

XIV. Kingston Hill Academy Title IX Policy

A. PURPOSE

KHA has enacted this Policy in adherence with Title IX of the Education Amendments of 1972 (“Title IX”) and all applicable Rhode Island statutes and regulations, including but not limited to RIGL s. 40-11, et seq (concerning duty to report suspected abuse or neglect of students). Title IX prohibits KHA from discriminating on the basis of sex (including sexual harassment and sexual violence) in all facets of its educational programs and activities.

This Policy applies equally to all KHA students, employees, authorized volunteers, parents, and other members of the KHA community. This Policy applies to conduct at school, at school events, and away from school in all other instances when KHA has a duty to investigate.

B. NOTICE OF NON-DISCRIMINATION

KHA does not discriminate on the basis of race, color, ancestry, national origin, sex, sexual orientation, gender identity and expression, disability, or age in its education programs and activities, and indeed, KHA is required pursuant to Title IX not to discriminate in such a manner. If any member of the KHA community, including board members, employees, volunteers, parents, and guardians, has any questions or concerns with respect to this policy and/or Title IX, he/she may contact KHA’s Title IX Coordinator and/or the Department of Education’s, Office of Civil Rights. KHA’s Title IX Coordinator is identified within this Policy and shall be available to answer all questions concerning this Policy.

KHA’s policy of non-discrimination in its educational programs and activities extends to employment and admission considerations.

C. DEFINITIONS

The following definitions apply throughout this Policy:

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 en route to or en route from, 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 the school, 2) does not receive any compensation from the school, 3) has undergone school-required criminal background checks, and 4) is permitted to provide services approved by KHA to the KHA community, including students, employees, and other partners.

- Away from School:** Any location not defined above as “at school”.
- 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.
- Perpetrator:** Person who uses either bullying, as defined by the Rhode Island Safe School Act, or sexual violence, or sexual harassment to establish and maintain power and control over the target of their behavior
- Sexual Assault:** Includes behaviors that are 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.
- Sexual Harassment:** Includes, but is not limited to, degrading remarks, gestures, jokes, notes, graffiti, and spreading rumors to indecent exposure, being touched, grabbed, pinched, or brushed against in a sexual way.

Sexual Harassment of a Student by a KHA Employee

Sexual harassment of a student by a KHA 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 KHA employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct, or;

The conduct is severe, 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 Harassment of a Student (Including Harassment 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 severe, persistent, or pervasive.

Sexual Harassment of a KHA Employee or Authorized Volunteer

KHA adopts the definitions and conditions set forth in KHA's employee sexual harassment policy as defined under governing RI law.

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 a KHA 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 he/she must submit to the conduct in order to participate in a school program or activity, or that a perpetrator will make an educational and/or school-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 KHA Employee or Authorized Volunteer

KHA adopts the definitions and conditions as defined under governing RI law.

Supportive

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

Victim: The target of the perpetrator’s conduct in violation of this Policy, including, but not limited to sexual violence and/or sexual harassment.

Witness: Someone whose awareness of conduct in violation of this Policy, including sexual violence and/or sexual harassment compels them to intervene and/or seek help on behalf of the victim.

D. TITLE IX COORDINATOR

KHA’s Title IX Coordinator, who has been appointed by the KHA Board of Trustees, is:

Kerri Dailey and/or Amanda Fandetti
850 Stony Fort Road, Saunderstown, RI 02874
(401) 783-8282
kdailey@kingstonhill.org
afandetti@kingstonhill.org

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

1. Coordinating KHA’s compliance with Title IX, including KHA’s grievance procedures for resolving Title IX Complaints;
2. Drafting and publicizing procedures for reporting possible Title IX violations;
3. Overseeing KHA’s prevention of and response to Title IX reports and complaints;
4. Overseeing all investigations related to and/or arising from this Policy and ensuring fair, equitable, and prompt resolution of complaints;
5. Identifying and addressing any patterns or systemic problems revealed by such reports and complaints;
6. Providing confidential (to the extent possible) written reports to the Principal and the Board of Trustees as requested, but at least once every 4 months. Reports shall be kept in a separate and secure Title IX file;
7. Providing training to KHA employees, authorized volunteers, and other members of the KHA community with respect to Title IX and KHA’s implementation of this Policy.

The Title IX Coordinator shall understand and have knowledge of the Title IX requirements and KHA’s own policies and procedures on sex discrimination, anti-bullying, school place violence, and sexual harassment.

Each and every report or complaint filed with KHA pursuant to Title IX or reasonably related to Title IX must be provided to the Title IX Coordinator to achieve her mission.

E. GRIEVANCE PROCEDURE

To facilitate the prompt and equitable resolution of any and all Title IX complaints, KHA adopts the following grievance process. These grievance procedures apply for all complaints of violations of this Policy filed by students or on their behalf and filed by employees, authorized volunteers, and other members of the KHA community. This includes all complaints of discrimination and/or harassment carried out by other KHA students, employees, Board members, authorized volunteers, and any third-person over whom KHA has control. For the purpose of Title IX complaints and investigations, complainants are entitled to a preponderance of the evidence standard of review. Complainants may choose to submit a written grievance to KHA's Title IX Coordinator using the Title IX grievance form included as Appendix A of this Policy.

1. A formal grievance process is initiated when a Complainant
 - a. Submits a written statement alleging discrimination and/or harassment prohibited by Title IX to the Title IX Coordinator. Written statements may be submitted to the Title IX Coordinator by e-mail or standard mail, or may be delivered in-hand.
 - b. When the Title IX Coordinator receives a report of a suspected Title IX violation from another KHA student, employee, volunteer, or other community member.
 - c. When a member of the KHA community knows or reasonably should know of an incident of sexual misconduct and/or harassment.
2. Where a Complainant is a student, written statements or reports should be submitted on the student's behalf to the Title IX Coordinator by that student's parent(s) or guardian(s). The Title IX Coordinator shall initially review and consider the grievance and make a determination as to whether the Title IX grievance has merit or lacks credibility.
 - a. In considering the merits of the grievance, the Title IX Coordinator shall interview the complainant, the alleged perpetrator(s), and all witnesses and/or persons who have knowledge of the alleged Title IX violation. The Title IX Coordinator shall also review all documentary evidence presented by the parties.
 - b. If the grievance merits further investigation, the Title IX Coordinator will oversee the investigation pursuant to the procedures set forth in **Section H** of

this Policy.

3. The Title IX Coordinator 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 KHA program or activity.
4. The Title IX Coordinator shall consult with other members of the KHA administration and/or Board of Trustees as necessary in reaching a decision regarding the written grievance.
5. The Title IX Coordinator shall prepare a written report setting forth her findings, conclusions, and actions to be taken, if any, and will determine with whom to share the report.
6. Following her review, the Title IX Coordinator shall, as necessary, take appropriate action(s) to ensure that KHA complies with Title IX in a manner that is prompt and equitable to the Complainant.
7. If any of the parties wish to appeal the decisions of the Title IX Coordinator, that party must make a written appeal to KHA's Board of Trustees within 10 business days.
8. The Board of Trustees shall then hold a hearing in which the parties may present witnesses and evidence, engage in direct and cross examination, be represented by counsel (at the party's expense), present testimony of a mental health provider or other specially trained advocate (at the party's expense), submit expert testimony (at the expense) and/or record the proceedings (at the party's expense).
9. The Board of Trustees shall issue a written report within 10 business days of the hearing. The Board of Trustees' written report shall include a notice to the parties of their further appellate rights.

KHA strives to complete all phases of the Title IX investigation complaint process in a reasonably prompt timeframe, from the date of report to final hearing and notice of outcome.

F. SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

Sexual harassment and sexual violence are prohibited and will not be tolerated at KHA. KHA 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 adult who is any way associated with KHA. This Policy also prohibits sexual harassment and/or sexual violence by and among KHA employees and authorized volunteers. To this end, KHA 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.

G. REPORTING RESPONSIBILITIES

The Title IX Coordinator shall establish—and prominently publicize to students, employees, authorized volunteers, and parents/guardians—procedures concerning how to report complaints of sexual violence and sexual harassment and how KHA will respond to such reports. These procedures shall be published in the Student Handbook, and on KHA’s website. The procedures shall be reviewed and revised on an annual basis. The victim of conduct in violation of this Policy or reasonably believed to be in violation of this Policy, witnesses/bystanders to such actions, and/or anyone who has information that this conduct may have occurred may file a report.

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 shall result in the taking of disciplinary measures.

All KHA employees and authorized volunteers, other than KHA counselors and psychologists who are required to maintain the confidentiality of the information shared with them, shall report incidents of alleged violation of this Policy to the Title IX Coordinator as soon as they learn or should reasonably know of any conduct allegedly in violation of this Policy. Employees shall report all relevant details that the victim shared and/or that the employee observed, including, but not limited to, the names of the perpetrator and victim, the date, time, and location of the alleged conduct, and the circumstances surrounding the alleged conduct. **A KHA employee’s failure to report a violation of this Policy of which he or she has knowledge or reasonably should have knowledge shall result in disciplinary action, including termination of employment.**

Students who witness alleged violations of this Policy, or KHA employees and authorized volunteers or parents/guardians whose students and children inform them of alleged violations of this Policy, shall report incidents to the Title IX Coordinator. At the discretion of and in the best judgment of KHA, students may be subject to disciplinary action for failure to make an appropriate report, notwithstanding the fact that the victim shall not be disciplined for failing to report alleged violation of this Policy. All reports from students or parents/guardians will be maintained in confidence to every extent possible.

Similarly, all KHA employees and authorized volunteers who have a reasonable cause to know or suspect that a student is or has been the victim of sexual abuse by any person, including, but not limited to, a KHA employee, agent, contractor, or a third-person under the control of KHA, shall immediately notify the Principal and/or the Title IX Coordinator, who shall, in turn, notify the Department of Children, Youth and Families within 24 hours of receiving notice of the sexual abuse or suspected sexual abuse. Any person reporting sexual abuse or suspected sexual abuse shall be immune from any disciplinary action,

presuming the report was made in good faith. **However, a KHA employee's failure to report a violation of this section of the Policy shall result in disciplinary action, including termination of employment.**

Although KHA cannot discipline or sanction parents or guardians who elect not to report violations of this Policy, particularly sexual abuse, sexual violence and/or sexual harassment, when they learn of any such conduct, KHA **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.

No student, employee, authorized volunteer, or parent/guardian who makes a report shall be subject to retaliation for making such report, subject to the report being made in good faith. By filing a Title IX complaint, no student, employee, volunteer or parent making such a report shall extinguish his or her right to file criminal or civil complaints concerning the same conduct.

Upon receiving a credible report of an alleged violation of this Policy, KHA will take all necessary supportive measures to ensure the safety of the possible victim (e.g., separate the student-victim from alleged perpetrators; provide alternative schedules; provide necessary support services and counseling, etc.) and will provide the parties to any complaint and their parent(s) or guardian(s) with regular updates as to the status of the investigation. KHA will provide appropriate and individualized supportive measures as necessary and based upon the particular circumstances of each complaint KHA will provide student-victims with the contact information for available resources outside of KHA, including but not limited to, victim assistance organizations, law enforcement, mental health services, legal assistance, and or counseling services. The Title IX Coordinator shall promptly contact the Complainant to discuss the availability of supportive measures, to consider the Complainant's wishes related to supportive measures, and to inform the Complainant that supportive measures may be available regardless of whether the Complainant files a complaint.

If the perpetrator is a KHA employee and the victim is a KHA student, KHA will report the alleged misconduct to the appropriate law enforcement agencies.

H. INVESTIGATION PROCESS

Where a Title IX grievance merits further investigation, the Title IX Coordinator shall, in consultation with the Principal and Board of Trustees, lead all Title IX investigations. Depending on the nature of the alleged violation of this Policy, an investigation may include, but is not limited to conducting interviews with the victim and the alleged perpetrator; conducting interviews with witnesses; conducting interviews with 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. The Title IX Coordinator shall take all appropriate steps of the investigation in a prompt and equitable fashion and shall provide periodic updates concerning the status of the

investigation to the victim and the perpetrator and their respective parent(s)/guardian(s), if applicable. All investigations shall be conducted in an adequate, reliable, and impartial manner.

All investigations shall commence once the Title IX Coordinator receives notice of the alleged violation of this Policy. Therefore, it is essential that KHA employees, students, parents, and/or authorized volunteers immediately report suspected misconduct as soon as practicable once they have actual notice or reasonably should have known about such misconduct.

Information gathered during the investigation shall be kept confidential to every extent possible. The Title IX Coordinator may reveal the findings of his or her investigation to the Principal and/or the Board of Trustees as requested.

If allegations are found to be credible, appropriate disciplinary sanctions, subject to KHA's due processes procedures as set forth in the Student/Family Handbook, shall be imposed. 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.

Throughout the investigation, the alleged perpetrator and the victim, if they so choose, shall be permitted to, at a minimum:

1. Have equal and timely access to all witness statements and other documents/reports gathered by KHA during the investigation.
2. Present relevant witnesses and evidence;
3. Request a hearing wherein KHA will make any determination using a "preponderance of the evidence standard";
 - **Note:** Under Title IX, parties are not required to attend the hearing (they can be represented by counsel or other authorized representative). However, parties are entitled to appear as they wish, and KHA will take all necessary steps to ensure a fair and equitable hearing, including separating the parties as necessary and practicable throughout the course of the hearing.
 - **Note:** Hearings are **not required**, and will be arranged at the request of the Complainant, victim, or alleged perpetrator only.
4. Cross-examine witnesses during the hearing, as necessary

- **Note:** In an effort to reduce any trauma or the perception of an intimidating setting, parties themselves not permitted to conduct the cross-examination. If parties have specific questions they can be represented by counsel, or may submit their own questions to the Title IX Coordinator who will pose those questions on their behalf.
 - **Note:** At the request of any party to the hearing, KHA will conduct the hearing in a manner so that the parties are in separate rooms with technology available to enable the parties to see and hear each other
5. Retain counsel, at the parties own expense;
 6. Retain a mental health provider or other specially trained advocate, at the parties own expense (KHA retains a list of advocates who may be willing to provide assistance and that list can be provided upon request);
 7. Submit expert testimony, at the parties own expense; and
 8. Notification of the parties right to appeal the decision to the KHA Board of Trustees.

All parties to any Title IX investigations shall receive periodic written updates concerning the status of the investigation, as well as written notice of the outcome (regardless of the outcome) of the investigation and/or hearing. All updates and final outcome reports will be delivered to the parent(s) or guardian(s) of the parties concurrently. If through the investigation/hearing KHA finds a violation of this Policy, KHA will provide the Complainant with actions/remedies that it will take to eliminate the hostile environment and prevent its recurrence, as appropriate. The perpetrator shall receive written notice of only the remedies/sanctions issued against the perpetrator.

Where appropriate, at the conclusion of investigations where a violation of this Policy was found, KHA shall provide assurances to the Complainant that it will continue to take steps to prevent a recurrence of any harassment and/or discrimination. Likewise, KHA shall provide reasonable assurances to correct the discriminatory effects of all such harassment and discrimination experienced by the complainant.

I. DISCIPLINARY SANCTIONS

Students: Disciplinary sanctions for 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 school work or community service; and—depending on the extent of involvement in the prohibited activity—suspension or removal from KHA.

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

Authorized Volunteers or Parents: Disciplinary sanctions for any violation of this Policy may include, but are not limited, 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.

J. ENFORCEMENT AGENCIES AND SUPPORT RESOURCES

Nothing in this Policy is intended to prohibit or discourage individuals from contacting the applicable state and/or federal enforcement agencies and/or advocacy agencies experienced in handling matters related to violations of Title IX, including, but not limited to sexual violence and/or sexual harassment. Below is a non-exhaustive list of possible resources available to KHA students, parents, employees, and volunteers.

Office for Civil Rights
Boston Office U.S. Department of Education
5 Post Office Square
8th Floor Boston, MA 02109-3921
Tel: 617-289-0111 E-mail: OCR.Boston@ed.gov

Equal Opportunity Employment Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203-0506
Tel: 800-669-4000 TTY: 800-669-6820

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
Tel: 401-222-2661 TTY: 401-222-2664

Day One
100 Medway Street
Providence, RI
Tel: 401-421-4100

Rape, Abuse & Incest National Network (RAINN)
National Hotline: 1-800-656-4673

Rhode Island Department of Children, Youth, and Families
Child Abuse and Neglect Hotline
1-800-RI-CHILD (1-800-742-4453)
Available 24 hours a day / 7 days a week

APPENDIX A

**KINGSTON HILL ACADEMY
Title IX Grievance / Complaint Form**

Today's Date _____

Complainant's Name(s) _____
Last Name First Name Middle Initial

Home address _____

City _____ State _____ Zip Code _____

Telephone Number _____ Email Address _____

Parent(s)/Guardian(s) _____
Last Name First Name Middle Initial

Parent(s)/Guardian(s) Contact Information _____
Home Address

Phone Number _____ Email Address _____

Circle One: Student Parent on Behalf of Student Employee Volunteer

1. Alleged Perpetrator(s) (if more than one perpetrator include information below on back).

Name: _____

Address (if known): _____

Contact Information: _____

2. Specifics of Complaint. Describe below, including any dates of alleged discrimination, identities of alleged perpetrators, and specific circumstances of alleged discrimination. Attach extra pages if necessary.

3. Witnesses. Include names, any known contact information, and brief description of each witnesses' knowledge of events. Attach extra pages if necessary.

4. Corrective Action. If you wish, please describe any corrective action you would like to see taken with regard to the alleged misconduct. Attach an extra page if necessary.

Signature of Complaint or
Parent/Guardian on Behalf of Complainant