

Title IX Policy

A. Purpose

This Policy is established by Foxborough Regional Charter School in adherence with Title IX of the Education Amendments of 1972 ("Title IX") and all applicable Massachusetts statutes and regulations. Title IX prohibits Foxborough Regional Charter School 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 of Foxborough Regional Charter School's students, employees, authorized volunteers, parents, and other members of the Foxborough Regional Charter School community. This Policy applies to conduct at school, at school events, and away from school in all other instances when Foxborough Regional Charter School has a duty to investigate.

B. Notice of Non-Discrimination

Foxborough Regional Charter School does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran, genetic information, or marital status in the delivery of its education programs and activities, and indeed, Foxborough Regional Charter School is required pursuant to Title IX not to discriminate in such a manner. If any member of the Foxborough Regional Charter School community has any questions or concerns with respect to this Policy and/or Title IX, he/she may contact Foxborough Regional Charter School's Title IX Coordinator and/or the Department of Education's, Office of Civil Rights. Foxborough Regional Charter School's Title IX Coordinator is identified within this Policy and shall be available to answer all questions concerning this Policy.

Foxborough Regional Charter School'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 Any person who 1) is not employed by the school, 2) does not

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Volunteer: receive any compensation from the school, 3) has undergone school-required criminal background checks, and 4) is permitted to provide services approved by Foxborough Regional Charter School to the 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 Massachusetts Anti-Bullying Law, or sexual violence 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 Foxborough Regional Charter School Employee

Sexual harassment of a student by a Foxborough Regional Charter School 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.

The conduct is severe, persistent, or pervasive such that it affects the student’s ability to participate in or benefit from an educational

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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 Foxborough Regional Charter School Employee or Authorized Volunteer

Foxborough Regional Charter School adopts the definitions and conditions set forth in Foxborough Regional Charter School's employee sexual harassment policy as defined under governing MA law.

**Sexual
Violence:**

Includes, but is not limited to, 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 Foxborough Regional Charter School 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 Foxborough Regional Charter School Employee or Authorized Volunteer

Foxborough Regional Charter School adopts the definitions and conditions as defined under governing MA law.

Victim: The target of the perpetrator's sexual violence and/or 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 Foxborough Regional Charter School's compliance with Title IX, including Foxborough Regional Charter School's grievance procedures for resolving Title IX Complaints;
- Drafting and publicizing procedures for reporting possible Title IX violations;
- Overseeing [insert school name's] prevention of and response to Title IX reports and complaints;
- Overseeing all investigations related to and/or arising from this Policy and ensuring fair, equitable, and prompt resolution of complaints;
- Identifying and addressing any patterns or systemic problems revealed by such reports and complaints;
- Providing confidential (to the extent possible) written reports to the [insert appropriate title] 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;
- Providing training to Foxborough Regional Charter School's employees, authorized volunteers, and other members of the Foxborough Regional Charter School community with respect to Title IX and Foxborough Regional Charter School's implementation of this Policy.

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The Title IX Coordinator shall understand and have knowledge of the Title IX requirements and Foxborough Regional Charter School's own policies and procedures on sex discrimination, anti-bullying, anti-retaliation, school place violence, and sexual harassment.

Each and every report or complaint filed with Foxborough Regional Charter School pursuant to Title IX or reasonably related to Title IX must be provided to the Title IX Coordinator to achieve his/her mission.

Effective upon adoption of this Policy by the Board of Trustees, the Title IX Coordinator shall be [insert name, business address, phone number, and e-mail address]

E. Sexual Violence and Sexual Harassment

Sexual harassment and sexual violence are prohibited and will not be tolerated. Foxborough Regional Charter School 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 Foxborough Regional Charter School. This Policy also prohibits sexual harassment and/or sexual violence by and among Foxborough Regional Charter School employees and authorized volunteers. To this end, Foxborough Regional Charter School 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. Grievance Procedure

To facilitate the prompt and equitable resolution of any and all Title IX complaints, Foxborough Regional Charter School adopts the following grievance process. For the purpose of Title IX complaints and investigations, Foxborough Regional Charter School will apply a preponderance of the evidence standard of review. Complainants may choose to submit a written grievance to [insert school name's] Title IX Coordinator using the Title IX grievance form included as Appendix A of this Policy.

- A formal grievance process is initiated when a Complainant:
 - Submits a written 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

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violation from another Foxborough Regional Charter School student, employee, volunteer, or other community member.

- Upon the receipt of a grievance or other complaint pursuant to this policy, the Title IX Coordinator shall commence and conduct an investigation pursuant to the procedures set forth within this Policy.
- 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 Foxborough Regional Charter School program or activity.
- The Title IX Coordinator shall consult with other members of the Foxborough Regional Charter School administration and/or Board of Trustees as necessary in reaching a decision regarding the written grievance.
- The Title IX Coordinator shall prepare a written report setting forth his/her findings, conclusions, and actions to be taken, if any, and will determine with whom to share the report.
- Following his/her review, the Title IX Coordinator shall, as necessary, take appropriate action(s) to ensure that Foxborough Regional Charter School complies with Title IX in a manner that is prompt and equitable to the Complainant.
- If any of the parties wish to appeal the decisions of the Title IX Coordinator, that party must make a written appeal to Foxborough Regional Charter School's Board of Trustees within 10 business days.
- 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).
- 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.

To the extent possible, Foxborough Regional Charter School strives to complete all Title IX

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investigations, from date of report to final hearing and notice of outcome, within 60 days.

G. 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. 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 these actions 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 Foxborough Regional Charter School employees, other than Foxborough Regional Charter School counselors and psychologists who are required to maintain the confidentiality of the information shared with them, shall report incidents of alleged violations of this Policy to the Title IX Coordinator as soon as they learn of or should reasonably know of any conduct allegedly in violation of this Policy. Employees shall report all relevant details that the victim shared 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 Foxborough Regional Charter School 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 parents whose children inform them of alleged violations of this Policy, shall report incidents to the Title IX Coordinator. The victim shall not be disciplined for failing to report an alleged violation of this Policy. All reports from students or parents will be maintained in confidence to every extent possible.

Although Foxborough Regional Charter School 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, Foxborough Regional Charter School **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, volunteer, or parent 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

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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, Foxborough Regional Charter School will take all necessary measures to ensure the safety all parties (e.g., separate the student-victim from alleged perpetrators; provide alternative schedules to one or both parties; provide necessary support services to the student-victim, etc.) and will provide the student-victim and his/her parent(s) or guardian(s) with regular updates as to the status of the investigation. Foxborough Regional Charter School shall implement appropriate interim measures on a case by case bases and shall not rely upon any fixed rules related to any such measures. Foxborough Regional Charter School will provide student-victims with the contact information for available resources outside of Foxborough Regional Charter School, including but not limited to, victim assistance organizations, law enforcement, mental health services, legal assistance, and or counseling services.

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

H. Investigation

The Title IX Coordinator shall, in consultation with the [insert appropriate title] 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 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 Foxborough Regional Charter School employees, students, parents, guardians, 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.

When commencing an investigation that may lead to disciplinary action against the responding party, the Title IX Coordinator shall provide written notice to the responding party (and/or his/her 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.

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All investigations shall be conducted impartially and in an adequate, reliable, and impartial manner. The Title IX Coordinator shall analyze and document the available evidence to support reliable decisions, 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.

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

To the extent possible, RINI strives to complete all Title IX investigations, from date of report to final hearing, if necessary, within 60 days. Victims and alleged perpetrators will receive regular updates with respect to the status of a pending investigation.

If allegations are found to be credible, appropriate disciplinary sanctions, subject to [insert school name's] due process procedures, 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 may violate state or federal criminal law, the police or other necessary agency(ies) shall be notified.

Throughout the investigation, the perpetrator and the victim 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 Foxborough Regional Charter School during the investigation.
- Present relevant witnesses and evidence;
- Request a hearing wherein Foxborough Regional Charter School will make any determination using a “more likely than not” 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 Foxborough Regional Charter School will take all necessary steps to ensure a fair and equitable hearing,

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including separating the parties as necessary and practicable throughout the course of the hearing.

- Cross-examine witnesses during the hearing, as necessary
- Retain counsel, at the parties own expense;
- Retain a mental health provider or other specially trained advocate, at the parties own expense;
- Submit expert testimony, at the parties own expense; and
- Receive written notice of the outcome (regardless of the outcome) of the investigation and/or hearing. Foxborough Regional Charter School shall specifically inform the reporting party (and/or his/her 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;
- Notification of the parties right to appeal the decision to the Board of Trustees

I. 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 school work 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/ Parent: 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.

J. Prevention

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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 [insert appropriate title] and Board of Trustees, shall also ensure that the [insert school name'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.

K. 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:

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

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APPENDIX A

Foxborough Regional Charter School
Title IX Grievance Form

Today's Date_____

Complainant's Name(s)_____

Last Name	First Name	Middle Initial
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Home address_____

City_____State_____Zip Code_____

Telephone Number_____Email Address_____

Parent(s)/Guardian(s)_____

Last Name	First Name	Middle Initial
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Parent(s)/Guardian(s) Contact information_____

Home Address

Phone Number	Email Address
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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