Title IX at Chrysalis: A Note for Families

Dear Chrysalis families,

Every child deserves to feel safe and respected at school. This note goes with Chrysalis's Title IX policy and procedures: Board Policy 5145.7, "Title IX Sex-Based Discrimination & Sexual Harassment Grievance Procedures," and the "Title IX Sexual Harassment Policy and Grievance Procedures" (the Procedures). Here is a plain-language guide to what they say.

Who to contact. Our Title IX Coordinator is the Superintendent, Aaron Lovejoy, Ed.D. (BP 5145.7, section 1.0).

- Email: aaron@chrysalischarter.org
- Phone: (530) 547-9726, extension 202
- Office: Chrysalis Charter School, 21945 Old 44 Drive, Palo Cedro, CA 96073

A note on wording. Where the procedures say "district," that means Chrysalis. The "complainant" is the person who was reportedly harmed. The person a concern is about is called the "accused" or "respondent." Both are called "parties."

How the process works, step by step

1. **Reporting.** You can tell the Title IX Coordinator or any Chrysalis employee. A report to any employee counts as notice to the school (Procedures, "Definitions," Actual knowledge). The school must respond promptly (Procedures, "General Response to Sexual Harassment").

2. **First contact.** The Title IX Coordinator will promptly contact the complainant to discuss supportive measures, listen to the complainant's wishes about them, explain that they are available with or without a formal complaint, and explain how to file a formal complaint (Procedures, "General Response to Sexual Harassment").

3. **Supportive measures.** These are free, non-disciplinary supports offered to either party, whether or not a formal complaint is filed. Examples include counseling, deadline extensions or other course-related adjustments, schedule changes, campus escort services, mutual restrictions on contact, and increased security and monitoring of certain areas. The Title IX Coordinator coordinates them (Procedures, "Definitions," Supportive measures; BP 5145.7, section 2.0).

4. **Filing a formal complaint.** A formal complaint is a written document, signed or otherwise showing who is filing it, that asks the school to investigate. It may be filed by

the complainant, who must be taking part in, or trying to take part in, a Chrysalis program or activity. The Title IX Coordinator may also sign one. Complaints can be filed with the Title IX Coordinator in person, by mail, or by email (Procedures, "Definitions," Formal complaint).

5. **Dismissal.** The school must dismiss a formal complaint, for Title IX purposes, if the conduct would not be sexual harassment as the Procedures define it even if proved, did not happen in a Chrysalis program or activity, or did not happen to a person in the United States. The school may still act under its code of conduct. The school may dismiss a complaint if the complainant withdraws it in writing, if the accused is no longer enrolled or employed at Chrysalis, or if circumstances prevent gathering enough evidence. Both parties receive written notice of a dismissal and the reasons at the same time, and either party may appeal it (Procedures, "Dismissal of a Formal Complaint" and "Appeals").

6. **Written notice to both sides.** Both parties receive written notice of the allegations, with enough detail and time to prepare before any first interview. The notice explains the process, states that the accused is presumed not responsible until the end of the process, and explains that each party may have an advisor and may review evidence. If new allegations come up, both parties are notified (Procedures, "Notice of allegations").

7. **The investigation.** The school, not the parties, is responsible for gathering the evidence. Each party has an equal chance to present witnesses, including fact and expert witnesses, and other evidence. Neither party is stopped from discussing the allegations or gathering evidence. Each party may bring an advisor of their choice, who may be, but does not have to be, an attorney, to any related meeting. Parties receive written notice of the date, time, place, participants, and purpose of interviews and meetings, with time to prepare. The school will not use a party's treatment records from a doctor, psychologist, or similar professional without written consent; for a student under 18, a parent or guardian gives that consent (Procedures, "Investigation of a Formal Complaint").

8. **Evidence review.** Before the investigative report is finished, each party and advisor receive the evidence directly related to the allegations, and have at least 10 days to respond in writing. The investigator considers those responses (Procedures, "Investigation of a Formal Complaint"; BP 5145.7, section 2.0).

9. **Investigative report.** The investigator writes a report that fairly summarizes the relevant evidence. Each party and advisor receive it at least 10 days before a hearing (if one is held) or other time of decision, for review and written response (Procedures, "Investigation of a Formal Complaint").

10. **Written questions and hearings.** After the report goes out and before a decision, each party may submit written, relevant questions for any party or witness, receive the

answers, and ask limited follow-up questions. Questions about the complainant's sexual history are not relevant except in two narrow situations the Procedures describe, and the decision-maker must explain any question that is excluded. The Procedures refer to a hearing only "if a hearing is required under this policy or otherwise provided," and do not set out a separate hearing process. If a hearing is held, all of the evidence must be available at it (Procedures, "Investigation of a Formal Complaint").

11. **The decision.** A decision-maker, who cannot be the Title IX Coordinator or the investigator, issues a written decision using the "preponderance of the evidence" standard. The decision explains the allegations, the steps taken, the findings, and the result for each allegation, including any discipline and any remedies for the complainant, and how to appeal. Both parties receive it at the same time. If responsibility is found, discipline may be "up to and including dismissal, in accordance with applicable law," and remedies are designed to restore or preserve the complainant's equal access to school (Procedures, "Grievance Process Generally," "Disciplinary Sanctions and Remedies," "Standard of Evidence," and "Determination Regarding Responsibility").

12. **Appeal.** Either party may appeal a decision or a dismissal within 10 calendar days. Late appeals will not be considered. There are three grounds: a procedural issue, new evidence, or bias or a conflict of interest by the Title IX Coordinator, investigator, or decision-maker that affected the outcome. The other party is told in writing, both may submit a written statement, and a different decision-maker issues a written appeal decision to both parties at the same time (Procedures, "Appeals").

13. **Informal resolution.** After a formal complaint is filed, and before a decision, the school may offer an informal process such as mediation. It is never required. Both parties must agree in writing after receiving written notice of how it works, and either may leave it and return to the formal process before agreeing to a resolution. It is not available when an employee is accused of harassing a student (Procedures, "Informal Resolution").

If there is an immediate safety concern. The school may remove an accused person on an emergency basis only after an individualized safety and risk analysis finds an immediate threat to someone's physical health or safety. That person receives notice and a chance to challenge the decision right away. An accused employee may be placed on administrative leave during the process (Procedures, "Emergency Removal" and "Administrative Leave").

Confidentiality and records. The school keeps supportive measures confidential as long as that does not prevent providing them. Records of each investigation are kept for seven years (Procedures, "Definitions," Supportive measures, and "Recordkeeping"; BP 5145.7, section 2.0).

Time frames. The Procedures provide that the school "shall include reasonably prompt time frames for conclusion of the grievance process," and allow a temporary delay or limited extension "for good cause with written notice to the complainant and the accused of the delay or

extension and the reasons for the action." Good cause may include the absence of a party, advisor, or witness; law enforcement activity; or the need for language assistance or disability accommodations (Procedures, "Time Frames").

About the investigator

- **Who appoints them.** The investigator is designated by the school (Procedures, "Title IX Coordinator").
- **Separate roles.** The decision-maker cannot be the investigator or the Title IX Coordinator. The appeal decision-maker cannot be the original decision-maker, the investigator, or the Title IX Coordinator (Procedures, "Determination Regarding Responsibility" and "Appeals"; BP 5145.7, section 2.0). Title IX rules do allow the Title IX Coordinator to also serve as the investigator when needed; only the decision-maker and appeal decision-maker must be different people (34 CFR 106.45(b)(7)(i) and (b)(8)(iii)).
- **Training.** The investigator is trained on the definition of sexual harassment, the scope of school programs, how to conduct an investigation, how to serve impartially, and what evidence is relevant, so the report fairly summarizes it. Training materials must not rely on sex stereotypes and must be publicly available on the school website (Procedures, "Title IX Coordinator" and "Recordkeeping").
- **No conflicts or bias.** The investigator may not have a conflict of interest or bias for or against complainants or accused people generally, or for or against either party. If you believe bias or a conflict affected the outcome, that is a ground for appeal (Procedures, "Title IX Coordinator" and "Appeals").
- **Fair and objective.** All relevant evidence, both for and against each party, is evaluated objectively. Credibility is not judged based on whether someone is a complainant, accused, or witness, and the training covers avoiding prejudging the facts (Procedures, "Grievance Process Generally" and "Title IX Coordinator").

Other help

If a concern doesn't fit Title IX. You can still bring it to us. Complaints of discrimination or harassment can be filed under our Uniform Complaint Procedures, Board Policy 1312.3, which also explains how to appeal to the California Department of Education.

You are protected from retaliation. Federal Title IX rules and California law prohibit threatening, punishing, or treating anyone unfairly for making a report, filing a complaint, or helping with an investigation. Please tell the Title IX Coordinator right away if you believe this has happened.

Other places you can go:

- U.S. Department of Education, Office for Civil Rights: https://www.ed.gov/about/ed-offices/ocr

- California Department of Education, Gender Equity and Title IX: https://www.cde.ca.gov/re/di/eo/genequitytitleix.asp
- California Department of Education, Uniform Complaint Procedures: https://www.cde.ca.gov/re/cp/uc/

Help in your language. If you would like this note or the policy in another language, or an interpreter for any meeting, please let us know and we will arrange it at no cost to you.

Thank you for partnering with us to keep Chrysalis a safe and caring place for every child.

Warmly,

Aaron Lovejoy, Ed.D.
Superintendent and Title IX Coordinator
Chrysalis Charter School