

**Chester County Family Academy  
Discrimination/Title IX Sexual Harassment  
Affecting Students or Staff Policy**

**Purpose**

Chester County Family Academy (“School”) is an educational entity that believes in ensuring a safe, nurturing, healthy and non-discriminatory learning and teaching environment for all members of the School community. The Board also believes in ensuring the opportunity for all members of the School community to reach their full potential through access and participation all School educational activities and programs.

**Statement on Non-Discrimination**

The Chester County Family Academy does not discriminate on the basis of race, color, creed, national origin, religion, sex, sexual orientation, handicap/disability, ethnicity, marital status, pregnancy or age in its education programs and activities. The protection against discrimination extends to employment.

**Definitions**

For the purposes of this policy, the terms below have the following definitions:

*Complainant:* an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

*Decision Maker:* the person or panel of people assigned by the Title IX Coordinator/Compliance Officer to conduct a fair and impartial review of all the facts and evidence in making a determination on the responsibility or non-responsibility of a Respondent on a complaint of Sexual Harassment or in reviewing an outcome on appeal. A Decision Maker or Decision Making Panel must be unbiased and trained on the policies and procedures under Title IX that are applicable to serving as an adjudicator.

*Delays or Extensions:* the overall time frame to conclude a grievance process must be “reasonably prompt.” The School may have good cause for any short-term delays or extensions and shall provide written notice to the parties including an explanation for the delay or extension. Any delay or extension shall be temporary or limited. Examples of good cause delays may include, but are not limited to, considerations such as concurrent law enforcement activity, the need for language assistance or accommodation of disabilities.

*Formal Complaint:* a document filed by a Complainant or signed by the Title IX Coordinator/Compliance Officer alleging Sexual Harassment against a Respondent and requesting that the 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 (i.e. seeking admission or acceptance) in the education program or activity of the School. A Formal Complaint may be filed with the Title IX Coordinator/Compliance Officer in person, by mail, or by electronic mail, by using the contact information listed in this Policy.

*Informal Resolution:* an option to resolve a Formal Complaint in a mediation or restorative justice manner. An Informal Resolution can only be offered as an option to the parties if a Formal Complaint is filed. Once a Formal Complaint is received, at any time prior to reaching a determination regarding responsibility, the School may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The Complainant and Respondent must each agree in writing that they want to participate in an Informal Resolution process. The District will provide to the parties a written notice disclosing: the allegations, the requirements of the Informal Resolution and that any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the Informal Resolution process. The Informal Resolution process is not available and cannot be offered to resolve any reported incident of an employee sexually harassing a student.

*Informal Resolution Facilitator:* the person assigned by the Title IX Coordinator/Compliance Officer/Compliance Officer to manage the Informal Resolution process. The Information Resolution Facilitator must be fair, impartial and trained in Title IX policy and procedures, specifically those dealing with mediation and restorative justice best practices.

*Investigator:* the person(s) assigned by the Title IX Coordinator/Compliance Officer to conduct a prompt fair and impartial investigation into the Formal Complaint. The Investigator(s) must be unbiased and trained in Title IX policy and procedures.

*Respondent:* an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

*Sexual Harassment:* conduct on the basis of sex that satisfies one or more of the following:

- (1) Quid Pro Quo: an employee of the School conditioning the provision of an aid, benefit, or service of the 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 School's education program or activity;
- (3) Sexual Assault: a sexual offense under a state or federal law that is classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation.
- (4) Dating violence: violence committed by a person

- (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (1) the length of the relationship;
  - (2) the type of relationship; and
  - (3) the frequency of interaction between the persons involved in the relationship.
- (5) Domestic violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding , or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- (6) Stalking: to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
  - (a) Fear for his or her safety or the safety of others; or
  - (b) Suffer substantial emotional distress.

*Standard of Proof:* The standard for the burden of proof shall be the preponderance of the evidence. The party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

*Supportive Measures:* non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant regardless of whether a Formal Complaint has been filed or to the Respondent after the filing of a Formal Complaint. Such measures are designed to restore or preserve equal access to the School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or deter Sexual Harassment. Supportive Measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work location, leaves of absence, increased security and monitoring of certain areas of the School, and other similar measures. The School must keep confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the Supportive Measures. The Title IX Coordinator/Compliance Officer is responsible for coordinating the effective implementation of Supportive Measures.

*Emergency Removal:* The School may remove a Respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate

threat to 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. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

*Administrative Leave:* The School may place a non-student/employee Respondent on Administrative Leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

### **Authority**

Title IX states “No person in the United States shall, on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal Financial Assistance.”

In accordance with Title IX, the Board prohibits Sexual Harassment and discrimination on the basis of sex. Violations of this Policy may result in disciplinary action in accordance with the Code of Student Conduct, Board Policy, and applicable federal, state, and local law and regulations.

### **Guidelines**

#### **Title IX Coordinator/Compliance Officer**

Title IX Coordinator/Compliance Officer is responsible for ensuring the prompt, equitable and supportive response to all reports received under this Policy. Specifically, the Title IX Coordinator/Compliance Officer responsibility includes, but is not limited to:

1. Monitoring the School’s compliance with Title IX, which includes explaining and providing Supportive Measures (to one or both parties);
2. Providing ongoing education and training on Title IX;
3. Overseeing, managing and directing the response to a reported complaint and, if applicable, investigation into any complaint that is covered under Title IX; and
4. Taking appropriate action to eliminate the harassing behavior, prevent its recurrence, and remedy its effect.

Any questions regarding Title IX or the application of this Policy can be directed to the Title IX Coordinator/Compliance Officer. The following person has been designated as the School's Title IX Coordinator/Compliance Officer:

Tara Webber, Chief Executive Officer  
Title IX Coordinator/Compliance Officer  
530 E Union Street  
West Chester, PA 19382  
610-696-5910  
[webber@ccfaschool.org](mailto:webber@ccfaschool.org)

### Reporting

Any report of sex-based discrimination or harassment will be taken seriously, addressed promptly and with sensitivity.

A student may report an incident of sexual discrimination or harassment verbally or in writing to any School employee. All reports shall be directed *immediately* to the Title IX Coordinator/Compliance Officer. All non-students can report any incident of sex based harassment to the Title IX Coordinator/Compliance Officer/Compliance Officer. Reports can be made at any time by phone, email, or by completing and submitting the attached Discrimination/Harassment Incident Reporting Form.

Additionally, if the person who received a complaint of Sexual Harassment is a mandated reporter and has reasonable cause to suspect that a student is the victim of child abuse, the incident should immediately be reported to the appropriate agency as directed by state law. This mandated reporting obligation is *in addition* to a report being made to the Title IX Coordinator/Compliance Officer.

### Retaliation

This Policy prohibits retaliation against an individual who files a complaint in response to conduct that s/he reasonably believes violates this policy, or against an individual who participates or cooperates with an investigation, as provided by both Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964. Anyone who experiences retaliation should report it to the Title IX Coordinator/Compliance Officer. Such retaliation, if founded, will result in the same disciplinary action applicable to one who engages in harassment. 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.

### Confidentiality

Confidentiality will be maintained to the extent possible to effectively respond to a reported incident of Sexual Harassment. If a request for confidentiality is received, the School will evaluate any confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. A request for confidentiality may limit the School's ability to respond. All efforts shall be made to maintain the confidentiality of any person initiating or involved in a reported incident of sex-based harassment to protect the privacy of all parties, consistent with the School's responsibility to promptly address and investigate such complaints based on applicable state and federal laws.

Based on the content of what is reported to the School, all incidents that are required by law to be reported to law enforcement and/or ChildLine will be. ChildLine 1-800-932-0313 or <http://www.keepkidssafe.pa.gov/resources/childline/index.htm>.

### Scope of Title IX

Title IX covers those reported incidents of Sexual Harassment that take place in the United States and in the context of an education program or activity which includes locations, event or circumstances over which the School exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

If a reported incident does not fall under the scope of Title IX, the reported incident will be reviewed and appropriate steps taken under other applicable School policies, such as bullying and harassment.

This Title IX policy runs concurrently with and parallel to all applicable laws, regulations and existing School policies and procedures to the extent allowable under the law.

### Resources

The School is committed to providing an educational environment that promotes safety and wellness for the entire School community. Any student or employee is encouraged to seek the assistance of available School-based and community resources to provide support and/or emergency assistance.

### **Delegation of Authority**

The Board directs the Chief Executive Officer or his/her designee to develop administrative regulations to implement this policy. The Chief Executive Officer shall publish this Policy to students, employees, and the community through posting on the School's website, newsletters, and other appropriate means.

**Legal References**

Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681-1688;  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a);  
EEOC Policy Guidelines on Sexual Harassment, 29 C.F.R. §1604.11;  
PA Human Relations Act, 43 Pa. Cons. Stat. Ann. § 951-960 (Purdon 1964 & Supp. 1991);  
Pennsylvania Child Abuse Reporting §6311,  
<https://www.compass.state.pa.us/CWIS/Public/ReferralsLearnMore>  
29 C.F.R. §1604.11  
20 U.S.C. 1092(f)(6)(A)(v)  
34 U.S.C. 12291(a)(10)  
34 U.S.C. 12291(a)(8)  
34 U.S.C. 12291(a)(30)  
Human Relations Commission Guidelines on Sexual Harassment, 11 Pa. Bulletin No. 5 (Jan. 31, 1981).

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER SHALL CONTROL.

ADOPTED this the \_\_\_\_ day of September, 2020.



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Board President



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Board Secretary