



Explore Public Schools
SEXUAL MISCONDUCT, HARASSMENT
AND
TITLE IX COMPLIANCE POLICY

POLICY, PURPOSE, AND SCOPE

In specific compliance with Title IX of the Education Amendments of 1972 (Title IX), Explore Public Schools (hereinafter referred to as Explore Public Schools) is committed to maintaining a safe community free of sexual discrimination, sexual harassment, sexual violence, and sexual misconduct in all of its forms. Explore Public Schools prohibits domestic violence, dating violence, sexual assault, and stalking on or around its campus, offices, and/or other related locations. Explore Public Schools will not tolerate sexual misconduct by or against its students, faculty, or staff. In addition, visitors, volunteers, vendors, consultants, third parties, or any person that provides services to Explore Public Schools are required to comply with the provisions of this policy. All community members must comply with this policy, whether on campus or off campus, when engaged in activities sponsored by Explore Public Schools, or otherwise related to Explore Public Schools or its business. Such activities include, but are not limited to classes, seminars, and meetings.

Explore Public Schools also prohibits any form of retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

This policy applies to Explore Public Schools applicants, employees, students, and faculty members.

All employees are required to report any instance of sexual harassment, sexual violence, and sexual misconduct to the Title IX Coordinator. The only exception to being a mandatory reporter is if one is a confidential resource. Confidential resources are listed at the end of this policy.

The purposes of this policy include:

- Prohibiting all forms of sexual misconduct,
- Creating a work environment that is free from sexual misconduct,
- Encouraging good faith complaints when sexual misconduct has occurred, and
- Providing options for addressing and resolving complaints of sexual misconduct.

In addition, according to the California Department of Education, It is the policy of the State of California that all persons, regardless of their gender, should enjoy freedom from discrimination of any

kind in the educational institution of the state. The laws found in the California Education Code 221.5-231.5 are collectively known as the Sex Equity in Education Act. These laws expand upon gender equity and Title IX laws which provide guidance to California's education system. Each Local Educational Agency (LEA) will be responsible for following the laws in addition to Title IX requirements.

All Explore Public Schools employees, faculty, staff, and students are expected to assume responsibility for maintaining an environment that is free from discrimination, harassment, and retaliation. Employees are encouraged to promptly report conduct that they believe violates this policy so that we have an opportunity to address and resolve any concerns. Explore Public Schools is committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct

DEFINITIONS

Sexual Misconduct

Sexual misconduct is a broad and overarching term used to identify the conduct that constitutes a form of sex discrimination which violates federal and state law, including Title VII of the Civil Rights Act of 1964; Title IX, Education Amendments of 1972 and Explore Public Schools policy. All sexual misconduct is prohibited and includes, but is not limited to sexual harassment, sexual violence, domestic violence, dating violence, actual or attempted sexual assault, stalking, sexual coercion, sexual exploitation, and going beyond the boundaries of consent.

Sexual Harassment

As used in this policy, sexual harassment is defined as harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. It may include all of the actions described above as "harassment," as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, promotion or demotion of a person based on their willingness to comply with sexual requests or activities, or other verbal or physical conduct of a sexual nature. Sexual harassment may also occur digitally through the use of the internet or other digital communication platforms. Sexually harassing conduct need not be of a sexual nature or be motivated by sexual desire. It may include situations that began as reciprocal relationships, but that later ceased to be reciprocal.

Sexual harassment is generally categorized into two types:

- **Quid pro quo harassment**, in which the harasser either provides or denies an employment or educational benefit in exchange for sexual favors, or makes an adverse employment or educational decision on the basis of rejection of sexual advances.
- **Hostile environment harassment**, in which the working or learning environment is made abusive. An abusive or hostile environment is one that is reasonably and actually perceived by the complaining party as abusive by making it more difficult to do one's job or pursue one's education. Any act of sexual violence creates a hostile environment in violation of this policy.

Examples of **quid pro quo sexual harassment** include, but are not limited to, the following: a supervisor granting a promotion to an employee because the employee unwillingly consents to have sexual relations with the supervisor; a supervisor firing an employee because the employee refuses to have sexual relations with the supervisor; a faculty member providing an undeserved

failing grade to a student because the student refuses to have sexual relations with the faculty member; a faculty member giving an undeserved high grade to a student because the student consents to have unwanted sexual relations with the faculty member; or a supervisor providing positive references or evaluations for an employee or student in exchange for sexual favors.

Examples of **hostile environment harassment** include, but are not limited to, the following: requests for sexual favors, persistent sexual slurs, repeated requests for an unwelcome sexual relationship, continual sexually suggestive jokes, gestures or sounds, a pattern of widespread favoritism based on sexual relationships, pornographic or suggestive materials offensive to others, or unwelcome sexual touching. A hostile environment can exist by virtue of a combination of individual incidents that would not, individually, constitute sexual harassment. In order for these examples or other behaviors to constitute hostile environment harassment, the effect of the harassment must create an abusive or hostile environment, usually over a period of time. Even one serious incident may, however, constitute hostile environment harassment, such as an occurrence of sexual violence.

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Both men and women are protected from sexual harassment, whether that harassment is perpetrated by a member of the same or opposite sex. Sexual harassment may be committed by a male or a female toward either a male or a female.

Sexual Discrimination

Sexual discrimination is the inconsistent treatment of persons on the basis of their sex, gender, familial status, sex stereotypes, sexual identity, or pregnancy status. Examples include, but are not limited to, providing or denying services or benefits to a student on the basis of sex, denying admission of a person into an educational or training program on the basis of sex, engaging in sexual harassment of any kind, failure to provide equal athletic opportunities, and discrimination based on pregnancy.

Sexual Assault

Sexual assault is a term that covers a range of forcible and non-forcible sexual misconduct, including sexual battery, rape, and sexual coercion. Sexual battery is touching the intimate part of another person, with no consent for the touching or that the consent was fraudulently obtained, and that the touching was done for sexual arousal, gratification, or abuse. Rape is nonconsensual sexual intercourse that involves the use or threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Sexual coercion is the act of using pressure, alcohol, medications, drugs or force to have sexual contact against another person's will or with another person who already refused. See Cal. Code Section 243.4.

Sexual Exploitation

Sexual exploitation is defined as taking non-consensual, unjust, or abusive sexual advantage of another. Examples include, but are not limited to (1) prostituting another person; (2) non consensual video or audio-taping of sexual or inherently private activity, such as using the restroom or bathing; (3) going beyond the boundaries of consent, such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity; (4) engaging in non consensual voyeurism; or (5) knowingly transmitting or exposing a sexually transmitted disease (STD) or HIV to another person without the knowledge of the other person.

Sexual Violence

Sexual violence is defined as any actual, attempted, or threatened physical sexual act with another person without that person's consent. It includes, but is not limited to sexual acts perpetrated by force (expressed or implied), or duress, deception, or coercion upon the victim. It includes acts referred to as "date rape" or "acquaintance rape," and specially includes sexual acts involving a victim who is incapable of giving consent due to age, disability, or intoxication by alcohol or drugs. The use of alcohol or drugs never makes the victim at fault for sexual violence.

Consent

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between

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them, should never by itself be assumed to be an indicator of consent.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the respondent believed that the complainant consented to the sexual activity under either of the following circumstances:

- The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent.
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the respondent believed that the complainant affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.
See Cal Code Section 67386.

The use of coercion, threat, or force takes away a person's ability to give consent. Sexual coercion is the act of using pressure, alcohol, medications, drugs or force to have sexual contact against another person's will or with another person who already refused. Force is the use of physical violence to gain sexual access, including threats, intimidation, and actual physical imposition. See Cal. Code Section 261.6.

Consensual Relationships

Intimate or romantic relationships between employees (faculty and/or staff), or between employees and students, even when within the bounds of acceptable Christian conduct, may nonetheless pose potentially serious moral, ethical, and legal concerns to the individuals and to Explore Public Schools.

Where a power differential between the parties exists, even consensual relationships may constitute sexual misconduct if the effect of such a relationship interferes with an individual's academic or professional performance or if it creates an intimidating environment. Further, conflicts of interest or breaches of professional ethics may arise if one party to the relationship evaluates the work or academic performance of the other, during the relationship or even after it ends.

Employees are cautioned that such relationships could potentially result in a sexual misconduct charge, and could result in the individual with the power in the relationship bearing the burden of responsibility.

Explore Public Schools recommends that where such relationships develop, the individual in a position of authority notify his or her supervisor and that he or she surrenders responsibility for evaluation. Further, where an employee is called upon to supervise an individual with whom he or she has had a romantic relationship, he or she should discuss this with a supervisor. Explore Public Schools discourages romantic relationships between faculty members.

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An incapacitated person is a person unable to consent to sexual activities due to the use of alcohol or drugs impairing judgment, lack of consciousness, being asleep, developmental disabilities, or lacks full knowledge or information of what is happening. The use of drugs or alcohol by the accused is not a defense against allegations of sexual misconduct.

Dating Violence

Dating violence is a form of sexual violence and is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The relationship's existence is 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. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations. See Cal. Fam. Code Section 6210. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence

Domestic violence is felony or misdemeanor violence of abuse perpetrated against a spouse or former spouse, cohabitant or former cohabitant, person with whom the respondent is having or has had a dating or engagement relationship, a person with whom the respondent has had a child, a child of a party or a child who is the subject of an action under the Uniform Parentage Act, or any other person related by consanguinity or affinity within the second degree. See Cal. Fam. Code Section 6211; Cal. Code Section 273.5.

Stalking

Stalking means any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety. Stalking behavior includes, but is not limited to a person who (1) makes repeated, unwanted, intrusive, and frightening communications by phone, mail, or email; (2) repeatedly leaves or sends the victim unwanted items, presents, or flowers; or (3) follows or waits for the victim at places. See Cal. Code Section 646.9. This should generally be examined under a reasonable person standard in which a reasonable person under similar circumstances and with similar identities to the person affected suffers mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Community Member

Community member refers to "NAME" students, faculty, staff, visitors, volunteers, vendors, consultants, third parties, and any person that provides services to "NAME".

Compliance Officer

The Executive Director serves as Compliance Officer with primary responsibility for oversight and enforcement of this Policy and procedures set forth herein. The current Executive Director's information can be found on our website.

Title IX Coordinator

The Title IX Coordinator is the administrator to whom a complaint is reported. The Title IX Coordinator ensures the complaint is addressed according to policy and procedures.

The Executive Director and Board also serves as Title IX Coordinator with primary responsibility for oversight and enforcement of this Policy, as well as identifying and addressing any systemic problems that arise during the review of complaints.

Responsible Officer

A Responsible Officer is a faculty or staff member or administrator appointed by the Executive Director or Board who is trained to respond to formal and informal complaints of sexual misconduct and who, in partnership with the senior administrators as applicable, adjudicates the complaint.

Retaliation

Retaliation means any materially adverse action taken because a person engaged in activity protected under this policy or reasonably thought to be protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a

violation of this policy.

REPORTING and PROCEDURES

Persons who believe that they have experienced or witnessed behavior that they believe or reasonably believe violates this policy are encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

The applicant, employee, or student should then immediately report the alleged violation to the Title IX Coordinator. If the Coordinator is unavailable, contact the Compliance Officer or a Responsible Officer.

Explore Public Schools understands that disclosing sexual misconduct is very sensitive and can be incredibly difficult. This is a difficult situation and that's disclosing. For that reason, Explore Public Schools is committed to treating persons involved with compassion, dignity, and professionalism. Immediate notification, ideally within the first 24 hours after any sexual misconduct occurs, helps assure the preservation of evidence. Explore Public Schools employees shall assist with the preservation of evidence which may be necessary for the proof of criminal sexual misconduct or to obtain a protection order. In an emergency, call 911.

Once it receives a report, Explore Public Schools will promptly analyze the facts and circumstances of any alleged violation, as appropriate. Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. All investigations will be fair, impartial, timely, and completed by qualified personnel.

To the extent possible, Explore Public Schools will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with Explore Public Schools ability to fulfill its obligations under this policy or any applicable law or order. All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation. Upon completion of the investigation, if misconduct is substantiated, Explore Public Schools will take appropriate corrective and preventive action calculated to end the conduct up to and including formal discipline where warranted.

Conflict of Interest

As soon as possible after a complaint has been initiated under this policy, the Title IX Coordinator will certify both to the complainant and to the respondent, that inquiry has been made concerning any potential conflict of interest and a written assurance will be issued to the parties that all persons involved in the investigation of the complaint have certified they are aware of no conflicts of interest that would prevent them from conducting an impartial investigation or consideration of the case. To the extent possible, grievance officers will not have supervisory oversight over a complainant or respondent. If the Title IX Coordinator has a conflict of interest, said officer will withdraw from the case and the duty to certify that there is no conflict of interest will be assumed by the appropriate responsible officer assigned to the case, or another person designated by the President, such that both parties are assured that no person with a conflict of interest shall be involved in the investigation or consideration of the case.

Complaint Procedures and Explore Public Schools Duties and Standards of Review

Training

All new and incoming students, faculty, and employees are required to complete a program of Explore Public Schools choice that covers primary prevention and awareness of sexual harassment in the workplace and each individual's role in creating an underlying culture of mutual respect. Every two years, all existing employees must take either the same or a different sexual harassment prevention training at Explore Public Schools discretion.

Appointment of the Title IX Coordinator

Explore Public Schools is required by federal law to designate a Title IX Coordinator and to post the name and contact information (phone and email) of that individual prominently on its website. The name and contact information of the current Title IX coordinator are as follows:

NAME OF TITLE IX COORDINATOR

Title: Principal

Mailing Address:

2190 North
Canal Street,
Orange, CA
92865

Phone: 424-261-3821

Resources on Explore Public Schools Website: <https://www.explorek12oc.com/>

Explore Public Schools is also required by federal law to post the following information prominently on its website:

- The rights of persons under Title IX and California Education Code section 221.61, including web links to information about those rights and responsibilities located on the Office for Equal Opportunity and the United States Department of Education Office of Civil Rights. Links to these resources can be found here:

U.S. Department of Education Office for Civil Rights:

[https://www2.ed.gov/about/offices/list/ocr/aboutocr.html#:~:text=About%20OCR
&text=The%20mission%20of%20the%20Office,vigorous%20enforcement%20of%20civil%20rights](https://www2.ed.gov/about/offices/list/ocr/aboutocr.html#:~:text=About%20OCR&text=The%20mission%20of%20the%20Office,vigorous%20enforcement%20of%20civil%20rights).

Overview of Rights and Duties Imposed by Title IX:

<https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html>

- The list of rights located at California Education Code section 221.8 (see Addendum B);
- A description of how to file a complaint under Title IX (Addendum C to this policy), which will include:
 - An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations;
 - An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, the following internet link to this information on the US Department of Education Office for Civil Rights' website:
(<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>)
 - An internet link to the US Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.
(<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>)

Investigation Overview

Explore Public Schools trained Responsible Officers will be appointed by the President to assist Explore Public Schools in responding to informal and formal complaints of sexual misconduct. In addition to both male and female representatives, representatives will include members of staff and faculty to ensure an unbiased investigation. The Title IX Coordinator shall regularly review all currently trained and appointed Responsible Officers with the President and ensure their training is current.

Explore Public Schools shall provide a prompt, fair, and unbiased investigation and resolution. There are two procedures to consider for addressing sexual misconduct concerns, the Informal Complaint Procedure and the Formal Complaint Procedure. All proceedings of informal and formal complaints are confidential and will be documented. If at any point in the process, the complainant declines to provide information or declines to participate further in the complaint process, Explore Public Schools will review the matter based upon all of the information gathered. The complainant and respondent shall be simultaneously informed in writing of the outcome of any proceeding, right to appeal, any change in results that occurs prior to the time that such results become final and when such results become final.

Informal Complaint Procedure

In the Informal Complaint Procedure, a complainant may discuss a sexual misconduct concern with the Title IX Coordinator without putting the complaint in writing. During this meeting, the Title IX Coordinator will:

1. provide the complainant with a copy of the policy,
2. discuss the informal and formal complaint procedures,
3. offer counseling or other support assistance, and
4. discuss any interim measures that may be needed.

A complainant has the right to access their description of the incident as it was reported to Explore Public Schools at any time. A complainant may elect to discontinue the informal complaint procedure and commence a formal complaint at any time. The informal complaint procedure will not be employed in cases of sexual assault.

If the complainant elects to move forward with the informal complaint procedure, the Title IX Coordinator will then notify the respondent of the informal complaint and set up a meeting to review the complaint with them. At this meeting the Title IX Coordinator will provide the respondent with a copy of the policy, discuss the informal and formal complaint procedures, and offer counseling, support assistance, and any interim measures that may be needed.

In order to promptly respond, the Title IX Coordinator shall attempt to complete the following procedure within ninety (90) calendar days of the date the complaint is received:

1. At least two (2) Responsible Officers, will meet with the complainant to understand the nature of the concern, collect any evidence, and obtain a list of witnesses. A written report of this meeting is completed and shared with the complainant for amendment.
2. The Responsible Officers will then meet with the respondent to understand the respondent's response to the complaint, collect any evidence, and obtain a list of witnesses. A written report of this meeting is completed and shared with the respondent for amendment.
3. The Responsible Officers will meet with any witnesses as necessary. A written report of each witness meeting is completed and shared with that witness for amendment.
4. The Responsible Officers will then meet with the complainant again to review any information gathered and to ask additional questions as needed.
5. The Responsible Officers will then meet with the respondent again to review any information gathered and to ask additional questions as needed.
6. The Responsible Officers provide a written summary of their recommended finding and resolutions to the Title IX Coordinator.
7. The Title IX Coordinator shares the Responsible Officers' finding and resolutions with the President to determine the finding and resolutions.
8. The findings and resolutions are communicated to the complainant and respondent in writing.
9. If the parties agree, the resolutions are implemented and the informal process is concluded. If the parties do not agree upon a resolution, or at any time during the informal process, the complainant or respondent may initiate a formal complaint.
10. The resolution or lack thereof will be reported to the Board of Directors.

Whether or not the complainant files a formal complaint and/or the parties reach a resolution, Explore Public Schools may at its sole discretion initiate a formal investigation and take appropriate actions to attempt to fully resolve any harm that occurred and prevent any further harm.

Informal Complaint to Formal Complaint Procedure

If either the complainant or respondent allege that the informal complaint procedures have failed to resolve the concern of sexual misconduct or are not possible or appropriate, they may file a formal written complaint with the Title IX Coordinator.

The formal complaint procedure begins with an initial meeting between the complainant and the Title IX Coordinator in which the Title IX Coordinator will:

1. provide the complainant with a copy of the policy,
2. discuss the formal complaint procedures, and
3. discuss the support assistance and interim measures available.

A complainant has the right to access their description of the incident as it was reported to Explore Public Schools at any time.

The following outlines the steps and timeline for the formal complaint procedure when pursued after the informal complaint procedure has been started or completed:

1. Within ten (10) working days of receiving the written communication detailing the decision and resolution of the informal complaint, the complainant or respondent involved in the prior informal complaint, can submit a formal written complaint. The written complaint must:
 - describe in detail the alleged sexual misconduct and the action the complainant requests to resolve the matter. Descriptions should include the name(s) of the individual(s) involved, the date(s) of the event(s) at issue ;
 - include, if possible, names, addresses, and phone numbers of witnesses or potential witnesses and any other evidence;
 - be signed and dated by the complainant.

Any information submitted during the informal complaint process will be retained as part of the formal complaint process. However, the complainant must make known which portion(s) should be included in the formal written complaint as that information must then be provided to the respondent. Complainants are strongly encouraged to include in the written complaint a comprehensive account of all significant incidents that have caused them concern, whenever they may have occurred.

2. Within five (5) working days after receipt of the signed complaint, the designated Responsible Officers will confirm receipt of the complaint and begin reviewing the complaint to determine if the complaint sufficiently describes the alleged

sexual misconduct.

- If the complaint does not sufficiently describe a concern within the definition of sexual misconduct under this policy, the complaint will be returned and other assistance may be recommended.
 - If the complaint does not sufficiently describe the factual details of the concern so that a determination of sexual misconduct can be made, the complaint will be returned and the complainant may submit an amended complaint providing enough factual details to allow a determination to investigate.
 - If the complaint sufficiently describes a factual basis for concern within the definition of sexual misconduct such that a determination of sexual misconduct can be made, an investigation will begin promptly.
3. Within ten (10) working days of receiving a complaint or amended complaint, the Title IX Coordinator will notify the respondent that a formal complaint has been received and an investigation has begun. A copy of the written complaint and a copy of this policy will be provided to the respondent.
 4. The Title IX Coordinator will then schedule a conference call or in-person meeting with the respondent to discuss the formal complaint procedures and offer counseling, support assistance, and any interim measures that may be needed.
 5. The respondent will be offered the opportunity to provide a written response to the formal complaint. The response must be submitted to the Title IX Coordinator no later than 10 (ten) working days after receipt of the formal complaint. Respondents are strongly encouraged to reply in writing to the Title IX Coordinator to all specific incidents described in the complaint in a comprehensive manner.
 6. Within the next ten (10) working days after receiving the respondent's written response, the Responsible Officers will meet with the complainant to review the nature of the complaint and identify the scope and nature of the investigation. The Grievance Officers will also meet with the respondent to review the respondent's response to the complaint, request names of witnesses, request evidence, and to review with the respondent the scope and nature of the investigation. A written report of each meeting is completed and shared with the individual being interviewed for amendment.
 7. The Responsible Officers shall thoroughly investigate the complaint. Witnesses interviewed during the informal complaint process will be recalled as needed.
 8. Prior to completing the investigation, the Responsible Officers shall meet again with the complainant and the respondent separately to give an overview of the steps taken during the investigation, to ask the complainant and the respondent for the names of any others the investigators should speak with, and to request any additional information. A written report of each meeting is completed and shared with the individual being interviewed for amendment.
 9. After completion of the investigation, the Responsible Officer(s) and the senior administrator(s) responsible for the involved student, faculty or staff member review the Responsible Officers' report and reach a conclusion based on a preponderance of evidence (i.e., more likely than not standard) regarding the allegations and appropriate corrective action(s), if any.

It is the goal of these procedures that, to the extent possible, the above steps be completed

within ninety (90) calendar days of receiving the formal complaint. The Responsible Officer(s) and senior administrator(s) shall forward to the complainant and respondent all of the following in a notice of outcomes letter:

- a summary of the investigative report including the conclusion reached as to whether sexual misconduct did or did not occur with respect to each allegation in the complaint and the rationale for that conclusion,
- a description of resolutions, if any, to resolve any sexual misconduct that occurred, and to prevent similar issues from occurring in the future, and
- a description of the complainant's and respondent's right to appeal either the finding or the appropriateness of the corrective action(s).

The resolution or lack thereof will then be reported to the Board of Directors.

Sanctions

Depending on circumstances and the severity of the conduct, corrective action will vary. Resolution steps could include one or more of the following for students: counseling, advising or coaching from student life or campus ministry professionals, verbal or written warning, reflection paper, no contact order, continuing interim measures, behavioral probation, suspension, dismissal, or expulsion. For employees, resolution steps could include one or more of the following: counseling, training, advising or coaching from a professional, verbal or written warning, loss of staff or faculty privileges, demotion, suspension, termination, or criminal prosecution. Sanctions may be imposed on an individual who knowingly provided false information or initiated in bad faith a claim of sexual misconduct.

No Retaliation

Federal and state law, as well as Explore Public Schools policy, prohibits retaliation, threats of retaliation, suspension, or discharge against persons for raising good faith concerns regarding sexual misconduct. Any retaliatory conduct is subject to disciplinary actions.

Appeal Rights

Complainants or respondents may submit a written appeal to Explore Public Schools President, or the President's designee, within ten (10) calendar days of receipt of the determination if:

1. Complainant or respondent alleges procedural error has been made during the course of the complaint process;
 2. new evidence has surfaced that would affect the outcome of the case;
- or
3. the decision of the outcome was arbitrary or capricious.

The appeal will be considered by a committee appointed by the President, or his or her designee, composed of five (5) different Responsible Officers not involved in the formal investigation. The complainant and respondent may each propose one committee member for consideration.

Within thirty (30) calendar days after receipt of the appeal, the committee will meet to review and evaluate the investigative report and determination, reach its conclusion by majority vote, and communicate its conclusion in the form of an advisory recommendation to the President, or his or her designee. At the discretion of the committee, any party or witness may be asked to appear before the committee to clarify or supplement the record.

The President, or his or her designee, shall issue a decision in writing to the complainant and respondent within ten (10) calendar days of the receipt of the committee's recommendation. Such a decision shall be Explore Public Schools final decision in the case.

Institutionally Directed Procedure

Regardless of whether a complaint has been received, Explore Public Schools may, at any time and at its sole discretion, initiate an investigation of or take action against any sexual misconduct occurring within the Explore Public Schools community. In the event that the complainant does not wish to pursue the complaint process, any response by Explore Public Schools may be hindered by the complainant's wishes for anonymity and/or inaction. In a case of sexual violence where a criminal investigation has been commenced by law enforcement authorities, the procedures outlined in this policy and stated timelines may be adjusted as reasonably required to avoid interference with the criminal justice process.

In these cases, the process begins with an initial meeting between the Responsible Officers and decision makers to clarify roles and expectations and be briefed on the concern(s) by the Title IX Coordinator. After that initial meeting, the general procedure below will be followed:

1. At least two (2) Responsible Officers meet with the parties involved, including witnesses, to further understand the nature of the concern and collect any evidence. A written report of each meeting is completed and shared with the person who was interviewed for accuracy.
2. The Responsible Officers provide a written summary of their recommended findings and resolutions to the Title IX Coordinator. Resolutions could be issued for individuals, departments, schools, or for Explore Public Schools as a whole.
3. The Responsible Officers meet and share their findings and resolutions with the President who determines the findings and resolutions.
4. The findings and resolutions are communicated as needed to the parties involved.
The Title IX Coordinator ensures that all resolutions are implemented.

Note: Depending on the circumstances of the case and any obstacles encountered to a thorough investigation, the process and timing of the investigation may be altered at the discretion of the Title IX Coordinator, in consultation with the Responsible Officers.

Recordkeeping

The Title IX Coordinator is responsible for maintaining the official Explore Public Schools records of sexual misconduct reports and complaints. When a complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the complaint or report will be provided to the Title IX Coordinator, who will maintain such records in accordance with Explore Public Schools record retention requirements and applicable law.

The official records include:

- Intake records for complainant(s) and respondent(s) indicating that the Title IX Coordinator met with the complainant and/or respondent(s) and the issues covered;
- In cases where the formal complaint is used, a copy of any written complaint;
 - A description of any interim action taken and copies of correspondence from Title IX Coordinator to the complainant and respondent relating to the interim action;
- A copy of any Clery Act report submitted to the Title IX Coordinator who shall maintain the original or a copy;
- Record indicating the support person(s) selected by the complainant(s) and/or respondent(s) and their signed agreements;
- Copies of any notices given to the complainant(s) and/or respondent(s);
- Investigative summary report and accompanying documentation compiled by the Responsible Officers;
- Copies of meeting summaries and addendums for complainant(s), respondent(s) and witness(es);
- Documentation indicating the decision reached and sanctions imposed;
- Copies of the notice of outcome letters provided to the parties;
- Appeal statement, if any; and
- Decision of appeal committee and copies of notices of outcome letters sent to parties regarding appeal, if applicable.

Each official having a role in the response and resolution process may elect to send additional records to the Title IX Coordinator depending on the particular facts and circumstances. Personal notes of officials involved in the response and resolution process generally will be maintained in the sole possession of the official who took the notes according to the official's normal recordkeeping practices, any Explore Public Schools record retention requirements, and applicable law.

OTHER CONSIDERATIONS

What happens when reporting sexual misconduct also means reporting violation(s) of Explore Public Schools standards for student conduct or other campus policies?

When instances of sexual misconduct have been reported, Explore Public Schools concern is focused solely on learning all that is possible about what happened during the incident so that a finding and resolutions can be reached. In order to have a full and thorough investigation, it is important that all facts are shared with the Grievance Officers, even if some of those facts involve disclosing violations of Explore Public Schools standards for student conduct or other campus policies. It is important for complainants, respondents, and witnesses to know that they will not be disciplined in any manner, during or after the investigation, for reporting facts about the events that include violations of Explore Public Schools standards for student conduct or other campus policies. Explore Public Schools sole focus is learning everything possible about what happened during the incident so that a finding and resolutions can be reached.

RESOURCES

Sexual Assault Nurse Examination (SANE)

Following a sexual assault, the most important concern is for the health, safety, and care of the person who has experienced sexual assault. As difficult as it can be, we strongly encourage students to seek medical assistance at the nearest hospital emergency room immediately following a sexual assault. A medical examination is vital for the health and well-being of the person who has experienced the assault and also serves to collect and preserve evidence. This specific type of medical examination is called a Sexual Assault Nurse Examination or SANE.

Individuals may go to the nearest hospital emergency room by themselves or with a friend. This will allow for confidentiality in the event the individual chooses not to make a report to Explore Public Schools or to the law enforcement. With the occasional exception of a few preventative medications, there is no charge for care related to sexual assault.

While the first inclination of an individual may be to take a shower, it's important to not wash, shower, bathe, douche, brush teeth; or to change, destroy or clean the clothes worn during the assault before having the exam. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. It is important to bring a change of clothing if the individual goes to the hospital. It may be necessary for the nurse or law enforcement to keep the clothes worn during the assault. If an individual has already changed clothes, the articles of clothing that were worn can be brought in a paper bag.

These exams are completely confidential. The results are not given to the law enforcement unless the individual consents. Individuals are not required to report the assault to the law enforcement or to Explore Public Schools through this process, but if they choose to do so, the support staff at the nearest hospital emergency room will assist them in the reporting process.

Support Services

It is strongly recommended that any individual involved in the resolution of a sexual misconduct complaint seek personal support through relationships with a few trusted family members or friends. Explore Public Schools reserves the right to provide accommodations during the investigation process to create a safe and thriving environment.

Interim Measures

Interim protective measures, such as changing the work, transportation, living or academic environment, will be considered immediately, regardless of whether the complainant chooses to report the crime to local law enforcement. Explore Public Schools will make information available to complainants on the right to seek orders for protection, no contact orders, or restraining orders.

Explore Public Schools will meet with the complainant and respondent to discuss any interim measures that are needed. Examples of interim measures are: referring the student or employee to appropriate resources for developing a safety plan, seeking medical attention or counseling, or seeking legal assistance; providing alternative housing, academic, or workplace arrangements;

providing safety escorts to and from campus; modifying workplace or academic schedules or responsibilities; assisting with a leave of absence from work or school; screening phone calls; transferring harassing calls to Safety and Security; and removing the employee's or student's name from all directories.

At any time, the complainant or respondent can request an interim measure by contacting the Title IX Coordinator. At the request of the complainant, Explore Public Schools will provide a complainant who transfers to another postsecondary institution with information about resources for victims of sexual assault at the institution to which the complainant is transferring.

Requests For Reasonable Accommodations

Individuals who need reasonable accommodation should contact the Title IX Coordinator. Explore Public Schools will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations Explore Public Schools may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

Support Persons

The complainant and respondent are entitled to the same opportunities to have others present during a Explore Public Schools complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by a support person of their choice. Any support person that accompanies the complainant or respondent to a meeting must sign a Support Person Agreement (See Addendum A), which stipulates the role of the support person.

Addendum A

Support Person Agreement

The purpose of the support person is to support an individual during the complaint process. A support person may be any person who is not a witness, such as a Explore Public Schools faculty or staff member, a family member, a close friend, an attorney or any other person. Support persons who are attorneys are subject to the same limitation on participation in the response and resolution process as other support persons. If a support person is an attorney, Explore Public Schools has the right to have its own legal counsel present for any meeting at which the attorney support person is present.

Anyone who wishes to serve as a support person must attest that they have read, understood, and agreed to abide by (where applicable) the following provisions and guidelines:

- A support person may accompany the individual to in-person interviews or other meetings during the investigation or complaint resolution process;
- Barring extraordinary circumstances, Explore Public Schools will not unnecessarily delay its processes to accommodate the schedules of support persons;

- A support person may not interrupt or otherwise delay the investigation or complaint resolution process.
- A support person may not appear in lieu of the complainant or respondent or speak on their behalf either in-person or in written communication to Explore Public Schools. A support person's only ability to communicate with the Title IX Coordinator, Responsible Officers, decision makers or any other school official involved in the complaint process is if the complainant or respondent communicated their wish that the support person be added to the investigation as a witness;
- A support person may not communicate directly with the Title IX Coordinator, Responsible Officers, decision makers or any other school official involved in the complaint process;
- A support person may confer with the complainant or respondent, but must do so outside of the meeting area. The complainant or respondent must notify the interviewing Responsible Officers that they would like to confer with their support person and then step outside of the room to confer;
- A support person may have access to information concerning a case only when accompanying the complainant or respondent (for in-person access to information) or only when the complainant or respondent has given permission for the support person to be copied on emails or other correspondence. A support person's access to such information is subject to the same limitations as those placed upon the parties and conditioned upon the support person's agreement to maintain the confidentiality of any student education records or other confidential information.
- A support person may not use, copy, disclose, duplicate, redistribute, share, or provide access to any confidential information supplied during the complaint process whether the information is presented in hard copy, electronically or verbally now or in the future. These confidentiality requirements will be in effect indefinitely.
- A support person may be disqualified or dismissed from the process by Explore Public Schools for violations of confidentiality or other forms of interference with the investigation or complaint resolution process.

I have read the above Support Person Agreement and agree to abide by all provisions.

Name:

Signature:

Date:

Addendum B

Student Rights Under the Law

California Code of Education section 221.61

(a) On or before July 1, 2017, public schools, private schools that receive federal funds and

are subject to the requirements of Title IX, school districts, county offices of education, and charter schools shall post in a prominent and conspicuous location on their Internet Web sites all of the following:

(1) The name and contact information of the Title IX coordinator for that public school, private school, school district, county office of education, or charter school, which shall include the Title IX coordinator's phone number and email address.

(2) The rights of a pupil and the public and the responsibilities of the public school, private school, school district, county office of education, or charter school under Title IX, which shall include, but shall not be limited to, Internet Web links to information about those rights and responsibilities located on the Internet Web sites of the department's Office for Equal Opportunity and the United States Department of Education Office of Civil Rights, and the list of rights specified in Section 221.8 .

(3) A description of how to file a complaint under Title IX, which shall include all of the following:

(A) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.

(B) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the United States Department of Education Office for Civil Rights' Internet Web site.

(C) An Internet Web link to the United States Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.

(b) On or before April 1, 2017, and annually thereafter, the Superintendent shall send a letter through electronic means to all public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools informing them of the requirement specified in subdivision (a) and of their responsibilities under Title IX.

(c) A public school that does not maintain an Internet Web site may comply with subdivision (a) by posting the information specified in paragraphs (1) to (3), inclusive, of subdivision (a) on the Internet Web site of its school district or county office of education.

(d) Nothing in this section shall be construed to require a school or local educational agency to establish an Internet Web site if the school or local educational agency does not already maintain one.

California Code of Education section 221.8

The following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), may be used by the department for purposes of Section 221.6:

(a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.

(b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.

(c) You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school.

(d) You have the right to apply for athletic scholarships.

(e) You have the right to receive equitable treatment and benefits in the provision of all of the following:

(1) Equipment and supplies.

(2) Scheduling of games and practices.

(3) Transportation and daily allowances.

(4) Access to tutoring.

(5) Coaching.

(6) Locker rooms.

(7) Practice and competitive facilities.

(8) Medical and training facilities and services.

(9) Publicity.

(f) You have the right to have access to a gender equity coordinator to answer questions regarding gender equity laws.

(g) You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws.

(h) You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex.

(i) You have the right to pursue civil remedies if you have been discriminated against. (j) You have the right to be protected against retaliation if you file a discrimination complaint.

Addendum C

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Statute of Limitations and How to File a Complaint After the Statute Runs

In California, a Title IX claim must generally be filed within 180 days of the alleged incident, unless additional time is granted for filing by the Office of Civil Rights for good cause under certain circumstances. As a general rule, a complaint should be filed as soon as possible.

In cases of physical assault, complaints are generally governed by California's personal injury statute of limitations (CCP 335.1), which requires a claim to be filed within two years of the violation.

While a claimant is not legally required to file a complaint using the institution's grievance process, they may want to explore their rights under that process before filing with the Office of Civil Rights. If a complainant uses an institutional grievance process and also chooses to file with the Office of Civil Rights, the complaint to the Office of Civil Rights must be filed within 60 days after completion of the institutional grievance process.

Possible good cause for a late filing include:

- The claimant did not discover, and was not aware of any facts that would have caused a reasonable person to suspect that they suffered harm caused by someone else's wrongful conduct (the "delayed discovery" rule). An example in a Title IX claim could be when events take place while the victim is unconscious;
- The injured person was under the age of 18 or was otherwise "lacking the legal capacity to make decisions" (i.e. subject to a temporary or permanent mental illness or extreme intoxication) at the time the violation took place (CCP section 352);
- The alleged violator left the state of California at some point after the underlying accident, and before the lawsuit could be filed (CCP section 351).

Addendum D

Required Postings on "NAME" Website

A link to the US Department of Education Office for Civil Rights' website:

(<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=r>)

A link to the US Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.

(<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>)

The OCR National Headquarters is located at:

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-245-8392; **TDD:** 800-877-8339

Email: OCR@ed.gov

General Inquiries: **1-800-USA-LEARN** (1-800-872-5327)

Speakers available in Spanish and more than 170 languages.

Mailing address:

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202

Ask a Question: www.ed.gov/answers

Addendum E

"NAME" Self-Evaluation Report in Compliance with Code of Federal Regulations section 106.3(c)

Legal Authority

CFR section 106.3(c) and (d)

(c) Each recipient education institution shall, within one year of the effective date of this part:

(1) Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity;

(2) Modify any of these policies and practices which do not or may not meet the requirements of this part; and

(3) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.

(d) ***Availability of self-evaluation and related materials.*** Recipients shall maintain on file for at least three years following completion of the evaluation required under paragraph (c) of this section, and shall provide to the Assistant Secretary upon request, a description of any modifications made pursuant to paragraph (c)(ii) of this section and of any remedial steps taken pursuant to paragraph (c)(iii) of this section.