

**Baystate Academy Charter Public School
Title IX Policy**

A. Purpose

This Policy is established by Baystate Academy in adherence with Title IX of the Education Amendments of 1972 (“Title IX”) and all applicable Massachusetts statutes and regulations. Title IX prohibits Baystate Academy from discriminating on the basis of sex (including sexual harassment and sexual violence) in all facets of its educational programs and activities.

This Policy applies equally to all of Baystate Academy’s students, employees, authorized volunteers, parents, and other members of the Baystate Academy community. This Policy applies to conduct at school, at school events, and away from school in all other instances when Baystate Academy has a duty to investigate.

B. Notice of Non-Discrimination

Baystate Academy does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran, genetic information, or marital status in the delivery of its education programs and activities, and indeed, Baystate Academy is required pursuant to Title IX not to discriminate in such a manner. If any member of the Baystate Academy community has any questions or concerns with respect to this Policy and/or Title IX, he/she may contact Baystate Academy’s Title IX Coordinator and/or the Department of Education’s, Office of Civil Rights. Baystate Academy’s Title IX Coordinator is identified within this Policy and shall be available to answer all questions concerning this Policy.

Baystate Academy policy of non-discrimination in its educational programs and activities extends to employment and admission considerations.

C. Definitions

At School: In a classroom, all school common areas, on or immediately adjacent to school premises, on school property, on a school bus or other school-related vehicle, at a school bus stop, or at any school-sponsored or school-related activity or event whether or not it is on school grounds.

Authorized Volunteer: Any person who 1) is not employed by the school, 2) does not receive any compensation from the school, 3) has undergone school-required criminal background checks, and 4) is permitted to provide services approved by Baystate Academy to the community, including students, employees, and other partners.

Away from School: Any location not defined above as “at school.”

Bystander: Someone who is aware of behavior or conduct “at school” in violation of or reasonably believed to be in violation of this Policy, including sexual violence and/or sexual harassment

Complainant: Person who is alleged to be the victim of conduct that could constitute sexual harassment. For students under the age of majority, parent and legal guardians have the legal right to act on behalf of the student complainant in Title IX matters.

Formal

Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school 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 the school with which the formal complaint is filed. A document filed by a complainant is a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Perpetrator: Person who uses either bullying, as defined in the Massachusetts Anti-Bullying Law or sexual violence, or sexual harassment to establish and maintain power and control over the target of their behavior

Respondent: Person who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Sexual Assault: Includes behaviors that are attempted or perpetrated against a victim’s will or when a victim cannot consent because of age, intellectual disability, or any other disability precluding the victim from forming consent. Sexual assault may involve, but is not limited to, actual or threatened physical force, use of weapons, coercion, intimidation or pressure, intentional touching of someone in ways that are unwanted, voyeurism, exhibitionism, exposure to pornography, and/or public displays of images that were taken in a private context or when the victim was unaware.

Sexual Harassment: Includes, but is not limited to, degrading remarks, gestures, jokes, notes, graffiti, and spreading rumors to indecent exposure, being touched, grabbed, pinched, or brushed against in a sexual way.

Sexual Harassment of a Student by a Baystate Academy Employee

Sexual harassment of a student by a Baystate Academy employee includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

A Baystate Academy employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct, or;

The conduct is of the type that reasonable person would determine is so severe, persistent, pervasive, and objectionably offensive that it affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or; creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Harassment of a Student (Including Harassment by Another Student)

Includes, but is not limited to, unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is of the type that a reasonable person would determine is severe, persistent, pervasive, and objectionably offensive.

Sexual Harassment of a Baystate Academy Employee or Authorized Volunteer

Baystate Academy adopts the definitions and conditions set forth in Baystate Academy's employee sexual harassment policy as defined under governing RI law.

Sexual Violence:

Includes, but is not limited to, isolated/individual instances of sexual misconduct and/or aggression, sexual harassment, sexual assault, and/or rape. In cases of sexual violence, the perpetrator may be a stranger, acquaintance, friend, family member, or partner.

Sexual Violence Perpetrated Against a Student

Sexual violence perpetrated against a Baystate Academy student, regardless of the perpetrator, includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

The student is caused to reasonably believe that he/she must submit to the conduct in order to participate in a school program or activity, or that a perpetrator will make an educational and/or school-related decision based on whether or not the student submits to the conduct.

Conduct constituting "sexual violence" need not be repetitive, persistent, or pervasive such that it affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or; creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Violence Perpetrated Against a Baystate Academy Employee or Authorized Volunteer

Baystate Academy adopts the definitions and conditions as defined under governing RI law.

- Supportive Measures:** Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
- Victim:** The target of the perpetrator's sexual violence and/or sexual harassment.
- Witness:** Someone whose awareness of sexual violence compels them to intervene and/or seek help on behalf of the victim.

D. Title IX Coordinator

The Title IX Coordinator's responsibilities shall include, but are not limited to:

- Coordinating Baystate Academy's compliance with Title IX, including Baystate Academy's grievance procedures for resolving Title IX Complaints;
- Drafting and publicizing procedures for reporting possible Title IX violations;
- Overseeing Baystate Academy prevention of and response to Title IX reports and complaints;
- Ensuring fair, equitable, and prompt resolution of complaints;
- Providing the complainant with the availability for supportive measures, considering the complainant's wishes with respect to supportive measures, informing the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explaining to the complainant the process for filing a formal complaint;
- Identifying and addressing any patterns or systemic problems revealed by such reports and complaints;
- Providing confidential (to the extent possible) written reports to the Executive Director and the Board of Directors as requested, but at least once every 4 months. Reports shall be kept in a separate and secure Title IX file;
- Providing training to Baystate Academy's employees, authorized volunteers, and other members of the Baystate Academy community with respect to Title IX and Baystate Academy's implementation of this Policy.

The Title IX Coordinator shall understand and have knowledge of the Title IX requirements and Baystate Academy's own policies and procedures on sex discrimination, anti-bullying, anti-retaliation, school place violence, and sexual

harassment. Baystate Academy shall require that the Title IX Coordinator, as well as investigators and adjudicators, be free of any conflict of interest or bias for or against complainants or respondents, generally, or an individual complainant or respondent. Any training materials for Title IX Coordinators, investigators, adjudicators, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Each and every report or complaint filed with Baystate Academy pursuant to Title IX or reasonably related to Title IX must be provided to the Title IX Coordinator to achieve his/her mission.

Effective upon adoption of this Policy by the Board of Directors, the Title IX Coordinator shall be Timothy Sneed, 2001 Roosevelt Ave. Springfield, MA 01104, 413-366-5103, tsneed@bacps.net.

E. Sexual Violence and Sexual Harassment

Sexual harassment and sexual violence are prohibited and will not be tolerated. Baystate Academy expressly prohibits sexual harassment and sexual violence at school or by a student to another student; a student or by a member of the staff; and/or of or by any other person who is any way associated with Baystate Academy. This Policy also prohibits sexual harassment and/or sexual violence by and among Baystate Academy employees and authorized volunteers. To this end, Baystate Academy commits its staff to the implementation of a comprehensive and preventive approach that addresses the underlying reasons for this behavior and helps to create a better school community that supports learning and teaching for students and adults.

F. Grievance Procedure

To facilitate the prompt and equitable resolution of any and all Title IX complaints, Baystate Academy adopts the following grievance process. For the purpose of Title IX complaints and investigations, Baystate Academy will apply a [preponderance of the evidence OR clear and convincing standard of review. Complainants may choose to submit a written grievance to Baystate Academy Title IX Coordinator using the Title IX grievance form included as Appendix A of this Policy. Baystate Academy shall respond to all Title IX complaints promptly and in a manner that is not deliberately indifferent, that is, in a way that is not clearly unreasonable in light of the known circumstances.

- A formal grievance process is initiated when a Complainant:
 - Submits a written statement alleging discrimination prohibited by Title IX to the Title IX Coordinator or
 - When the Title IX Coordinator receives a report of a suspected Title IX violation from another Baystate Academy student, employee, volunteer, or other community member.
- Upon the Title IX Coordinator's receipt of a grievance or other complaint pursuant to this policy, an investigator, separate from the Title IX Coordinator, shall commence and conduct an investigation pursuant to the procedures set forth within this Policy.

- A decision maker, who shall not serve as the Title IX Coordinator or the investigator, shall determine whether the complainant was excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of sex with respect to any Baystate Academy program or activity.
- The decision maker shall consult with other members of the Baystate Academy administration and/or Board of Directors as necessary in reaching a decision regarding the written grievance.
- The decision maker shall prepare a written report setting forth his/her findings, conclusions, and actions to be taken, if any, and will determine with whom to share the report.
- Following his/her review, the decision maker shall, as necessary, take appropriate action(s) to ensure that Baystate Academy complies with Title IX in a manner that is prompt and equitable to the Complainant.
- If any of the parties wish to appeal the decisions of the decision maker, that party must make a written appeal to Baystate Academy's Board of Directors within 10 business days.
- The Board of Directors shall then hold a hearing in which the parties may present witnesses and evidence, engage in direct and cross examination, be represented by counsel (at the party's expense), present testimony of a mental health provider or other specially trained advocate (at the party's expense), submit expert testimony (at the expense) and/or record the proceedings (at the party's expense).
- The Board of Directors shall issue a written report within 10 business days of the hearing. The Board of Directors' written report shall include a notice to the parties of their further appellate rights.

To the extent possible, Baystate Academy strives to complete all Title IX investigations, from date of report to final hearing and notice of outcome, within 60 days.

G. Reporting Responsibilities

The Title IX Coordinator shall establish—and prominently publicize to students, employees, volunteers, and parents—procedures concerning how to report conduct believed to violate this Policy and how such reports will be acted on. The victim of conduct in violation of this Policy or reasonably believed to be in violation of this Policy, witnesses/bystanders to such actions, and/or anyone who has information that these actions have occurred may file a report.

Reports must be acted upon by those persons receiving the report and the Title IX Coordinator (upon receipt of a report), whether made orally or in writing. Knowingly filing false reports shall result in the taking of disciplinary measures.

All Baystate Academy employees, other than Baystate Academy counselors and psychologists who are required to maintain the confidentiality of the information shared with them, shall report incidents of alleged violations of this Policy to the Title IX Coordinator as soon as they learn of or have actual knowledge of any conduct allegedly in violation of this Policy. Employees shall report all relevant details that the victim shared or that the employee observed, including, but not limited to, the names of the perpetrator and victim, the date, time, and location of the

alleged conduct, and the circumstances surrounding the alleged conduct. **A Baystate Academy employee's failure to report a violation of this Policy of which he or she has actual knowledge shall result in disciplinary action, including termination of employment.**

Students who witness alleged violations of this Policy, or parents whose children inform them of alleged violations of this Policy, shall report incidents to the Title IX Coordinator. The victim shall not be disciplined for failing to report an alleged violation of this Policy. All reports from students or parents will be maintained in confidence to every extent possible.

Although Baystate Academy cannot discipline or sanction parents or guardians who elect not to report violations of this Policy, particularly sexual violence and/or sexual harassment, when they learn of any such conduct, Baystate Academy **strongly encourages** parents or guardians to contact the Title IX Coordinator as soon as practicable with any and all relevant information that they receive. All reports will remain confidential, to every extent possible.

No individual who exercises their Title IX rights shall be subject to retaliation. Neither the school nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The school shall keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), or as required by law, or as necessary to carry out a Title IX proceeding. Complaints alleging retaliation may be filed according to the Grievance Procedures in this Policy. By filing a Title IX complaint, no student, employee, volunteer or parent making such a report shall extinguish his or her right to file criminal or civil complaints concerning the same conduct.

Upon receiving a credible report of an alleged violation of this Policy, Baystate Academy will take all necessary measures to ensure the safety all parties (e.g., separate the student-victim from alleged perpetrators; provide alternative schedules to one or both parties; provide necessary support services to the student-victim, etc.) and will provide the student-victim and his/her parent(s) or guardian(s) with regular updates as to the status of the investigation. Baystate Academy shall implement appropriate interim supportive measures on a case by case bases and shall not rely upon any fixed rules related to any such measures. Baystate Academy will provide student-victims with the contact information for available resources outside of Baystate Academy, including but not limited to, victim assistance organizations, law enforcement, mental health services, legal assistance, and or counseling services.

If the respondent is a Baystate Academy employee and the complainant is a Baystate Academy student, Baystate Academy will report the alleged misconduct to the appropriate law enforcement agencies.

H. Investigation

The investigator shall, in consultation with the Executive Director and Board of Directors, lead all Title IX investigations. Depending on the nature of the alleged violation of this Policy, an investigation may include, but is not limited to conducting interviews with the complainant and the respondent; conducting interviews with witnesses; conducting interviews with the parent(s) or guardian(s) as necessary; reviewing law enforcement investigation documents, as applicable; reviewing student and personnel files; and gathering information from all other available outside sources.

All investigations shall commence once the Title IX Coordinator receives notice of the alleged violation of this Policy. Therefore, it is essential that Baystate Academy employees, students, parents, guardians, and/or authorized volunteers immediately report suspected misconduct as soon as practicable once they have actual knowledge about such misconduct.

When commencing an investigation that may lead to disciplinary action against the responding party, the Title IX Coordinator shall provide written notice to the responding party (and/or his/her parents/guardians) of the allegations constituting a potential violation of this Policy, including sufficient details with sufficient time to prepare a response before any initial interview. The written notice shall also include a description of the formal complaint process; a statement that the respondent is presumed innocent until a determination of responsibility has been made; a notice of the respondent's right to review evidence and right to an advisor; and the prohibition against false statements or providing false information during formal complaint process.

All investigations shall be conducted impartially and in an adequate, reliable, and impartial manner. The investigator shall analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each case. The investigation shall result in a written report summarizing the relevant exculpatory and inculpatory evidence. Information gathered during the investigation shall be kept confidential to the extent possible. The investigator may reveal the findings of his or her investigation to the Executive Director and/or the Board of Directors as requested.

To the extent possible, Baystate Academy strives to complete all Title IX investigations, from date of report to final hearing, if necessary, within 60 days. Complainants and respondents will receive regular updates with respect to the status of a pending investigation.

After Baystate Academy has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must 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.

If allegations are found to be credible, appropriate disciplinary sanctions, subject to Baystate Academy's due process procedures, shall be imposed. Whenever conduct determined to meet the definitions of sexual violence and/or sexual harassment in this Policy also may have involved conduct that that may violate state or federal criminal law, the police or other necessary agency(ies) shall be notified.

Throughout the investigation, the respondent and the complainant shall be permitted to, at a minimum:

- Receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation;
- Have equal and timely access to all witness statements and other documents/reports gathered by Baystate Academy during the investigation.
- Present relevant witnesses and evidence;
- Request a hearing
 - **Note:** Under Title IX, parties are not required to attend the hearing (they can be represented by counsel or other authorized representative). However, parties are entitled to appear as they wish, and Baystate Academy will take all necessary steps to ensure a fair and equitable hearing, including separating the parties as necessary and practicable throughout the course of the hearing.
 - **Note:** Baystate Academy shall make all determinations at the hearing using a “more likely than not” OR clear and convincing evidence standard
- Cross-examine witnesses during the hearing, as necessary
- Retain counsel, at the parties own expense;
- Retain a mental health provider or other specially trained advocate, at the parties own expense;
- Submit expert testimony, at the parties’ own expense; and
- Receive written notice of the outcome (regardless of the outcome) of the investigation and/or hearing. Baystate Academy shall specifically inform the reporting party (and/or his/her parents/guardians) whether it found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, and other steps the school has taken to eliminate the hostile environment, if one was found to exist, and to prevent its recurrence, as appropriate;
- Notification of the parties right to appeal the decision to the Board of Directors

I. Disciplinary Sanctions

Students: Disciplinary sanctions any violation of this Policy may include, but are not limited to, loss of privilege to participate in extracurricular activities including athletics and school social events; loss of school bus transportation; assignment of additional school work or community service; and—depending on the extent of involvement in the prohibited activity—suspension or removal from school.

Employees: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, suspension, termination, or filing of criminal charges as warranted.

Volunteers/ Parent: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, denial of access to school premises, school-related events, or school-sponsored events; suspension or termination of volunteer activities; or filing of criminal charges as warranted.

J. Prevention

The Title IX Coordinator shall ensure that students and staff are instructed on how to identify, prevent, and report violations of this Policy. The Title IX Coordinator, in conjunction with the Executive Director and Board of Directors, shall also ensure that the Baystate Academy health program and counseling services include the appropriate social skills training to help students avoid isolation and help them interact in a healthy manner. School staff shall model correct and courteous behavior to each other, to students, parents and to visitors. Abusive or humiliating language or demeanor shall not be accepted

K. Enforcement Agencies

Nothing in this Policy is intended to prohibit or discourage individuals from contacting the applicable state and/or federal enforcement agencies with complaints or concerns, including but not limited to:

Office for Civil Rights
Boston Office U.S. Department of Education
5 Post Office Square
8th Floor Boston, MA 02109-3921
Tel: 617-289-0111 E-mail: OCR.Boston@ed.gov

Equal Opportunity Employment Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203-0506
Tel: 800-669-4000 TTY: 800-669-6820

APPENDIX A

**Baystate Academy Charter Public School
Title IX Grievance Form**

Today's Date _____

Complainant's Name(s) _____
Last Name First Name Middle Initial

Home address _____

City _____ State _____ Zip Code _____

Telephone Number _____ Email Address _____

Parent(s)/Guardian(s) _____
Last Name First Name Middle Initial

Parent(s)/Guardian(s) Contact information _____
Home Address

_____ Phone Number _____ Email Address

Circle One: Student Parent on Behalf of Student Employee Volunteer

1. Alleged Perpetrator(s) (if more than one perpetrator includes information below on back).

Name: _____

Address (if known): _____

Contact Information: _____

2. Specifics of Complaint. Describe below, including any dates of alleged discrimination, identities of alleged perpetrators, and specific circumstances of alleged discrimination. Attach extra pages if necessary.

3. Witnesses. Include names, any known contact information, and brief description of each witnesses' knowledge of events. Attach extra pages if necessary.

4. Corrective Action. If you wish, please describe any corrective action you would like to see taken with regard to the alleged misconduct. Attach an extra page if necessary.

Signature of Complaint or
Parent/Guardian on Behalf of Complainant

