

Folk Arts-Cultural Treasures Charter School

POLICY: Title IX

Adopted: June 20, 2018

Amended: August 19, 2020

Amended: September 21, 2024

A. Purpose

This Policy is established by the Folk Arts-Cultural Treasures Charter School (FACTS) in adherence with Title IX of the Education Amendments of 1972 (“Title IX”) and all applicable Pennsylvania statutes and regulations. Title IX prohibits the Folk Arts-Cultural Treasures Charter School from discriminating on the basis of sex (including Sexual Harassment and Sexual Violence) in all facets of its educational programs and activities, including distance learning. This Policy applies equally to all of the Folk Arts-Cultural Treasures Charter School’s students, employees, Authorized Volunteers, parents, third-parties, and other members of the FACTS community.

This Policy applies to conduct at School, At School events, and Away From School in all other instances when FACTS has substantial control over the parties and the context in which the alleged misconduct occurred. This Policy also covers conduct that impacts FACTS’s programs and activities regardless of where it occurs. This includes conduct outside of the United States.

B. Notice of Non-Discrimination

FACTS does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran status, genetic information, or marital status in the delivery of its education programs and activities. Pursuant to Title IX, this specific policy is limited in scope to instances of alleged discrimination on the basis of sex. Alleged discrimination on bases other than sex fall under other FACTS policies. If any member of the FACTS community has any questions or concerns with respect to this Policy and/or Title IX, they may contact FACTS’s Title IX Coordinator and/or the United States Department of Education’s Office for Civil Rights. FACTS’s Title IX Coordinator is identified within this Policy and shall be available to answer all questions concerning this Policy. FACTS’s policy of non-discrimination in its educational programs and activities extends to employment and admission considerations.

C. Definitions

At School: In a classroom, all school common areas, on or immediately adjacent to school premises, on school property, on a school bus or other school-related vehicle, at a school bus stop, or at any school-sponsored or school-related activity or event whether or not it is on school grounds.

Authorized Volunteer: Any person who 1) is not employed by FACTS, 2) does not receive any compensation from FACTS, 3) has undergone FACTS -required criminal background checks, and 4) is permitted to provide services approved by FACTS to the community, including students, employees, and other partners.

Third-Party: Any person who is considered a contractor or vendor authorized to conduct work/activities At School or Away From School.

Away from School: Any location not defined above as “At School” but remaining within substantial control of FACTS. To the extent that an alleged violation of this Policy impacts FACTS’s programs and/or activities, “Away from School” may include locations that are outside of FACTS’s education program and/or beyond FACTS’s substantial control.

Bystander: Someone who is aware of behavior or conduct “At School” in violation of or reasonably believed to be in violation of this Policy, including Sexual Violence and/or Sexual Harassment.

Complainant: Person who is alleged to be the victim of conduct that could constitute discrimination on the basis of sex and/or Sexual Harassment. For students under the age of majority, parents and legal guardians have the legal right to act on behalf of the student Complainant in Title IX matters.

Formal Complaint: A document filed on paper or via electronic means or a complaint made verbally by a Complainant to the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that FACTS investigate the allegation of discrimination on the basis of sex and/or Sexual Harassment. At the time of submitting a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of FACTS.

Respondent: A person who has been reported to be the alleged perpetrator of conduct that could constitute discrimination on the basis of sex and/or Sexual Harassment. A Respondent can be another student, a teacher, an administrator, any other FACTS employee, an Authorized Volunteer, or another third party. Respondents will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Retaliation: Adverse action, including intimidation, threats, coercion, or discrimination, against any person, by FACTS, a student, employee, or a person authorized by the district to provide aid, benefit, or service under FACTS’s education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process

under the Title IX Grievance Procedures, including an Informal Resolution process, or in any other appropriate steps taken by FACTS to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

Sexual Assault: Includes sexual misconduct that is attempted or perpetrated against a victim's will or when a victim cannot consent because of age, intellectual disability, or any other disability precluding the victim from forming consent. Sexual assault may involve, but is not limited to, actual or threatened physical force, use of weapons, coercion, intimidation or pressure, intentional touching of someone in ways that are unwanted, voyeurism, exhibitionism, exposure to pornography, and/or public displays of images that were taken in a private context or when the victim was unaware.

Sex-based Harassment: is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

Sexual Harassment: Includes, but is not limited to, degrading remarks, gestures, jokes, notes, graffiti, spreading rumors, indecent exposure, unwelcome touching, grabbing, pinching, or brushing against another in a sexual way. Unwelcome conduct on the basis of sex that satisfies one or more of the following:

Quid Pro Quo: An employee conditioning the provision of an aid, benefit, or service of the district on the Complainant's participation in unwelcome sexual conduct.

Hostile Environment: 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 FACTS's education program or activity. It is a fact-specific inquiry to determine whether a hostile environment has been created, and the following factors may be considered in making such a determination:

- The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the recipient's education program or activity.

Sexual Assault: Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse. Other prohibited conduct considered sexual assault includes: incest and statutory rape.

Other Sexual Harassment prohibited conduct includes: dating violence, domestic violence, or stalking.

This policy is not intended to limit FACTS's authority to address conduct that does not fit the definition of sexual harassment, but that violates other FACTS policy/ies or the student code of conduct. For example, conduct that constitutes harassment based on a protected category other than sex, or unlawful discrimination, hazing, or bullying, or any other violation of the student code of conduct or FACTS workplace rules, will be investigated and addressed under FACTS's Anti-Bullying Policy, Anti-Harassment Policy, Equal Opportunity Employer Policy, Rights of Transgender and Gender Non-Conforming Youth Policy, Safe Zone Policy and other applicable policies and laws.

Sexual Harassment of a Student by a FACTS Employee: Sexual harassment of a student by a FACTS employee includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

- A FACTS employee causes the student to believe that the student must submit to the conduct in order to participate in a FACTS program or activity, or that the employee will make an educational, disciplinary or other decision based on whether or not the student submits to the conduct, or;
- The conduct is of the type that a reasonable person would determine is so severe, or pervasive, and objectively and subjectively offensive that it affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Harassment of a Student by Another Student: Includes, but is not limited to, unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is of the type that a reasonable person would determine is severe or pervasive, and objectively and subjectively offensive that it effectively denies a Complainant equal access to FACTS's education program or activity; or Sexual Assault, dating violence, domestic violence, or stalking. This may also include Quid Pro Quo Sexual Harassment if/when there is a real or perceived power imbalance between students (e.g. a team captain and another student-athlete who is trying out for a team).

Sexual Harassment of a FACTS Employee, Authorized Volunteer, or Third Party by another FACTS Employee: Sexual harassment of an employee or Authorized Volunteer or third party by another FACTS employee includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

- A FACTS employee causes the employee or volunteer or third party to believe that the employee or volunteer or third-party must submit to the conduct in order to retain their employment, volunteer, or third-party relationship with FACTS, or that the employer, volunteer, third party will make a decision related to the employee, volunteer or third-party status, based on whether or not the employee, volunteer, or third-party submits to the conduct, or;
- The conduct is of the type that reasonable person would determine is so severe or pervasive, and objectively and subjective offensive that it affects the employee, volunteer or third-party' ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the employee or volunteer's educational opportunities; or; creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Violence: Includes, but is not limited to, isolated/individual instances of sexual misconduct and/or aggression, Sexual Harassment, Sexual Assault, and/or rape. In cases of Sexual Violence, the perpetrator may be a stranger, acquaintance, friend, family member, or partner.

Sexual Violence Perpetrated Against a Student: Sexual violence perpetrated against an FACTS student, regardless of the perpetrator, includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

The student is caused to reasonably believe that they must submit to the conduct in order to participate in a FACTS program or activity, or that a perpetrator will make an educational and/or FACTS-related decision based on whether or not the student submits to the conduct.

Conduct constituting "Sexual Violence" need not be repetitive, persistent, or pervasive such that it affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or; creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Violence Perpetrated Against a FACTS Employee, Authorized Volunteer, or Third Party. Sexual violence perpetrated against a FACTS employee or volunteer or third-party, regardless of the perpetrator, includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

The employee, volunteer, or third party is caused to reasonably believe that they must submit to the conduct in order to participate in a FACTS program or activity, or that a perpetrator will make an educational and/or FACTS-related decision based on whether or not the employee or volunteer submits to the conduct.

Conduct constituting “Sexual Violence” need not be repetitive, persistent, or pervasive such that it affects the employee, volunteer, or third party’s ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the educational opportunities; or; creates an intimidating, threatening, hostile, or abusive working environment.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, and/or deter Sexual Harassment.

Witness: Someone whose awareness of Sexual Violence compels them to intervene and/or seek help on behalf of the victim.

D. Title IX Coordinator

The Title IX Coordinator’s responsibilities shall include, but are not limited to:

- Coordinating FACTS’s compliance with Title IX, including FACTS’s grievance procedures for resolving Title IX Complaints;
- Drafting and publicizing procedures for reporting possible Title IX violations;
- Overseeing FACTS’s prevention of and response to Title IX reports and complaints;
- Ensuring fair, equitable, and prompt resolution of complaints;
- Offering the Complainant supportive measures with or without the filing of a Formal Complaint, considering the Complainant’s wishes with respect to supportive measures, and explaining to the Complainant the process for filing a Formal Complaint;
- Identifying and addressing any patterns or systemic problems revealed by such reports and complaints;
- Providing confidential (to the extent possible) written reports to the Board of Trustees as requested, but at least once every 4 months. If the Board of Trustees serves as a Title IX Decision-Maker or Appellate Decision-Maker, such reports shall exclude information on pending and ongoing matters. Reports shall be kept in a separate and secure Title IX file;
- Providing training to FACTS’s employees, Authorized Volunteers, Third Parties, and other members of the FACTS community with respect to Title IX and FACTS’s implementation of this Policy.

The Title IX Coordinator shall understand and have knowledge of the Title IX requirements and FACTS’s own policies and procedures on sex discrimination, anti-bullying, anti-retaliation, school place violence, and Sexual Harassment. FACTS shall require that the Title IX Coordinator, as

well as Investigators and adjudicators, be free of any conflict of interest or bias for or against Complainants or Respondents, generally, or an individual Complainant or Respondent. In the event a reporting party is not comfortable in reporting a Title IX matter to the Title IX Coordinator, the reporting party may report the matter to the Chair of the School's Board of Trustees. Upon receipt of a complaint or report by a reporting party, the School's Board of Trustees shall assign the matter to their designee(s).

Any training materials for Title IX Coordinators, Investigators, adjudicators, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment. Each and every report or complaint filed with FACTS pursuant to Title IX or reasonably related to Title IX must be provided to the Title IX Coordinator to achieve their mission.

Effective upon adoption of this Policy by the Board of Trustees, the Title IX Coordinator shall be the Executive Director or their designee:

Ellen Somekawa
Executive Director
1023 Callowhill Street
Philadelphia, PA 19123
esomekawa@factschool.org
215-569-2600 ext 1031

E. Sexual Violence and Sexual Harassment

Sexual Harassment and Sexual Violence, including but not limited to Sexual Assault, are prohibited and will not be tolerated. FACTS expressly prohibits Sexual Harassment and Sexual Violence At School of or by a student to another student; a student of or by a member of the staff; and/or of or by any other person who is any way associated with FACTS. This Policy also prohibits Sexual Harassment and/or Sexual Violence At School by and among FACTS employees, Authorized Volunteers, and third-parties. To this end, FACTS commits its staff to the implementation of a comprehensive and preventive approach that addresses the underlying reasons for this behavior and helps to create a better school community that supports learning and teaching for students and adults.

F. Initial Response to Alleged Violation(s)

When the Title IX Coordinator has knowledge of conduct that reasonably may constitute sex discrimination in FACTS's education program or activity/ies, the Title IX Coordinator must respond promptly and effectively. Specifically, the Title IX Coordinator must take the following actions upon being notified of conduct that reasonably may constitute sex discrimination:

- Treat the Complainant and Respondent equitably
- Offer and coordinate supportive measures, as appropriate, for the Complainant. If FACTS has initiated grievance procedures or offered an informal resolution process to the Respondent, offer and coordinate supportive measures as appropriate, for the Respondent.

- Notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct of the grievance procedures and the informal resolution process, if available and appropriate.
- If a Complaint is made, notify the Respondent of the grievance procedures and the informal resolution process, if available and appropriate
- In response to a Complaint, initiate FACTS’s grievance procedures or informal resolution process, if available and appropriate.
- 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, make a fact-specific determination by considering, at a minimum, the following eight listed factors, and determining whether the conduct as alleged presents an imminent and serious threat to the health or safety of a Complainant or other person or prevents the recipient from ensuring equal access based on sex to its education program or activity such that the Title IX Coordinator may initiate a complaint.
 - o The Complainant’s request not to proceed with initiation of a Complaint
 - o The Complainant’s reasonable safety concerns” associated with initiation of a Complaint
 - o The risk that additional acts of sex discrimination would occur if a Complaint is not initiated
 - o The severity of the alleged sex discrimination
 - o The age and relationship of the parties
 - o The scope of the alleged sex discrimination
 - o The availability of evidence
 - o Whether FACTS could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures
- If the Title IX Coordinator initiates a Complaint, notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant’s safety or the safety of others
- Regardless of whether a Complaint is initiated, take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient’s education program or activity, in addition to providing remedies to an individual Complainant

G. Grievance Process

To facilitate the prompt and equitable resolution of any and all Title IX complaints, FACTS adopts the following grievance process. For the purpose of Title IX complaints and investigations, FACTS will apply a preponderance of the evidence standard of review. Complainants may choose to submit a written grievance to FACTS’s Title IX Coordinator using the Title IX grievance form included as Appendix A of this Policy or to make a verbal report to the Title IX Coordinator or to any member of FACTS’s administration, faculty or staff. FACTS shall act promptly and effectively in response to information about conduct that reasonably may constitute sex discrimination, including sexual violence and other forms of sex-based harassment.

- A formal grievance process is initiated when:
 - A Complainant submits a written or verbal statement alleging discrimination prohibited by Title IX to the Title IX Coordinator or
 - When the Title IX Coordinator receives a report of a suspected Title IX violation from another FACTS student, employee, volunteer, third party, or other community member.
- Upon the Title IX Coordinator's receipt of a grievance or other complaint pursuant to this policy, or the Title IX Coordinator's initiation of the grievance process, a Title IX Investigator, shall commence and conduct an investigation pursuant to the procedures set forth within this Policy. The Title IX Coordinator may serve as an Investigator or may designate another trained Title IX Investigator from within or outside of FACTS to conduct investigations.
- The Title IX Coordinator will provide written notice of the investigation to all parties. The notice will include, among other things, a copy of this policy and a sufficiently detailed description of the allegations. The notice will specify the identities of the parties involved, the conduct allegedly in violation of Title IX, and the date and location of the incident(s), if known.
- Following an investigation (described in further detail under Section H below), a Decision Maker (or the Title IX Coordinator as Decision Maker) shall determine whether the Complainant was excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of sex with respect to any FACTS program or activity.
- If/when the credibility of a party or witness is in dispute and is relevant, the Title IX Coordinator may authorize questioning by the Investigator or Decision Maker during individual meetings with a party or witness (including questions proposed by each party), or, if a live hearing has been requested and granted, questioning by the Decision Maker during the live hearing (including questions proposed by each party and asked by the decisionmaker or each party's advisor). Hearings are not required under Title IX for complaints involving elementary and secondary school students, and there is no right to a hearing under FACTS's standard grievance procedure. If a party requests a hearing, the Title IX Coordinator will determine, in their sole discretion, whether to grant the request. The Title IX Coordinator's decision in this regard is not subject to appeal.
- After reviewing the Investigator's report and any submissions of the parties, and following a hearing, if such hearing is requested and granted, the Decision Maker shall prepare a written report setting forth their findings, conclusions, and actions to be taken, if any, and will determine with whom to share the report.
- The Title IX Coordinator shall, as necessary, take appropriate action(s) to ensure that FACTS implements any remedies called for in the decision and otherwise complies with Title IX in a manner that is prompt and equitable to the parties.
- If any of the parties wishes to appeal the decision(s) of the Decision Maker, that party must make a written appeal to the Board of Trustees within ten (10) business days. Appeals will only be allowed for the following reasons:
 - Procedural irregularity that affected the outcome of the matter; or
 - New evidence that was not reasonably available at the time the

determination regarding responsibility was made, that could affect the outcome of the matter; or

o The Title IX Coordinator, Investigator, hearing officer, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual complaint or Respondent that affected the outcome of the matter.

- If/when an appeal is allowed, parties will be notified in writing and will have the opportunity to submit a written statement in support of or challenging the decisions of the Decision Maker. Appeals will be decided by the Board of Trustees.
- The Board of Trustees shall issue a written report within a reasonable time. The Board of Trustees' written report shall include a notice to the parties of their further appellate rights.

To the extent possible, FACTS strives to complete all Title IX investigations, from date of report to final hearing and notice of outcome, within 90 days.

H. Reporting Responsibilities

The Title IX Coordinator shall establish—and prominently publicize to students, employees, volunteers, and parents—procedures concerning how to report conduct believed to violate this Policy and how such reports will be acted on. Anyone who experiences and/or witnesses conduct that is or is reasonably believed to be in violation of this Policy, and/or anyone who has information that such actions have occurred may file a report.

All FACTS employees, except for those designated as confidential employees should FACTS choose to designate such confidential employees, shall report incidents of alleged violations of this Policy to the Title IX Coordinator as soon as they learn of or have actual knowledge of any conduct allegedly in violation of this Policy. Employees shall report all relevant details that the victim Complainant shared or that the employee observed, including, but not limited to, the names of the alleged Respondent and Complainant (or a victim who does not wish to file a Complaint), the date, time, and location of the alleged conduct, and the circumstances surrounding the alleged conduct.

A FACTS employee's failure to report a violation of this Policy of which they have actual knowledge shall result in disciplinary action, including termination of employment. FACTS employees who are designated confidential employees are not required to report disclosures of alleged Title IX violations to the Title IX Coordinator. However, confidential employees must provide information to anyone who informs them of conduct that reasonably may constitute sex discrimination about their confidential status for purposes of Title IX, how to contact the Title IX coordinator, how to make a complaint and how the Title IX Coordinator can assist them.

Students who witness alleged violations of this Policy, or parents whose children inform them of alleged violations of this Policy, shall report incidents to the Title IX Coordinator. Whether victims of alleged Title IX violations choose to file a Complaint or not, they shall not be

disciplined for failing to report an alleged violation of this Policy themselves. All reports from students or parents/guardians will be maintained in confidence to every extent possible. Although FACTS cannot discipline or sanction parents or guardians who elect not to report violations of this Policy, particularly Sexual Violence and/or Sexual Harassment, when they learn of any such conduct, strongly encourages parents or guardians to contact the Title IX Coordinator as soon as practicable with any and all relevant information that they receive.

All reports will remain confidential, to every extent possible. FACTS may, however, have a legal obligation to share information received during an investigation. For example, FACTS is required to report known and suspected cases of child abuse to the Department of Children and Families. FACTS may also have an obligation to report known or suspected violations of the law to law enforcement.

No individual who exercises their Title IX rights shall be subject to retaliation. Neither FACTS nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The School will not retaliate against an individual for making any report or complaint of sexual discrimination, sexual harassment, or violation of Title IX.

FACTS shall keep confidential the identity of Complainants, Respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), or as required by law, or as necessary to carry out a Title IX proceeding. Complaints alleging retaliation may be filed according to the Grievance Procedures in this Policy. By filing a Title IX complaint, no student, employee, volunteer or parent making such a report shall extinguish their right to file criminal or civil complaints concerning the same conduct.

Reports must be acted upon by those persons receiving the report and the Title IX Coordinator (upon receipt of a report), whether made orally or in writing. Knowingly filing false reports may result in disciplinary measures.

Upon receiving a credible report of an alleged violation of this Policy, FACTS will take all necessary measures to ensure the safety of all parties (e.g., separate the Complainant/ student-victim from the Respondents; provide alternative schedules to one or both parties; provide necessary support services to the Complainant/student-victim, etc.) and will provide the Complainant/student-victim and the Respondents and their respective parent(s) or guardian(s) with regular updates as to the status of the investigation.

FACTS shall implement appropriate interim supportive measures on a case-by-case basis and shall not rely upon any fixed rules related to any such measures. Supportive measures shall be designed to restore or preserve equal access to FACTS's education program or activity, protect student and employee safety, and deter sexual harassment. Examples of supportive measures

include, but are not limited to, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, and other similar measures.

FACTS will provide Complainants/student-victims with the contact information for available resources outside of FACTS, including but not limited to, victim assistance organizations, law enforcement, mental health services, legal assistance, and or counseling services. If the Respondent is a FACTS employee and the Complainant is a FACTS student, FACTS will report the alleged misconduct to the appropriate law enforcement agencies.

I. Investigation

The Title IX Coordinator shall oversee all Title IX investigations at FACTS. Depending on the nature of the alleged violation of this Policy, an investigation may include, but is not limited to conducting interviews with the Complainant and the Respondent; conducting interviews with witnesses; conducting interviews with the parent(s) or guardian(s) as necessary; reviewing law enforcement investigation documents, as applicable; reviewing student and personnel files; and gathering information from all other available outside sources.

All investigations shall commence once the Title IX Coordinator receives notice of the alleged violation of this Policy. Therefore, it is essential that FACTS employees, students, parents, guardians, and/or Authorized Volunteers immediately report suspected misconduct as soon as practicable once they have actual knowledge about such misconduct.

When commencing an investigation that may lead to disciplinary action against the Respondent, the Title IX Coordinator shall provide written notice to the Respondent (and/or their parents/guardians) of the allegations constituting a potential violation of this Policy, including sufficient details with sufficient time to prepare a response before any initial interview. The written notice shall also include a description of the Formal Complaint process; a statement that the Respondent is presumed innocent until a determination of responsibility has been made; a notice of the Respondent's right to review evidence and right to an advisor; and the prohibition against false statements or providing false information during Formal Complaint process.

All investigations shall be conducted impartially and in an adequate, reliable, and impartial manner. The designated Title IX Investigator shall analyze and document the available evidence to support reliable decisions, interview and objectively evaluate the credibility of parties and witnesses, synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each case. The investigation shall result in a written report summarizing the relevant exculpatory and inculpatory evidence.

Throughout the investigation, the Respondent and the Complainant shall be permitted to, at a minimum:

- Receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation;
- Have equal and timely access to all witness statements and other documents/reports gathered by FACTS during the investigation.
- Present relevant witnesses and evidence, including expert witnesses;
- Retain counsel, at the parties own expense;
- Request a hearing (available only at the discretion of the Title IX Coordinator)
- If a hearing is granted, parties may cross-examine witnesses as necessary.

Information gathered during the investigation shall be kept confidential to the extent possible. All evidence directly related to the allegations will be provided to the parties, or the parent(s) or guardian(s) of the parties and their advisors, as applicable, for inspection and review, and the parties will have ten (10) days to provide a written response to the Investigator. The Investigator will consider any such responses prior to issuing the final Investigation Report.

After FACTS has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Decision Maker(s) must afford all parties ten (10) days to submit any written, relevant questions that they may wish to have asked of any party or witness. The Decision Maker shall review the parties' written questions, and if they deem a question to be irrelevant, that question shall not be transmitted to the intended party, and the Decision Maker will apprise the questioning party in writing of the reason(s) the question was deemed to be irrelevant.

If relevant questions are submitted, the Decision Make will convey those to the party/ies, provide each questioning party with each responding party's answers, and may allow for additional, limited follow-up questions from each party. FACTS shall make all determinations using a "preponderance of the evidence" standard. If allegations are found to be credible, appropriate disciplinary sanctions, subject to FACTS's due process procedures, shall be imposed. FACTS shall specifically inform the reporting party (and/or their parents/guardians) whether it found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, and other steps the school has taken to eliminate the hostile environment, if one was found to exist, and to prevent its recurrence, as appropriate.

Whenever conduct determined to meet the definitions of Sexual Violence and/or Sexual Harassment in this Policy also may have involved conduct that that may violate state or federal criminal law, the police or other necessary agency(ies) shall be notified.

J. Option for Informal Resolution

Where appropriate in light of the nature of the allegations and facts involved, FACTS may offer the parties the option to pursue an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. All parties must voluntarily agree to pursue informal resolution after receiving a full written disclosure of the allegations and their options

for formal resolution. FACTS will not offer an informal resolution process to resolve allegations that an employee sexually harassed a student.

K. Dismissal of Formal Complaint

FACTS's Title IX Coordinator may dismiss a formal complaint if: (i) after reasonable efforts to clarify the allegation(s), it is determined that the alleged conduct would not constitute sexual harassment even if proved; (ii) the alleged Respondent(s) is/are not employed by school or participating in education program or activity; (iii) the alleged Respondent(s) is/are not able to be identified, despite reasonable efforts; (iv) the Complainant voluntarily withdraws their Complaint and the Title IX Coordinator declines to initiate a Complaint based on the allegations in the withdrawn Complaint; (v) the conduct alleged in the formal complaint did not occur At School or Away from School in some setting that is/was under the substantial control of FACTS or in some manner that impacts FACTS's programs and/or activities.

If the Title IX Coordinator dismisses a formal complaint, all parties will be notified. A party may appeal the decision to dismiss a formal complaint by following the Appeals Process set forth below. The complaint may also be referred for investigation and possible disciplinary action pursuant to other applicable FACTS policies.

L. Disciplinary Sanctions

Students: Disciplinary sanctions any violation of this Policy may include, but are not limited to, loss of privilege to participate in extracurricular activities including athletics and school social events; loss of school bus transportation; assignment of additional schoolwork or community service; and—depending on the extent of involvement in the prohibited activity—suspension or removal from school.

Employees: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, suspension, termination, or filing of criminal charges as warranted.

Volunteers/Parents: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, denial of access to school premises, school-related events, or school-sponsored events; suspension or termination of volunteer activities; or filing of criminal charges as warranted.

M. Prevention

The Title IX Coordinator shall ensure that students and staff are instructed on how to identify, prevent, and report violations of this Policy. The Title IX Coordinator, in conjunction with the Executive Director and the Board of Trustees, shall also ensure that FACTS's health program and counseling services include the appropriate social skills training to help students avoid isolation and help them interact in a healthy manner. School staff shall model correct and courteous behavior to each other, to students, parents and to visitors. Abusive or humiliating language or demeanor shall not be accepted.

N. Enforcement Agencies

Nothing in this Policy is intended to prohibit or discourage individuals from contacting the applicable state and/or federal enforcement agencies with complaints or concerns, including but not limited to:

Philadelphia Office

Office for Civil Rights – Philadelphia Office (for all of Pennsylvania)

U.S. Department of Education

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: 215-656-8541

FAX: 215-656-8605;

TDD: 800-877-8339

Email: OCR.Philadelphia@ed.gov

Equal Opportunity Employment Commission (EEOC)

Pennsylvania Region

801 Market Street, Suite 1000

Philadelphia, PA 19107-3126

Telephone: 1-800-669-4000 / 267-589-9700

Fax: 215-440-2606

TTY: 1-800-669-6820

ASL Video Phone: 844-234-5122

Email: PDOContact@eeoc.gov