

**PHILADELPHIA HEBREW PUBLIC CHARTER SCHOOL  
EQUAL OPPORTUNITY AND NONDISCRIMINATION AFFECTING STUDENTS**

**I. Non-Discrimination in School and Classroom Practices and Title IX Generally**

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* (“Title IX”), protects students from discrimination based on sex in educational programs or activities that receive federal financial assistance. Title IX states: “No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance.”

Title IX and its regulations, 34 C.F.R. Chapter 106, require Philadelphia Hebrew Public Charter School (the “Charter School”) not to discriminate on the basis of sex in its educational program or activities. The Charter School does not discriminate in this manner. The requirement not to discriminate in the Charter School’s education program or activities extends to admission and to employment.

Philadelphia Hebrew Public Charter School is committed to maintaining a safe and healthy educational environment and work environment for all students and staff.

It is the policy of Philadelphia Hebrew Public Charter School to prohibit all sexual and/or gender-based harassment (“Sexual Harassment”); to prevent incidents of Sexual Harassment from denying or limiting an individual’s ability to participate in or benefit from the Charter School’s programs; to provide education and training to the Charter School community around Sexual Harassment; and to adopt grievance procedures to provide for the timely, appropriate, and equitable response and remedy to any instance of Sexual Harassment, as required by Title IX.

This Policy applies only to conduct falling within the scope of Title IX. Complaints concerning or alleging conduct outside the scope of this Policy will be handled under the appropriate policy or procedure.

Inquiries regarding the application of Title IX and its regulations, 34 C.F.R. Chapter 106, to the Charter School may be referred to the Charter School’s Title IX Coordinator, to the Assistant Secretary at the U.S. Department of Education, or both.

**A. Purpose**

The purpose of this policy is to ensure that equitable opportunities are provided for all students, to effectuate Title IX’s prohibition against sex discrimination and to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that

provides due process protections to alleged victims and perpetrators of sexual harassment, and effectively implement remedies for victims.

## **B. Authority**

The Charter School’s Board of Trustees (“Board”) adopts this policy to provide equitable opportunities for all students to achieve their maximum potential through the programs offered in the Charter School regardless of actual or perceived race, color, age, creed, religion, gender, sexual orientation, gender identity, gender expression, ancestry, national origin, or disability.

## **C. Delegation of Responsibility**

The Executive Director or her designee shall be responsible for ensuring the implementation of this Policy. Further, the Board designates Emily Hurst as the Charter School’s Title IX Coordinator.

Title IX Coordinator  
Emily Hurst, Executive Director  
Philadelphia Hebrew Public Charter School  
3300 Henry Avenue  
Philadelphia, PA 19129  
ehurst@philadelphiahebrewpublic.org  
267-225-1511

The Title IX Coordinator shall publish and disseminate this policy and applicable grievance processes and procedures referenced below at least annually to students, parents, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Title IX Coordinator.

## **D. Guidelines**

- a. The Charter School is committed to the success of every student and to achieving our vision of ensuring all students achieve success with equitable opportunities.
- b. The Executive Director or her designee shall report annually to the Board of Trustees regarding progress achieved in fostering a climate of nondiscrimination and equitable opportunities for all students.
- c. The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to its employees.
- d. The Board directs that complaints of discrimination be investigated promptly, and that appropriate corrective action be taken when allegations are substantiated.

Confidentiality of all parties shall be maintained, consistent with the Charter School's legal and investigative obligations.

- e. No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

## **II. Sexual Harassment**

### **A. Definitions**

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the Charter School’s Title IX Coordinator or any official of the Charter School who has authority to institute corrective measures on behalf of the Charter School, or to any employee of the Charter School. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the Charter School with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Charter School. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

“Complainant” means a student or employee of the Charter School who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Charter 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 Charter School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth in this Policy.

“Parties” means complainant(s) and respondent(s).

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

“Sexual harassment” refers to unwelcome conduct on the basis of sex, gender identity, or gender expression that satisfies one or more of the following:

1. Any instance of an employee of the Charter School conditioning the provision of an aid, benefit, or service of the Charter School 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 the Charter School's 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).

"Supportive measures" means 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 the Charter School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Charter School's educational environment, or deter sexual harassment. Supportive measures may include 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 housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Charter School must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Charter School to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## **B. Jurisdiction**

This Policy applies to Sexual Harassment that is committed by any member of the school community when the misconduct occurs within a Charter School education program or activity. "Education program or activity" includes locations, events, or circumstances over which the school exercises substantial control over both the individual and the context in which the sexual harassment occurs, whether such programs or activities occur on-campus or off-campus.

## **C. General Response to Sexual Harassment**

If and when the Charter School obtains actual knowledge of sexual harassment in an education program or activity of the Charter School against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent.

The Charter School is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The Charter School's response must treat complainants and respondents equitably by offering supportive measures as defined above to a complainant, and by following its grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures with or without filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

Upon receipt of a formal complaint, the Charter School must follow its grievance process. With or without a formal complaint, the Charter School must provide supportive measures to the complainant.

Nothing in this process precludes the Charter School from removing a respondent from the Charter School's education program or activity on an emergency basis, provided that the Charter School undertakes a safety risk and analysis, determines that an immediate threat of the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Nothing in this Policy shall be construed to prohibit the Charter School from placing a non-student employee respondent on administrative leave during the pendency of its grievance process.

The provisions of this subpart may not be construed to modify any rights under the Individuals with Disabilities in Education Act, Section 504 of the Rehabilitation Act of 1973, of the Americans with Disabilities Act.

#### **D. Retaliation Prohibited**

Retaliation against an individual who files a good faith complaint in accordance with either the formal or informal procedures, or against an individual who participates in or cooperates with an investigation, is prohibited. Such retaliation will result in disciplinary action applicable to one who engages in harassment. Any individual who believes they have been retaliated against in violation of this Policy should immediately contact the Title IX Coordinator.

The exercise of rights protected under the First Amendment does not constitute prohibited retaliation. Reporting harassment will not affect the reporting individual's status with respect to either an employee's future employment or work assignments or a student's future academic opportunity, progress or record.

## **E. Intentionally False Accusations Prohibited**

False accusations of harassment can have serious effects on innocent individuals. Therefore, it is prohibited to intentionally falsely accuse an individual of harassment. Such intentionally false accusations will result in disciplinary action.

## **F. Procedures for Reporting Sexual Harassment**

1. **Reporting to Law Enforcement:** In cases involving potential criminal conduct, the Board directs administration to report the circumstances of Sexual Harassment to law enforcement officials and the district attorney's office as may be required by law.
2. **Employee Reporting Obligations:** Each staff member shall maintain an educational environment free from Sexual Harassment. Any employee who becomes aware of Sexual Harassment has an affirmative obligation to report immediately to the Head of School, Title IX Coordinator, or their immediate supervisor. Failure by any employee to report Sexual Harassment may result in disciplinary action.
3. **Student Reporting Obligations:** Each student shall respect the rights of other students with the goal of creating and maintaining an atmosphere free from all forms of Prohibited Harassment. Students shall be informed that they may choose to report Prohibited Harassment complaints to the building principal, teachers, counselors, nurses, administrators or other trusted adult employee. All employees should be trained to refer complaints of Prohibited Harassment to the principal or other designated employees.
4. The Charter School shall inform students, staff, parents, independent contractors and volunteers that Sexual Harassment of students will not be tolerated, by a variety of methods including publication in handbooks and presentations to students and staff when appropriate.
5. In certain circumstances, the Charter School's Title IX Coordinator may initiate the processes under this Policy by signing a formal complaint.
6. **Reporting and Response Timeframes:** The Board directs that all formal complaints of Sexual Harassment shall be investigated promptly, and that corrective is action taken when allegations are verified. Complaints of Sexual Harassment should be made as soon as possible after the alleged Sexual Harassment occurs, to maximize the Charter School's ability to fully investigate the matter. Delay may hinder the Charter School's ability to fully investigate a formal complaint against an individual who is no longer affiliated with the Charter School. In that circumstance, the Charter School will consider whether it can offer supportive measures to the Complainant or proceed under another applicable law or policy.

The Charter School shall conclude the grievance process within a reasonable period of time. Temporary delays may be permitted upon showing of good cause with written notice to the Complainant and Respondent of the delay. Good cause may include considerations such as the absence of a party or witness, law enforcement availability, or the need for language assistance or accommodation of disabilities.

### **III. Grievance Process**

#### **Procedural Standards Maintained During Grievance Process**

##### **A. Objective Evaluation of Evidence**

The Charter School shall undertake an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. The Charter School may not base credibility determinations on a person's status as a complainant, respondent, or witness.

##### **B. Conflict of Interest**

The Title IX Coordinator, investigator, decision-maker, or any person designated by the Charter School to facilitate 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. Presumption of Innocence**

The Charter School presumes the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

#### **Initial Meeting with the Complainant**

- A. Upon receipt of a formal complaint, the Title IX Coordinator will 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.

At the initial meeting the Title IX Coordinator will seek to determine how the Complainant wishes to proceed. The Complainant may be accompanied by a Parent/Legal Guardian. The Complainant may opt for an informal resolution, formal resolution, or to not proceed toward a resolution at all.

1. Supportive measures are 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.

- a. Such measures are designed to restore or preserve equal access to the Charter School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Charter School's educational environment, or deter sexual harassment.
- b. Supportive measures may include 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 housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- c. The Charter School is required to maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures.
- d. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## **Notices**

- A. Upon receipt of a formal complaint, the Charter School must provide the following written notice to the parties who are known:
  - a. notice of the Charter School's grievance process, including any informal resolution process;
  - b. notice of the allegations of sexual harassment potentially constituting 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);
  - c. 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;
  - d. notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
  - e. notice that the Charter School's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

- B. If, in the course of an investigation, the Charter School decides to investigate allegations about the Complainant or Respondent that are not included in the notice, the Charter School will provide notice of the additional allegations to the parties whose identities are known.

### **Informal Resolution**

- A. Upon the filing of a formal complaint, a Complainant who does not wish to pursue formal resolution/investigation may request a less formal proceeding known as the “Informal Resolution.” Informal Resolution may include mediation and does not involve a full investigation and adjudication. During the Complainant’s initial intake meeting, the Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of others in the school community to determine if an Informal Resolution may be appropriate. PHPCS may not require the parties to participate in an Informal Resolution and may not offer an Informal Resolution process unless a formal complaint is filed.
- B. Informal Resolution is unavailable in cases involving allegations that an employee has engaged in sexual harassment of a student.
- C. In order to engage in an Informal Resolution, the Title IX Coordinator must obtain the parties’ voluntary written consent and must provide the parties with written notice disclosing the following: the allegations; that accepting an informal resolution may preclude resumption of the formal complaint process; and that either party may withdraw from the Informal Resolution process at any time prior to agreeing to a full resolution.

### **Investigation**

- A. The Title IX Coordinator shall designate an Investigator(s), who must be appropriately trained in conducting Title IX investigations, and who must be unbiased and free of conflicts of interest. The Investigator(s) serves as a neutral fact-finder and shall interview both parties, relevant witnesses, and gather and review evidence relevant to the outcome of the formal complaint. In the case where law enforcement or local, state, or federal agency(ies) may be conducting a simultaneous investigation, PHPCS may defer to these entities for a reasonable period of time, especially in sensitive cases where the entity(ies) provide information to PHPCS that suggests internal investigation by PHPCS would obstruct, interfere with, or otherwise negatively impact (including delay) the entity’s(ies’) investigation.
- B. PHPCS must investigate allegations in any formal complaint and send written notice to both the Complainant and Respondent of the allegations upon receipt of a formal complaint. When investigating a formal complaint and throughout the grievance process, PHPCS must:
  - a. ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on PHPCS and not on the parties;

- b. not 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 PHPCS obtains that party's voluntary, written consent to do so for a grievance process under this section;
  - c. provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
  - d. not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  - e. 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; however, PHPCS may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
  - f. 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;
  - g. 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, including the evidence upon which PHPCS does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- C. Prior to completion of the investigative report, PHPCS must send each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report; PHPCS must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

- D. PHPCS may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or 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.

### **Dismissal of Complaint**

- A. If the conduct alleged in the formal complaint would not constitute sexual harassment, even if proved, did not occur in the Charter School’s education program or activity, or did not occur against a person in the United States, the Charter School must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX and its regulations; such a dismissal does not preclude action under another Charter School Policy or any provision of the Charter School’s code of conduct.
  - 1. The Charter School may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
    - a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
    - b. the respondent is no longer enrolled or employed by the Charter School; or
    - c. specific circumstances prevent the Charter School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to these provisions, the Charter School will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

### **Hearing**

- A. The Charter School is permitted, but not required, to conduct a live hearing.
  - a. With or without a hearing, after the Charter School 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;
  - b. With or without a hearing, 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 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. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

- c. The Charter School shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### **Determination of Responsibility**

A. The decision-maker(s) is responsible for determining whether the conduct alleged in the formal complaint constitutes a violation of this Policy and any other applicable PHPCS policies, procedures, or rules. The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility based on the preponderance of the evidence standard. The written determination must include—

- i. identification of the allegations potentially constituting sexual harassment;
- ii. description of the procedural steps taken by the Charter School from 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, and hearings held;
- iii. findings of fact supporting the determination;
- iv. conclusions regarding the application of the Charter School's code of conduct to the facts; and
- v. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Charter School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the Charter School's education program or activity will be provided by the recipient to the complainant; and
- vi. the Charter School's procedures and permissible bases for the complainant and respondent to appeal.
  - 1. the Charter School must provide the written determination to the parties simultaneously; the determination regarding responsibility becomes

final either on the date the Charter School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely;

2. the Title IX Coordinator is responsible for effective implementation of any remedies.

### **Standard of Proof and Determination**

- A. The standard of evidence to be used to determine responsibility is a preponderance of the evidence standard, which shall apply to formal complaints against students as well as employees.

### **Sanctions and Remedies**

- A. Sanctions and remedies will be determined on a case-by-case basis by the decision-maker(s).
- B. A substantiated charge against a PHPCS employee or agent will subject that employee or agent to disciplinary action, up to and including discharge.
- C. A substantiated charge against a student shall subject the student to disciplinary action, up to and including suspension or expulsion. The decision-maker(s) may impose or recommend any sanction that it finds to be fair and proportionate to the violation and in accordance with school policy. Student Respondents that are convicted of sexual misconduct against another student at PHPCS shall be disciplined consistent with 24 P.S. § 1318.1.
- D. Remedies include but are not limited to counseling, changes or modifications in scheduling, provision of additional supervision, or other appropriate actions based on the circumstances. The Title IX Coordinator shall be responsible for the implementation of any prescribed remedies.

### **Recordkeeping**

The Charter School shall maintain for a period of seven (7) years records of:

- A. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Charter School's education program or activity;
- B. Any appeal and the results therefrom;
- C. Any informal resolution and the results therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process. The Charter School must make these training materials available on its website.

The Charter School must create and maintain for a period of seven (7) years for each formal complaint: records of any actions, including any supportive measures, in response to a complaint of sexual harassment. In each instance, the Charter School must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Charter School's education program or activity.

#### **IV. Appeals**

A. Both parties have the right to appeal from a determination regarding responsibility, and from a Charter School's dismissal of a formal complaint or any allegations therein, on the following bases:

- i. procedural irregularity that affected the outcome of the matter;
- ii. 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
- iii. the Title IX Coordinator, investigator(s), or decision-maker(s) 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.
- iv. additional bases as determined by the Charter School

B. As to all appeals, the Charter School will:

1. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. ensure the decision-maker(s) for the appeal does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
4. give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

5. issue a written decision describing the result of the appeal and the rationale for the result; and
6. provide the written decision simultaneously to both parties.

**V. Confidentiality**

In all phases of the resolution process, the Charter School will make every reasonable effort to maintain the confidentiality and protect the privacy of all parties, consistent with the Charter School's responsibility to investigate and address such complaints.