

Title IX Complaint Procedure

Who May File a Complaint: Any student, employee, or third party who believes he/she/they has been discriminated against or harassed by a student, employee, or third party in violation of the School's Title IX Nondiscrimination Policy.

All responsible employees are required to report all actual or suspected sexual misconduct to the Title IX Coordinator immediately. A responsible employee is any employee who has the authority to take action to redress sexual misconduct, who has been given the duty of reporting incidents of sexual misconduct to the Title IX Coordinator, or whom a student or employee could reasonably believe has this authority or duty. The School is on notice if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual misconduct. The School treats all faculty and staff as responsible employees.

Where to File a Complaint: A student, employee, or third party who believes he/she/they has been discriminated against or harassed in violation of these policies and procedures may make a complaint orally or in writing to the School's Title IX Coordinator.

Title IX Coordinator Contact Information

Sandra MacQuinn
Title IX Coordinator
Kehillah Jewish High School
(781) 864-7956
smacquinn@kehillah.org

The Title IX Coordinator will receive all relevant details about the alleged violation in order to determine what occurred and how to resolve the situation. This includes the names of the alleged victim and alleged perpetrator (if known), and the date, time, and location of the alleged violation

Privileged or Confidential Reporting:

A School employee should, whenever possible, before a student or employee reveals information that he/she/they may wish to keep confidential, ensure that the person making the report understands the employee's obligations to report to the Title IX Coordinator, the victim's option to request confidentiality, which the School will take into consideration, and the victim's ability to share the information confidentially with designated School employees.

Professional, licensed, mental health counselors, who provide mental-health counseling to members of the School community, or interns, graduate students, and others supervised by professional licensed counselors, are not required to report any information to the Title IX Coordinator.

Non-professional counselors who work in Student Support Services including front desk personnel in the course of their duties, may maintain confidentiality. They are not required to report actual or suspected sexual misconduct to the Title IX Coordinator in a way that identifies the student without the victim's consent. These individuals are limited to

Patricia Carbery, Principal
pcarbery@kehillah.org

Dr. Jude Wolf, Director of Center for Learning Success
jwolf@kehillah.org

Rachel Paley, Learning Services and Testing Manager
rpaley@kehillah.org

Sarah Canfield-Dafilou, Director of Experiential Education
scanfield-dafilou@kehillah.org

Talia Anders, Academic Operations and Education Technology Manager
tanders@kehillah.org

Dr. Jared Leaderman, Director of Counseling and Wellness
jleaderman@kehillah.org

Isela Ochoa, Administrative Assistant
iochoa@kehillah.org

Filing a Timely Complaint: Since failure to report harassment and discrimination impedes the School's ability to stop the behavior, the School strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The School also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the School's ability to investigate and remediate.

The School will investigate complaints involving acts that occur off-campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome: The School encourages students and employees to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate. This is not required.

Authority over Parties:

The School has authority over students, employees, and third parties for alleged violations of this policy that occur on School property. The School has authority over School employees and students for alleged violations of this policy that occur at School activities or events. The School may exercise authority over events that occur off-campus to determine if the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Title IX Coordinator shall:

Make an immediate assessment concerning the health and safety of the victim and campus community as a whole. The School will provide the reporting party and responding party with immediate, interim measures necessary to protect his/her/their health and safety. These immediate, interim measures may include: assessing the needs of the reporting party; the physical, emotional, and academic situations the reporting party and the responding party might encounter in the immediate future; whether or not the individuals involved will need counseling services; whether academic support is indicated; and assuring that no undue or negative recriminations to the reporting party might have or will occur due to any actions taken.

- Undertake efforts to resolve the complaint informally, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise all parties that he/she/they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise a complainant that he/she/they may file a complaint with the Office for Civil Rights of the U.S. Department of Education. Advise all complainants they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The School must investigate even if the complainant files a complaint with local law enforcement. In addition, the School should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Title IX Coordinator should notify the complainant of his/her/their options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the School may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the School shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.

Where the complaint involves a minor, the School will comply with California mandated reporting requirements.

Investigation

The Title IX Coordinator shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the complaint, as set forth below. Where the

parties opt for informal resolution, the Title IX Coordinator will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. An investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.

- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint: The School shall promptly investigate every complaint and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off-campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the School, whether those programs take place in the School's facilities, in a School vehicle, or at a class or training program sponsored by the School at another location. The School shall promptly investigate complaints of harassment or discrimination that occur off-campus if the alleged conduct creates a hostile environment on campus.

As set forth above, where the parties opt for an informal resolution, the Title IX Coordinator may limit the scope of the investigation, as appropriate. The School will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because the release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the School may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the School as a "pupil record" under California Education Code section 49061. The School will inform the complainant if it cannot maintain confidentiality.

Investigation Steps: The School will investigate harassment and discrimination complaints fairly and objectively. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the School's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Once it decides to open an investigation that may lead to disciplinary action against the accused individual, the School will provide written notice to the accused individual of the allegations constituting a potential violation of the School's Title IX Nondiscrimination Policy.

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the School's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action, and see that all recommended action is carried out in a timely fashion.

Where the victim has filed a criminal complaint with local law enforcement, the School will consider what information the School is able to share, pursuant to state and federal law, to ensure that victims are not unnecessarily required to give multiple statements about a traumatic event. The School will continue to conduct its own thorough, reliable, prompt, and impartial investigation.

The victim and accused will have equal opportunity to present relevant witnesses and other evidence to the School investigator. The School will provide the same opportunities to the victim and accused.

Written Report

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the complaint;
- A summary of the testimony provided by each witness interviewed by the investigator;
- A credibility determination of the victim, accused, and witnesses.
- An analysis of relevant evidence collected during the course of the investigation;
- A specific finding as to whether there is probable cause to believe that harassment, discrimination, or retaliation occurred with respect to each allegation in the complaint; and
- Any other information deemed appropriate by the School.

Standard of Proof:

The School will use a "preponderance of the evidence" standard of proof in determining whether there has been a violation of the School's Title IX Nondiscrimination Policy. This standard of proof is also known as "more likely than not" standard.

Timeline for Completion: The School will undertake its investigation promptly and swiftly as possible.

Notice to Parties

The School will provide written notice of the outcome of the investigation to the parties concurrently. The School will inform the complainant whether it found that the alleged conduct occurred, any individual remedies offered to the complainant or any sanctions imposed on the

accused individual that directly relate to the reporting party, and other steps the School has taken to eliminate the hostile environment if the School found one to exist. This notice will be provided to the parents of students under the age of 18 and directly to students who are 18 years of age or older.

Cooperation Encouraged: The School expects all employees to cooperate with a School investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the School to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the School of its obligation to investigate. The School will conduct an investigation if it discovers that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the School does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The School will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because the release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of accused students and employees during the investigation process and any ensuing discipline.

Discipline and Corrective Action

If harassment, discrimination, or retaliation occurred in violation of the Title IX Nondiscrimination Policy, the School shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- Providing an escort to ensure that the complainant can move safely between classes and activities;
- Ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- Preventing offending third parties from entering campus;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a student-complainant to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies, and procedures.

The School shall also take reasonable steps to protect the complainant from further harassment or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The School will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The School shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the School's ability to investigate and respond effectively to the complaint.

If the School cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the School imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

Title IX Complaint Form

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) prohibits discrimination based on the sex or gender of students and employees of the School. When you complete and sign this form, please submit it to the School's Title IX Coordinator:

Sandra MacQuinn
Title IX Coordinator
Kehillah Jewish High School
(781) 864-7956
smacquinn@kehillah.org

You do not have to use this form to file a complaint.

Name of person filing this complaint: _____

Relationship to School: Student Employee Other

Address _____

Telephone number: _____

Email address: _____

**Name of person discriminated against
(if other than person filing):** _____

Relationship to School: Student Employee Other

Address _____

Telephone number: _____

Email address: _____

Please describe the discrimination. Please include the date the discrimination occurred, the name of each person involved and, why you believe the discrimination was because of sex, gender, gender identity, or gender expression. Please provide the names of any person who was present and witnessed the act of discrimination. *(Attach additional pages as necessary.)*

What would you like the School to do as a result of your complaint-- What remedy are you seeking?

Signature: _____

Date: _____

