



HILL VIEW MONTESSORI

CHARTER Public School

Title IX Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants (§ 106.46)

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Hill View Montessori Charter Public School (HVMCPS) has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that HVMCPS investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
 - A student or employee of HVMCPS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - A person other than a student or employee of HVMCPS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in HVMCPS’ education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- HVMCPS Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

HVMCPS may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures:

HVMCPS will treat complainants and respondents equitably.

HVMCPS requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

HVMCPS presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

HVMCPS has established the following timeframes for the major stages of the grievance procedures:

Initial Evaluation (Decision to Dismiss or Investigate a Complaint)

Timeframe: Within 5-10 business days of receiving the formal complaint.

Investigation

Timeframe: Complete the investigation within 20-30 business days of the decision to proceed.

Determination of Responsibility

Timeframe: Issuance of a written determination within 10 business days of the investigation's conclusion.

Appeal (*if applicable*)

Timeframe: Appeals must be filed within 5 business days of receiving the determination, and a decision on the appeal must be made within 10-15 business days of filing.

Final Resolution

Timeframe: The entire grievance process, from receipt of the complaint to final resolution, should be completed within 60-90 business days.

HVMCPS has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay:

Identification of Good Cause:

An extension of timeframes may be granted when circumstances arise that justify a delay. Examples of good cause include, but are not limited to:

- Complexity of the case (e.g., multiple witnesses, substantial evidence)
- Unavailability of key parties, witnesses, or evidence
- The need for language assistance or accommodations for disabilities
- School holidays or breaks
- Concurrent law enforcement investigations

Request for Extension:

Either party involved in the grievance process or the Title IX Coordinator may request an extension. The request must be made in writing and include a clear explanation of the reason for the delay.

Review and Decision:

The Title IX Coordinator will review the request and determine whether good cause exists to grant an extension. The decision will be made promptly, considering the need to ensure a fair and efficient process.

Written Notice of Extension:

If an extension is granted, written notice will be provided to all parties involved in the grievance process. This notice will include:

- The reason for the extension
- The new adjusted timeframes for the affected stage(s) of the grievance procedure

Ongoing Communication:

The Title IX Coordinator will maintain regular communication with all parties throughout the extended timeframe to provide updates on the progress of the process and ensure transparency.

HVMCPS will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

HVMCPS will objectively evaluate all evidence that is relevant and not otherwise

impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by HVMCPS to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless HVMCPS obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, HVMCPS will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- HVMCPS’ Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. [If HVMCPS provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence

upon the request of any party]

If, in the course of an investigation, HVMCPS decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

HVMCPS may dismiss a complaint if:

- HVMCPS is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in HVMCPS' education program or activity and is not employed by HVMCPS;
- HVMCPS obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and HVMCPS determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- HVMCPS determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, HVMCPS will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, HVMCPS will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then HVMCPS will notify the parties simultaneously in writing.

HVMCPS will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then HVMCPS will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, HVMCPS will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, HVMCPS will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within HVMCPS' education program or activity.

Investigation:

HVMCPS will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on HVMCPS – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

HVMCPS will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

HVMCPS will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- HVMCPS will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding;
- HVMCPS may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

HVMCPS will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

HVMCPS will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

HVMCPS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

HVMCPS will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- HVMCPS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. [If HVMCPS provides access to an investigative report: HVMCPS will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- HVMCPS will provide reasonable opportunity to review and respond to the evidence or the investigative report. If HVMCPS conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. [HVMCPS may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing.]; and
- HVMCPS will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

HVMCPS will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

When HVMCPS chooses not to conduct a live hearing: HVMCPS' process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

When HVMCPS chooses to conduct a live hearing: HVMCPS' process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. [If HVMCPS permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, HVMCPS will provide the party with an advisor of HVMCPS' choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, HVMCPS will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.]

Procedures for the decisionmaker to evaluate the questions and limitations on questions: The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions: The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based

solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing, if offered:

HVMCPS will conduct the live hearing with the parties physically present in the same geographic location or, at HVMCPS' discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

HVMCPS will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, HVMCPS will:

- Use the [preponderance of the evidence or, if applicable, clear and convincing] standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that HVMCPS used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred; o When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions HVMCPS will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by HVMCPS to the complainant, and, to the extent appropriate, other students identified by HVMCPS to be experiencing the effects of the sex-based harassment; and
 - HVMCPS' procedures and permissible bases for the complainant and respondent to appeal.
- HVMCPS will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and

- other people HVMCPS identifies as having had equal access to HVMCPS' program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within HVMCPS' education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that HVMCPS provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

HVMCPS will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, HVMCPS will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that HVMCPS will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal HVMCPS offers will be equally available to all parties.

Informal Resolution, if offered:

In lieu of resolving a complaint through HVMCPS' Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. HVMCPS will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any.

HVMCPS will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, HVMCPS will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information HVMCPS will maintain and whether and how HVMCPS could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures:

HVMCPS will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to HVMCPS' education program or activity or provide support during HVMCPS' Title IX grievance procedures or during the informal resolution process. These supportive measures are non-disciplinary, non-punitive individualized services offered without fee or charge and designed to ensure equal educational access, protect safety, and deter sexual harassment.

For complaints of sex-based harassment, these supportive measures may include, but are not limited to:

- **Counseling services** (on-site or through external providers)
- **Modifications to class schedules** to minimize contact between the complainant and respondent
- **Extensions of deadlines** or other course-related adjustments
- **Increased monitoring or security** in specific areas of the school
- **Mutual restrictions on contact** between the parties (no-contact orders)

- **Changes to extracurricular activities**, transportation arrangements, or dining arrangements to ensure safety
- **Access to academic support services or tutoring**
- **Referral to health services** or community-based resources
- **Temporary removal of the respondent from certain activities** when necessary to protect the complainant, in accordance with applicable procedures
- **Assistance with obtaining a protective order** or other legal resources as needed

Supportive measures will be implemented as necessary on a case-by-case basis, tailored to the individual needs of the complainant and respondent. These measures will be confidential to the extent that maintaining such confidentiality does not impair HVMCPS' ability to provide the necessary support.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, HVMCPS may impose disciplinary sanctions on the respondent. These sanctions may vary depending on the severity of the conduct, the respondent's prior history, and other relevant factors. Disciplinary sanctions may include, but are not limited to:

- **Verbal or written warnings**
- **Mandatory training or education** on topics such as harassment prevention, sensitivity, or ethics
- **Loss of privileges** (e.g., exclusion from extracurricular activities, leadership positions, or school events)
- **Behavioral contracts** or performance improvement plans
- **No-contact orders** between the complainant and respondent
- **Suspension** from classes, school activities, or school premises, either temporarily or permanently
- **Expulsion** or permanent removal from HVMCPS
- **Referral to law enforcement** for potential criminal investigation (in cases of criminal conduct)

- **Other disciplinary actions** deemed appropriate by HVMCPS

In addition to disciplinary sanctions, HVMCPS may provide remedies to the complainant to ensure that the effects of the harassment are addressed and to restore or preserve the complainant's access to the school's education programs and activities. These remedies may include, but are not limited to:

- **Counseling services** or access to mental health resources
- **Academic accommodations**, such as adjustments to class schedules, extensions on assignments, or alternative learning opportunities
- **Changes in transportation or extracurricular activities** to ensure the complainant's safety and comfort
- **Support with filing a protective order** or obtaining other legal protections
- **Ongoing monitoring** or increased security in areas where the complainant and respondent may interact
- **Additional educational support services**, such as tutoring or academic advisement
- **Restorative justice practices**, where appropriate, to address the harm done and promote healing within the community

All remedies and disciplinary sanctions will be implemented with consideration for the specific circumstances of the case and the needs of both the complainant and the respondent.

Title IX requires that schools provide fair, non-discriminatory procedures to address sex-based harassment, and both the sanctions and remedies should be designed to achieve the following goals:

1. **Disciplinary Sanctions:**

- **Proportional Response:** The sanctions should be proportional to the severity of the violation. Lesser sanctions (e.g., warnings, training) may be appropriate for minor offenses, while more serious consequences (e.g., suspension, expulsion) should be reserved for more severe or repeated violations.
- **Flexibility:** Sanctions should be flexible to account for the specific context of each case. A range of disciplinary measures allows schools to tailor their response based on factors such as the severity of the harassment, any history of misconduct, and the respondent's cooperation during the process.
- **Due Process:** Schools must ensure that any disciplinary sanctions are applied only after a fair and impartial investigation, in accordance with their grievance

process.

2. Remedies:

- **Restoration of Educational Access:** Remedies should be focused on restoring the complainant's ability to participate fully in the school's programs and activities. This aligns with Title IX's core purpose of ensuring equal access to education.
- **Supportive and Non-Retaliatory:** Remedies should be non-punitive and supportive of the complainant, addressing any lingering effects of the harassment, such as mental health impacts or academic difficulties.
- **Individualized Approach:** Remedies should be tailored to the specific needs of the complainant, ensuring their safety, comfort, and access to educational opportunities without imposing undue burden on them.

3. Best Practice Considerations:

- **Confidentiality:** Both sanctions and remedies should be implemented with a focus on maintaining confidentiality to the extent possible, ensuring the privacy of both the complainant and respondent.
- **No Retaliation:** Schools should have explicit policies against retaliation and must ensure that remedies or sanctions do not create an environment of hostility or retribution.
- **Equitable Remedies for Complainants and Respondents:** Title IX requires that schools treat both parties equitably. Remedies for the complainant should be supportive and protective, while sanctions for the respondent must be fair and proportionate.