the parties have submitted a timely appeal or when the written determination on appeal is provided to the parties after remand, if any. If there is no remand, then the determination regarding responsibility is final when the written determination is provided to the parties.

K. Timeline for Completion of Formal Complaint Resolution

RCHS shall endeavor to complete the Title IX grievance process within forty-five (45) business days after a formal complaint is filed using the following reasonably prompt time frames as a guide for completing the Title IX grievance process. Requests for informal resolution may delay completion of the Title IX grievance process within forty-five (45) business days. Completion of the Title IX grievance may also be delayed for good cause with written notice of the delay and the rationale for the delay being submitted to both parties.

Day 1-3	Day 4-18	Day 19-21	Day 22-34	Day 35-55
Title IX Coordinator receives formal complaint, provides written notice to	<u>Day 4-7:</u> Investigator gathers statements, video footage, email	Investigator completes investigation report after considering	<u>Day 22-32:</u> Parties are permitted to ask questions to each	<u>Day 35-45:</u> Either party can appeal the decision.

<p>parties, and offers supportive measures, implements supportive measures, and alerts Investigator(s).</p>	<p>exchanges, other evidence etc. and shares with parties and advisors.</p> <p><u>Day 8 -18:</u> Parties have ten calendar (10) days to review the evidence and provide written statements. Investigator is working on investigation report.</p>	<p>written response to the evidence.</p> <p>Completed investigation report is shared with the parties and advisors via Title IX Coordinator. Decision-maker receives a copy as well.</p>	<p>other and respond. Allow 10 business days from submission of questions for this process. Decision-maker is working on written determination.</p> <p><u>Day 32-34:</u> Complete the Written Determination after considering investigation report, written responses to investigation report, and the questions and answers. Send written determination to both parties via the Title IX Coordinator. A copy shall also be provided to the Head of School, and Executive Director.</p>	<p><u>Day 46-55</u> If appealed, the case will then be reviewed by the Board of Directors, and the Board of Directors will issue a written decision describing the result.</p>
-------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

L. Emergency Removal

RGHS is permitted to remove a respondent from RGHS' education program or activity on an emergency basis under the following conditions.

1. RGHS undertakes an individualized safety and risk analysis;
2. RGHS 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; and
3. RGHS provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

M. Title IX Appeal Policy

The RCHS Board of Directors (“Board”) shall offer both the complainant and the respondent (“the parties”) the opportunity to appeal the determination regarding responsibility in a Title IX case. The Board shall serve as the appellate body in Title IX cases. When an appeal is filed, RCHS shall provide written notice to the other party that an appeal has been filed. The following appeal procedures shall apply.

1. RCHS shall only allow the parties to appeal the following:
 - a. A determination regarding responsibility;
 - b. RCHS’ dismissal of a formal complaint; and
 - c. RCHS’ dismissal of any allegations in the formal complaint.
2. RCHS shall only allow the parties to appeal on one or more of the following bases:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the parties generally or against individual complainant(s) or individual respondent(s).
3. Appeals not based upon one or more of the bases identified above in Paragraph IV.M.2. will be dismissed.
4. The parties shall provide information to support each basis for appeal identified. Simply listing the appeal basis without any information to support the basis will result in the appeal being dismissed.
5. The RCHS Principal shall have the authority to dismiss any appeals that do not meet the requirements of Paragraphs IV.M.1 and IV.M.2 above.
6. The parties shall have ten (10) business days from receipt of the written determination regarding responsibility to file an appeal. The appeal must be in writing to the Title IX Coordinator with a copy to the Principal and the Decision-Maker. Failure to file an appeal within ten (10) business days following receipt of the written determination regarding responsibility will result in the determination regarding responsibility being final. The non-appealing party shall have the right to submit a written statement in support of the determination of responsibility to the decision-maker with a copy to the Executive Director and the Title IX Coordinator within ten (10) days of receipt of the written determination regarding responsibility.
7. The Board shall have ten (10) business days after receipt of the appeal to meet to consider the appeal.

- a. If both parties appeal and submit their appeals on different dates within the ten (10) day time frame for filing an appeal, the Board may consolidate the consideration of both appeals.
 - b. Notwithstanding Paragraph IV.M.6 above, the Board is authorized to consider both appeals within ten (10) business days after receipt of the latest filed appeal.
 - c. The Board shall have the authority to waive the ten (10) day requirement in Paragraph IV.M.7 only to extend the time that the Board can meet to consider the appeal(s). The Board shall only waive the ten (10) day requirement in Paragraph IV.M.7 based on unexpected circumstances warranting an extension of time or to promote fairness towards one or more of the parties.
8. The Board shall review the formal complaint, the investigation report, any written responses from the parties, the written determination regarding responsibility, information provided in support of the appeal and written information submitted by the non-appealing party in support of the determination regarding responsibility. Using a preponderance of the evidence standard, the Board shall take into consideration all of the documents reviewed and evaluate each factor identified by either party to determine whether there is sufficient evidence to overturn the written decision regarding responsibility. After consideration, the Board shall adopt, modify, overturn the determination regarding responsibility, or remand the case back to the Administration with specific instructions on what to address.
9. Within ten (10) business days of the Board's consideration of the appeal(s), the Board will simultaneously provide the parties with a written decision specifying whether the Board adopted, modified, overturned, or remanded the determination regarding responsibility. The written decision shall provide the rationale for the Board's decision.
10. If the Board remands the determination regarding responsibility back to the RCHS Administration, within ten (10) business days of the written decision, the Administration shall determine a timeline for addressing the areas specified in the remand and communicate that timeline to the parties.

Adopted: August 28, 2023