

## **ACHIEVEMENT SCHOOL DISTRICT**

### **Sex Discrimination and Sexual Harassment (Title IX) Procedures**

#### **Introduction:**

Title IX of the Education Amendments of 1972 ("Title IX") is an expansive Federal civil rights law which among other important things prohibits sex-based discrimination in all educational programs and activities. Under Title IX, discrimination on the basis of sex includes sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

The Achievement School District is strongly committed to maintaining a safe school environment. This commitment includes the district providing that students are in a setting that does not tolerate sexual harassment or sexual violence.

The Achievement School District prohibits sexual harassment of students by other students, employees, or other individuals at school or at school-sponsored or school-related activities.

#### **Definitions:**

Sexual harassment includes, but is not limited to all unwelcome sexual advances, requests for sexual favors, inappropriate verbal, written, or physical conduct of a sexual nature when:

- Submission to such conduct interferes with student performance, influences personnel, or academic decisions.
- Submission to or rejection of the conduct is explicitly or implicitly made a condition of an individual's academic status or progress.
- Submission to or rejection of the conduct is used as a basis for academic decisions affecting the individual
- Submission to or rejection of the conduct creates a hostile or intimidating environment.
- Submission to or rejection of the conduct is used as a term of employment, instruction, or participation in school activities.

Examples of sexual harassment include:

- Stating or implying that an individual will lose something if he or she does not submit to a sexual request;
- Writing graffiti of a sexual nature;
- Touching of a sexual nature;
- Circulating or showing e-mails or web sites of a sexual nature;
- Making comments about an individual's body, sexual jokes, stories, gestures, pictures, drawings, or the spreading of sexual rumors;
- Sharing unwelcome flirtations or propositions, sexual slurs, verbal abuse, or sexually degrading descriptions.

Sexual violence is a sexual act committed against someone without that person's freely given consent.

## **Staff Responsibilities**

### All Staff

All District and school staff are responsible for reporting any instances of sexual harassment to the school site principal or the designated school compliance official immediately. Staff may directly report to the ASD Title IX coordinator as well.

### School site principal or designated school compliance official

Responsible for documenting details associated with the complaint as outlined below under "Report Details." Must additionally ensure that the Title IX Coordinator is informed of a complaint within 24 hours.

### Title IX coordinator

Responsible for the following:

- Ensuring investigations are prompt, thorough and impartial. More specifically, the Title IX Coordinator must ensure that an investigation into the matter is launched within 48 hours of the event or incident being reported. Additionally, the Title IX Coordinator will ensure that all investigations into alleged sexual harassment are completed within 20 days unless additional time is approved and the reason is documented.
- Ensuring that, if sexual harassment is determined to have occurred, appropriate correction action is taken, steps are taken to prevent future occurrences, and the effects of harassment are remedied;
- Ensuring that the response to instances of harassment are thorough and complete even if the students involved have transitioned out of the school where the harassment allegedly occurred between the time of the alleged harassment and the completion of the District's investigation and response.

## **Complaint Procedure:**

This procedure applies to all complaints of sexual harassment or sexual violence filed by students or on their behalf alleging sexual misconduct carried out by employees, other students, or third parties.

### **Step 1 - Reporting**

#### Who Can File

- Students, Parents, or their designee may file Title IX Complaints with the School Site Principal or with his or her designee.

#### Reporting Protocol

- The school site principal or a designated school official can receive a complaint. Complaints may also be filed with the ASD District Title IX Coordinator at 901-416-4831 or in person at 1350 Concourse #434 Memphis, TN 38104.
- Any school employee that receives a complaint is required to immediately report it to the school site principal, the designated school official, or the ASD Title IX Coordinator.
- Any complaint received must be reported to the District's Title IX Coordinator within 24 hours of the alleged incident being reported.

### Report Details

The following details must be a part of any complaint filed or the information gathered by staff:

- Name of student who experienced the alleged harassment;
- Name of the alleged perpetrator;
- Date of the complaint and the relevant school;
- Summary of the complaint allegation;
- Documentation related to the investigation including but not limited to any evidence submitted by the parties, investigative reports, disciplinary records, and documentation regarding any appeals;
- Any corrective actions taken and remedies provided by the District and/or School if sexual harassment or violence is determined to have occurred.

### **Step 2 – Investigation**

#### Timeline to Begin

- Whether being investigated at the school level or the district level, an investigation must be initiated into any alleged complaint within 48 hours of the complaint being filed or reported.

#### Timeline to Complete

- All investigations into sexual harassment complaints will be completed within 20 days of the investigation being launched unless additional time is necessary. An explanation will be filed with the report to explain if any investigations are deemed to require more than the 20 days allotted.

#### Interim Measures

Before the District completes an investigation, the following interim measures will be taken to protect a student who makes allegations of sexual harassment:

1. Ensure the alleged victim continues to have equal access to the educational programs and activities from the school and/or district.
2. Protect the alleged victim from the alleged perpetrator inclusive of potential changes to classes, transportation, dining, or other scheduled activities.
3. Inform the alleged victim of their right to avoid contact with the alleged perpetrator

4. Ensure that no alleged victim is subjected to retaliation,

Alleged victims will additionally be informed of their right to file complaints with local law enforcement.

An investigation will determine:

1. If sexual harassment or sexual violence occurred
2. If sexual harassment or violence did occur, the District will take action to end the sexual harassment or sexual violence, eliminate any hostile environment, and prevent reoccurrence.

An investigation will:

- Be adequate, reliable, prompt, and impartial
- Allow both parties to present evidence and witnesses

Confidentiality

The district will make every attempt to maintain the confidentiality of alleged victims who file reports.

### **Step 3 – Investigation Results**

The results of an investigation will be clearly communicated with the alleged victim and to the alleged perpetrator.

### **Record Keeping**

The ASD District Title IX Coordinator will secure and store electronically all formal and informal reports of complaints of sexual harassment or sexual violence.

The following information will be a part of the record keeping for each incident:

- Date of the Complaint and the school
- Summary of the complaint allegation
- Documentation related to the investigation including: notes, witness interviews, evidence submitted by parties, investigative reports and summaries, and disposition letters to the parties including the date of the letters, disciplinary records, and documentation regarding any appeals
- Any corrective actions taken and remedies provided by the District and/or School if sexual harassment or violence was determined to have occurred.