



GROWING UP GREEN CHARTER SCHOOLS

Title IX Policy

I. Overview

This policy is the Growing Up Green Charter Schools (“GUGCS”) Title IX Policy (the “Policy”). The Policy outlines, among other things, GUGCS’ nondiscrimination policy, grievance procedures, and training requirements related to Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) and its implementing regulations (34 C.F.R. 106) (“Title IX”).

II. Nondiscrimination Policy:

Title IX prohibits sex discrimination. Title IX provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

GUGCS does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.

III. Title IX Coordinators

GUGCS designates the following individuals as its Title IX Coordinator(s):

- **Steve Viola - Chief Operating Officer (Students)**
- **Lina Halasz - Managing Director of Human Resources (Staff)**

Each Title IX Coordinator monitors GUGCS’ education program and activities for any barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and takes steps reasonably calculated to address such barriers. Each Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX, must take the steps identified in this Policy to promptly and effectively end any sex discrimination in GUGCS’ education program and activities, prevent its recurrence, and remedy its effects.

Steve Viola will lead reviews of matters pertaining to possible Title IX violations that only involve students. Lina Halasz will lead reviews of matters pertaining to possible Title IX

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violations that involve (i) students and staff or (ii) only staff. Matthew Greenberg will have ultimate oversight of the Title IX program.

IV. Grievance Procedures

GUGCS has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, the Title IX Coordinator, or by other individuals who are participating or attempting to participate in its education program or activity, alleging any action that would be prohibited by Title IX or the Title IX regulations.

A. Complaints

1. Who May Make a Complaint

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

- A “complainant,” which includes:
 - a student or employee of GUGCS 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 GUGCS 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 GUGCS’ education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- GUGCS’ 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).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of GUGCS; or

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- Any person other than a student or employee who was participating or attempting to participate in GUGCS' education program or activity at the time of the alleged sex discrimination.

2. Title IX Coordinator

When the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process), the Title IX Coordinator will determine whether to initiate a complaint of sex discrimination as required under Title IX.

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of GUGCS;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decision maker in determining whether sex discrimination occurred; and
- Whether GUGCS could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under § 106.45, and if applicable § 106.46.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents GUGCS from ensuring

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equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint. If the Title IX Coordinator initiates a complaint, they must notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant’s safety or the safety of others, including by providing supportive measures. Regardless of whether a complaint is initiated, the Title IX Coordinator must take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within GUGCS’ education program or activity.

The Title IX Coordinator is not required to comply with the above upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or this part.

3. Consolidation

GUGCS 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.

GUGCS will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when GUGCS obtains prior written consent from the parents or eligible students to the disclosure of their education records. An “eligible student” is “a student who has reached 18 years of age or is attending an institution of postsecondary education.”

B. Requirements of Title IX Grievance Procedures

GUGCS and the Title IX Coordinator will treat complainants and respondents equitably.

GUGCS requires that any Title IX Coordinator, investigator, or decision maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decision maker may be the same person as the Title IX Coordinator or investigator.

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

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

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- Within seven (7) business days of receipt of the initial complaint, GUGCS will complete a preliminary evaluation to decide whether to dismiss or investigate a complaint;
- If, following the preliminary evaluation, it is determined an investigation is warranted, GUGCS will promptly conduct an investigation. Depending on the facts and circumstances, the complaint may require extensive review and the time frame for completion will vary depending on the complexity of the investigation. GUGCS will strive to complete the investigation and determination within 120 calendar days from the date of the complaint.
- Any appeals of final determinations or Dismissals of complaints must be made within five (5) calendar days of the notification of the determination or Dismissal. Any appeal must specify the grounds for the appeal and provide any reasons or supporting evidence for why the ground is met.

The Title IX Coordinator or its designee will determine, on a case-by-case basis, whether a party has established good cause to be granted a reasonable extension of time to participate in any of the above described phases of the grievance process. The Title IX Coordinator or its designee will simultaneously notify the parties of the length of the extension granted and the reason for the extension.

GUGCS 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.

GUGCS 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 GUGCS 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

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treatment to the party or witness, unless GUGCS 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.

C. Notice of Allegations

Upon initiation of GUGCS' Title IX grievance procedures, GUGCS will notify the parties of the following:

- GUGCS' 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 discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, GUGCS decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, GUGCS will notify the parties of the additional allegations.

D. Dismissal of a Complaint

GUGCS may dismiss a complaint of sex discrimination prior to an investigation ("Dismissal") if:

- GUGCS is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in GUGCS' education program or activity and is not employed by GUGCS;

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- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and GUGCS 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
- GUGCS determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, GUGCS will make reasonable efforts to clarify the allegations with the complainant.

Upon Dismissal, GUGCS will promptly notify the complainant of the basis for the Dismissal. If the Dismissal occurs after the respondent has been notified of the allegations, then GUGCS will also notify the respondent of the Dismissal and the basis for the Dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

GUGCS will notify the complainant that a Dismissal may be appealed and will provide the complainant with an opportunity to appeal the Dismissal of a complaint. *See **Appeal of Determinations***. If the Dismissal occurs after the respondent has been notified of the allegations, then GUGCS will also notify the respondent that the Dismissal may be appealed.

When a complaint is dismissed, GUGCS 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 GUGCS’ education program or activity.

E. Investigation

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

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

GUGCS 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.

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

GUGCS will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- GUGCS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence upon the request of any party;
- GUGCS will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- GUGCS will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

F. Questioning the Parties and Witnesses

The decision maker will conduct interviews of the parties and witnesses and obtain evidence. All interviews will be conducted in a live, question-and-answer format, either in-person or by video conference. The parties will have an equal opportunity to recommend witnesses and present and respond to evidence that is relevant and not otherwise impermissible. The decision maker has discretion to determine what evidence is relevant and may decline to interview an offered witness or consider documentary evidence based on relevance. Relevant evidence means evidence that is related to the allegations under investigation and that may aid the decision maker in determining whether the conduct occurred. Information that is repetitive or cumulative may be deemed irrelevant. When the credibility of the participants is in dispute and relevant to establish whether prohibited conduct took place, the decision maker will assess the credibility of the parties and witnesses.

G. Determination Whether Sex Discrimination Occurred

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

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decision maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision maker is not persuaded under the applicable standard by the evidence that sex

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discrimination occurred, whatever the quantity of the evidence is, the decision maker will not determine that sex discrimination occurred.

- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people GUGCS identifies as having had equal access to GUGCS' education 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 GUGCS' education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

H. Disciplinary Sanctions and Remedies

Following a determination that sex discrimination occurred, GUGCS may impose disciplinary sanctions on the respondent and/or offer remedies to the complainant.

In determining the appropriate sanctions, GUGCS will consider a number of factors, including:

- The nature of the conduct at issue, including whether it involved violence;
- The impact of the conduct on the complainant;

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- The impact or implications of the conduct on the GUGCS community;
- Any previous conduct violations by the respondent;
- Whether the respondent has accepted responsibility for this conduct;
- Dishonesty during the investigation;
- Maintenance of a safe and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

Potential sanctions imposed on a respondent may include, but are not limited to, the following::

- Reprimand;
- Required counseling;
- Restriction on school activities or extracurricular activities;
- Prohibition on holding a role in student organizations;
- Suspension; or
- Expulsion.

Potential remedies provided to a complainant may include, but are not limited to, the following:

- Proactive and restorative circles (both peer- and staff-led);
- The writing of a statement of apology by the respondent;
- A directive that the respondent not contact the complainant;
- Limiting or denying the respondent's access to all or parts of campus, participation in programs or activities, or the opportunity to hold leadership positions; or
- Academic accommodations for the complainant.

I. Appeal of Determinations

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The parties may appeal the determination or Dismissal within five (5) calendar days of the Title IX Coordinator's notification.

Appeals may be made 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 decision was made;
- The Title IX Coordinator, investigator, or decision maker 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; and/or
- The sanction is substantially disproportionate to the violation.

If there is an appeal, GUGCS will:

- Notify the parties 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 appeal officer ("Appeal Officer") did not take part in an investigation of the allegations or Dismissal of the complaint;
- Ensure that the Appeal Officer has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

The Title IX Coordinator will provide the parties with the name of the individual serving as the Appeal Officer and allow the parties to challenge their participation on the basis of conflict of interest or bias. Each party will be notified if the other party files an appeal and will be provided the opportunity to submit a responsive appeal statement within five (5) business days of being notified. Appeal statements should be no more than five (5) pages.

The parties will not appear before the Appeal Officer, whose decision on appeal will be based upon a review of the record of the proceedings. In making their decision, the Appeal Officer may consult with the GUGCS Trustees. The Appeal Officer will reach a final decision and communicate that decision to the parties within twenty (20) business days of the date the

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responsive statement is due, regardless of whether any responsive statement is submitted, unless the Appeal Officer determines that the circumstances of the appeal warrant an extension.

J. Supportive Measures

GUGCS will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to GUGCS' education program or activity or provide support during GUGCS' Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include counseling, extensions of deadlines, modifications of class schedules, restrictions on contact applied to one or more parties, leaves of absence or other similar measures.

K. Informal Resolution

In lieu of resolving a complaint through GUGCS' Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. GUGCS does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

GUGCS will not require or pressure the parties to participate in an informal resolution process, and it will obtain the parties' voluntary consent prior to engaging in any informal resolution process. GUGCS will not require participation in an informal resolution process as a condition of enrollment or continuing enrollment, or employment or continuing employment, or the exercise of any other right.

Before beginning the informal resolution process, GUGCS will provide the parties notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- Prior to agreeing to an informal resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the grievance procedures;
- GUGCS reserves the right to terminate the information resolution process at any time;
- The parties' agreement to an informal resolution would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;

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- 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 GUGCS will maintain and whether and how GUGCS could disclose such information for use in grievance procedures if they are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or decision maker in the grievance procedures, will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and will receive training required under Title IX.

Potential terms that may be included in an informal resolution agreement include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of GUGCS' programs or activities or attendance at specific events, including restrictions that could have been imposed as remedies or disciplinary sanctions had GUGCS determined at the conclusion of the grievance procedures that sex discrimination had occurred.

V. Jurisdiction

This Policy applies to all sex discrimination occurring in a GUGCS program or activity in the United States. This includes conduct that (i) occurs anywhere within GUGCS operations and (ii) that is subject to GUGCS' disciplinary authority. GUGCS will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside GUGCS' education program or activity or outside the United States.

VI. Emergency Removal/Administrative Leave

GUGCS may remove a respondent from its education program or activity on an emergency basis after undertaking an individualized safety and risk analysis and determining that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal. GUGCS will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

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GUGCS may place an employee respondent on administrative leave from employment responsibilities during the pendency of the grievance procedures.

VII. Students with Disabilities

If a complainant or respondent is an elementary or secondary student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, 34 CFR 300.321, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 CFR 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, throughout GUGCS' implementation of grievance procedures under § 106.45.

VIII. Recordkeeping

GUGCS maintains for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures, and the resulting outcome.
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this part, records documenting the actions GUGCS took to meet its obligations under § 106.44.
- All materials used to provide training. These training materials are available upon request for inspection by members of the public.

IX. Training

GUGCS ensures that the below persons receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or the regulations, and annually thereafter. The training does not rely on sex stereotypes.

Employees: GUGCS trains its employees on:

- GUGCS' obligation to address sex discrimination in its education program or activity;

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- The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and
- All applicable notification and information requirements.

Investigators, decision makers, and other persons who are responsible for implementing GUGCS' grievance procedures or have the authority to modify or terminate supportive measures: GUGCS trains these persons on, in addition to the requirements above, the following topics to the extent related to their responsibilities:

- GUGCS' obligations under Title IX;
- GUGCS' grievance procedures;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

Facilitators of informal resolution process: In addition to the training requirements above, all facilitators of an informal resolution process are trained on the rules and practices associated with GUGCS' informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

Title IX Coordinator and designees: The Title IX Coordinator and any designees are trained on their specific responsibilities under Title IX, and any other training necessary to coordinate GUGCS' compliance with Title IX.

X. Notification and Confidential Employee Requirements

All GUGCS employees who are not Confidential Employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.

GUGCS notifies all participants in its education program and activities of how to contact its Confidential Employees, if any. A Confidential Employee must explain to any person who informs the Confidential Employee of conduct that reasonably may constitute sex discrimination under Title IX or this part:

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- The employee's status as confidential for purposes of this part, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
- How to contact GUGCS' Title IX Coordinator and how to make a complaint of sex discrimination; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

XI. Confidentiality

GUGCS does not disclose personally identifiable information obtained in the course of carrying out this Policy, except in the following circumstances:

- When GUGCS has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purposes of Title IX, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in GUGCS' education program or activity;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.

Appendix: Definitions

Confidential Employee means

(1) A GUGCS employee whose communications are privileged or confidential under Federal or State law. Confidentiality exists in the context of laws that protect certain relationships, such as those who provide services related to medical and clinical care, mental health providers,

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counselors, and ordained clergy. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or

(2) An employee of GUGCS whom GUGCS has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.

Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in GUGCS' education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to GUGCS that objectively can be understood as a request for GUGCS to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated GUGCS' prohibition on sex discrimination.

Dismissal means the dismissal of a complaint prior to investigation.

GUGCS refers to Growing Up Green Charter Schools.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person GUGCS identifies as having had their equal access to GUGCS' education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that

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person's access to GUGCS' education program or activity after a recipient determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated GUGCS' prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by GUGCS, a student, or an employee or other person authorized by GUGCS to provide aid, benefit, or service under GUGCS' education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) *Quid pro quo harassment*. An employee, agent, or other person authorized by GUGCS to provide an aid, benefit, or service under GUGCS' education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from GUGCS' education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the complainant's ability to access GUGCS' education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within GUGCS' education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

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(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in GUGCS' education program or activity; or

(3) *Specific offenses.*

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning 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;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of GUGCS, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

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(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for the person’s safety or the safety of others; or (B) Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) Restore or preserve that party’s access to GUGCS’ education program or activity, including measures that are designed to protect the safety of the parties or GUGCS’ educational environment; or (2) Provide support during GUGCS’ grievance procedures or during an informal resolution process.

Title IX means Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) and its implementing regulations (34 C.F.R. 106).

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