507 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 C.F.R. Part 106. These regulations, which go into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements. The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 C.F.R. § 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations].

I. General Statement of Policy

A. Stonebridge World School does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. Stonebridge World School is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

B. Stonebridge World School prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent. C. This policy applies to sexual harassment that occurs within the school's education programs and activities.

C. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school 's Title IX Coordinator(s) is/are: Executive Director or Designee.

[NOTE: It is recommended that school districts designate a primary Title IX Coordinator and at least one alternate Title IX Coordinator so that the alternate can undertake Title IX Coordinator

responsibilities in the event the primary Title IX Coordinator is a party to a complaint, or is otherwise not qualified under this policy to serve in that role in a particular case.]

II. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. Stonebridge World School shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.

2. Stonebridge World School will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.

3. Stonebridge World School will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.

2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

3. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

4. Confidentiality the school will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

III. ADVISOR

A. Right to an Advisor; Right to a Support Person

1. Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process. A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

IV. NOTICE

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

V. CONSOLIDATION

The school district may, in its discretion, 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.

VI. EVIDENCE

A. During the grievance process, Stonebridge World School will 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.

B. Stonebridge World School shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

VII. BURDEN OF PROOF

A. The burden of gathering evidence and the burden of proof shall remain upon the school and not upon the parties.

B. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school employees are respondents.

VIII. TIMELINES

[NOTE: The Title IX regulations require reasonably prompt timeframes for conclusion of the grievance process but do not specify any particular timeframes. The time periods below are suggested. Schools may establish their own Revised: February 17, 2022 Pol. 522 district-specific timeline, although it is recommended that legal counsel be consulted before adjusting time periods.]

A. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.

B. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

C. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the school.

D. The school will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the school.

E. Although the school strives to adhere to the timelines described above, in each case, the school may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

IX. SANCTIONS AND REMEDIES

If a respondent is determined to have engaged in conduct that meets the definition of sexual harassment, discipline shall be imposed in accordance with the school's policies and procedures. The level of discipline imposed shall be determined based on the facts identified in the investigation report and relied upon by the decision-maker, the respondent's disciplinary history, the severity of the conduct, and other factors that the school may deem relevant.

X. APPEALS

A. Either party may appeal the decision-maker's determination, or the dismissal of a formal complaint, within ten (10) days of the written determination or written notice of dismissal being issued.

B. Basis. An appeal may be made on any of the following bases:
    1. A procedural irregularity affected the outcome of the matter;

2. New evidence, that was not reasonably available at the time the determination regarding responsibility or dismissal was made, would affect the outcome of the matter; or

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias against the complainant or respondent in this matter, or against complainants or respondents in general.

4. Appeals shall be heard by a decision-maker who did not make the initial determination regarding responsibility and who is not the investigator in this matter or the Title IX Coordinator.

5. The decision-maker reviewing the appeal shall notify both parties when either party has filed an appeal. Both parties will have three (3) days from when the decision-maker reviewing the appeal provides such notice to submit a written statement in support of, or challenging, the dismissal or the determination of responsibility.

6. The appeal decision-maker shall issue a written decision simultaneously to both parties that describes the result of the appeal and provides the rationale for said result.

7. The decision of the Appellate Decision-maker is final. No further school review beyond the appeal is permitted.

XI. RETALIATION

It is a violation of this policy for any individual to intimidate, threaten, coerce, or discriminate against any individual to interfere with their rights under this process because that individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in any process described in this process. Complaints alleging retaliation may be filed with the Title IX Coordinator.

Notwithstanding the above, it shall not be considered retaliation if the school asserts a code of conduct violation against any individual who makes a materially false statement in bad faith. A determination regarding responsibility, standing alone, does not prove that any party made a materially false statement in bad faith.

XII. INFORMAL RESOLUTION

At any time after a formal complaint has been filed, and before a determination regarding responsibility has been made, the school may offer informal resolution that may include but is not limited to mediation, counseling, restorative justice, training and/or education, and other methods as are appropriate to both parties.

Both parties must voluntarily consent in writing to participate in any informal resolution process(es). Either party retains the right to withdraw from the informal resolution process at any time before a resolution is reached and to resume the grievance process as described above. Once both parties have agreed to an informal resolution, however, neither party may resume the grievance process with respect to those allegations. Voluntary consent shall only be

effective where the parties both receive a written notice detailing the allegations, the informal resolution process and its consequences, and the right to withdraw before a resolution is reached.

Informal resolution is not available where the complaint alleges that an employee has sexually harassed a student.

XIII. DISSEMINATION OF POLICY

A. This policy shall be made available to all students, parents/guardians of students and school employees.

B. Stonebridge World School shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

Title IX Coordinator:
Barbara Novy
4530 Lyndale Ave S
Minneapolis, MN 55411
(612) 877-7400
bnovy@sbwschool.org

C. Stonebridge World School must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, and employee with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;

2. Notice that the school does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;

3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and

4. Notice of the school's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school will respond.

XIV. RECORD KEEPING

A. Stonebridge World School must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school must document:

1. The basis for the school's conclusion that its response to the report or formal complaint was not deliberately indifferent.

2. The measures the school has taken that are designed to restore or preserve equal access to the school's education program or activity; and

3. If the school does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.

4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school must also maintain for a period of seven calendar years records of:

1. 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 recipient's education program or activity.

2. Any appeal and the result therefrom.

3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Personnel.

Adopted: 6/26/08
Revised: 4/24/2018, 1/24/2023