

APPENDIX-B: Sexual Misconduct Policy

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I. Overview

Bridge Boston Charter School (“Bridge Boston”) strives to foster an academic environment that is free from sexual misconduct, including sexual harassment prohibited by Title IX of the Education Amendments, 20 U.S.C. §1681 *et seq.* Any employee (defined to include faculty, administration, and staff) or student of Bridge Boston who has been subjected to, or has witnessed, possible sexual misconduct or retaliation is encouraged to report the incident. Bridge Boston will respond promptly to all reports of behavior potentially prohibited under this Policy, including by offering supportive measures and by investigating and resolving the report pursuant to the procedures set forth in this Policy. A parent or legal guardian may exercise their legal right to act on behalf of a student at any point during the processes set forth in this Policy. All employees and students of Bridge Boston are protected by and expected to comply with this Policy.

Nothing in this Policy shall be interpreted to infringe on the exercise of academic freedom, free speech, or free expression, by any member of the Bridge Boston community. Nor shall this Policy be construed to restrict any individual from pursuing other remedies under state or federal law.

II. Definitions

A **Complainant** is an individual who is alleged to be the target of conduct that is prohibited by this Policy.

The **Decision Makers** are individual(s) (Executive Director & Principal), who examines the relevant evidence and issues a written determination based on that evidence, including a determination of whether the Respondent is responsible for the alleged violation under this Policy and a description of the sanctions to be imposed. The decision maker may not be the Title IX Coordinator or the investigator.

A **Formal Complaint** is a document alleging a violation(s) of this Policy against a Respondent and requesting that Bridge Boston investigate the allegations under the resolution process set forth in this Policy. The Formal Complaint is either signed by (1) a Complainant or the Complainant's parent or guardian with the legal authority to act on behalf of the Complainant or (2) the Title IX Coordinator. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Bridge Boston.

The **Investigator** is an individual who gathers any evidence directly related to a Complainant's allegations and prepares an investigative report, fairly summarizing the evidence and making a recommendation as to whether the Respondent should be found responsible, to be submitted to the Decision Maker. The Investigator may be the Title IX Coordinator but cannot be the Decision Maker.

The **Respondent** is an individual who has been reported to be the perpetrator of conduct that is prohibited under this Policy.

III. Confidentiality and Privacy

Bridge Boston is committed to protecting the privacy of all individuals involved in a report of a potential violation under this Policy. All employees of Bridge Boston are required to protect the privacy of Complainants, Respondents, and any witnesses to the greatest extent possible and consistent with a full and fair investigation. Information gathered through the processes under this Policy will be shared on a need to know basis only, and individuals who are involved in any of the procedures set forth in this Policy are trained to maintain confidentiality.

Complainants, Respondents, and witnesses are urged to exercise discretion when sharing information learned through the processes under this Policy, however, nothing in this Policy restricts the ability of either party to discuss the allegations under investigation.

IV. Title IX Coordinator Contact Information

The Bridge School's Title IX Coordinator is:

Name: Arlene Lee

Title: Dean of Students & Title IX Coordinator

Address: 435 Warren Street, Roxbury MA 02119

Phone Number: (857) 229-1601

Email address: alee@bridgebostoncs.org

Students (as well as their parents or legal guardians) and employees may make a report of prohibited conduct to any Bridge Boston employee, but they are encouraged to report directly to the Title IX Coordinator.

V. Prohibited Conduct Defined

Prohibited conduct under this Policy includes the categories of conduct described below. Conduct that does not meet the definitions below may violate other Bridge Boston policies or may be considered unacceptable by Bridge Boston. In appropriate cases, the Title IX Coordinator may resolve the conduct under a different Bridge Boston policy, such as the Anti-Discrimination and Anti-Harassment Policy for Students and Employees (Appendix A), or refer such conduct elsewhere within Bridge Boston for resolution.

Title IX Sexual Harassment

Sexual harassment prohibited by Title IX means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of Bridge Boston conditions educational benefits on an individual's participation in unwelcome sexual conduct ("quid pro quo");
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Bridge Boston's education programs or activities;
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Conduct must also meet the following criteria to fall within the definition of Title IX Sexual Harassment:

- It must occur within the United States; and
- It must occur within Bridge Boston's education programs or activities.

Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment includes conduct that meets the definition of Title IX Sexual Harassment but does not occur within the United States or within Bridge Boston's education programs or activities. An example of such conduct is sexual harassment that occurs during a Bridge Boston trip outside the United States.

Non-Title IX Sexual Harassment also includes conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending on the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

Sexual Exploitation

Sexual Exploitation is intentionally taking or attempting to take non-consensual sexual advantage of another for one's own benefit, or for the benefit of anyone other than the one being exploited. Examples include intentionally or knowingly recording, photographing, disseminating, or posting sexual images of a person without that person's knowledge or consent; intentionally or knowingly exposing another person to a sexually transmitted infection without the other's consent to the risk; or intentionally or knowingly engaging in voyeurism.

False or Bad Faith Allegations

False or bad faith allegations involve knowingly making a false complaint or report, or knowingly giving false information during an investigation under this Policy. Reports of false or bad faith allegations will be addressed under the resolution process set out in this Policy.

Retaliation

Retaliation includes intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or because the individual has made a report or complaint under this Policy, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Reports of retaliation will be addressed under the resolution process set out in this Policy.

Investigating and disciplining an individual for making a materially false statement in bad faith during the procedures set forth in this Policy does not constitute retaliation.

Coordination with Other Reporting Policies

Nothing in this Policy limits an employee's obligation as a mandated reporter to report suspected child abuse and/or neglect under Bridge Boston's Child Abuse and Neglect Policy. Additionally, under Bridge Boston's Bully Prevention and Intervention Plan, employees are required to report any conduct that may constitute bullying or retaliation to the Deans of Students and/or Principal. Students are expected to report instances of bullying or retaliation to the Principal or a staff member.

VI. Response to Reports

All students and employees in the Bridge Boston community are encouraged to report information about any conduct potentially prohibited by the Policy. Reporting forms are available on Bridge Boston's website at: <https://tinyurl.com/y86lytup>

Students and employees are encouraged to report directly to the Title IX Coordinator. However, reports may be made to any employee of Bridge Boston, including teachers, grade-level principals, and administrative staff. All reports of potentially prohibited conduct from students and employees will be immediately forwarded to the Title IX Coordinator.

Reports may be made anonymously. However, anonymous reports may limit Bridge Boston's ability to respond to the report, and Bridge Boston generally will not be able to impose sanctions against a Respondent on the basis of an anonymous report.

Upon receipt of a report, the Title IX Coordinator will promptly contact the Complainant to provide an overview of the Complainant's rights under the Policy, including the process for filing a Formal Complaint and the availability of supportive measures.

A. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent. Supportive measures are designed to preserve or restore a party's equal access to Bridge Boston's education programs or activities without unreasonably burdening the other party.

Supportive measures are available before or after the filing of a Formal Complaint and regardless of whether a Formal Complaint has been filed. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include, but are not limited to:

1. Counseling and referrals;
2. Course-related accommodations, including extensions of deadlines or modifications of schedules;
3. Excused absence for the Complainant or the Respondent;
4. Individualized supervision during passing periods or other activities;
5. Transportation accommodations;
6. Restrictions on contact and communications between the parties; and
7. Measures designed to protect the safety of Bridge Boston's educational environment.

Bridge Boston will keep confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of Bridge Boston to provide supportive measures.

B. Emergency Removal

Respondents may be removed from Bridge Boston on an emergency basis if the Title IX Coordinator determines, after an individualized safety and risk assessment, that the Respondent poses an immediate threat to the physical health or safety of any student or employee. Bridge Boston will notify the Respondent of the emergency removal. Both the Complainant and Respondent will be afforded an opportunity to challenge the decision and its terms, including by submitting evidence, immediately following the removal.

C. Administrative Leave

An employee may be placed on administrative leave, consistent with applicable collective bargaining agreements and employee handbooks, during the pendency of a formal resolution process, as set forth below.

VII. Formal Resolution Process

A. Formal Complaint

A Formal Complaint is a document filed and signed by the Complainant or a parent or legal guardian with the legal right to act on the Complainant's behalf, requesting that Bridge Boston investigate the allegations under the processes set forth in the Policy.

Completed forms must be filed with the Title IX Coordinator in person, by mail, or by electronic mail. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Bridge Boston's education programs or activities.

If the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator will respect the Complainant's choice. The Title IX Coordinator, on his or her own initiative, may still sign a Formal Complaint and invoke this Policy's resolution process in certain circumstances, including when necessary to protect the safety of the Bridge Boston community.

Bridge Boston may consolidate Formal Complaints as to allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

B. Written Notice

Upon receipt of a Formal Complaint, Bridge Boston will provide written notice to the parties. The written notice will include the following information:

1. A copy of this Policy and notification of Bridge Boston's grievance process, including the informal resolution process;
2. Notice of the allegations of Prohibited Conduct, including the identities of any parties involved in the incident, if known; the conduct forming the basis for the allegation; the date and time of the alleged incident, if known; and the identity of the Complainant;
3. A statement that the Respondent is presumed not responsible and that a determination regarding responsibility will be made at the end of the grievance process;
4. Notice that the parties may have an advisor of their choice (who may be, but is not required to be, an attorney);
5. The right of the parties to request to inspect and review certain evidence; and
6. A statement that this Policy prohibits knowingly making false statements during the grievance process.

C. Dismissal of Formal Complaints

If, during the intake of the complaint, the investigation, or the resolution process, it becomes apparent that the conduct, as alleged, does not meet the definition of Title IX Sexual Harassment, Bridge Boston must dismiss the Formal Complaint with regard to that conduct for Title IX purposes. If the conduct, as alleged, would still constitute other prohibited behavior under this Policy, Bridge Boston may continue to address the allegations under the formal resolution process set forth in this Policy.

Bridge Boston may, in its discretion, dismiss the Formal Complaint if the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled or employed by the school; or specific

circumstances prevent the school from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

Upon dismissal of a Formal Complaint, the Title IX Coordinator will send written notice to the parties within three (3) business days, stating the reasons for the dismissal. Both parties have a right to appeal this decision on any of the bases and in accordance with the procedures specified below.

In the case of any dismissal, Bridge Boston retains the discretion to address the allegations under this Policy or any of its other policies.

D. Investigation Procedure

After the Formal Complaint is filed, the Investigator will conduct an investigation of the allegations in the Formal Complaint. The Investigator will gather evidence and information directly related to the allegations through processes including, but not limited to, interviewing the Complainant, Respondent, and other witnesses and collecting any records of communications between the parties or witnesses. The Investigator may be the Title IX Coordinator or an individual designated by the Title IX Coordinator and must be free from bias or any conflict of interest. The investigation will follow the following guidelines:

1. Throughout the process, the burden of gathering evidence and burden of proof remains on Bridge Boston, not on the parties.
2. Bridge Boston will provide written notice to a party whose participation is invited or expected of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
3. Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Bridge Boston will not limit the choice or presence of either parties' advisor during any grievance proceeding, including related meetings or proceedings in any meeting or grievance proceeding. Restrictions regarding the extent to which the advisor may participate in the proceedings may be imposed, as long as the restrictions apply equally to both parties. The parties may only have one advisor present at any meeting or proceeding, except where an additional person is required by law, such as where the party is a minor, an individual with a disability, or an individual requiring an interpreter.
5. The Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Bridge Boston obtains that party's voluntary, written consent.
6. Prior to completion of the investigative report, Bridge Boston will send each party and the party's advisor, in an electronic format or hard copy, any evidence directly related to the allegations raised in the Formal Complaint, including the evidence upon which Bridge Boston does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. The parties will have ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report.

7. The Investigator will create an investigative report that fairly summarizes relevant evidence. The investigative report will also include a recommendation as to whether, by a preponderance of the evidence (i.e., it is more likely than not that the alleged conduct occurred) the Respondent is responsible for a violation of the Policy.

8. Twelve (12) business days prior to a determination regarding responsibility and sanctions by the Decision Maker, who will not be the same person as the Title IX Coordinator or the Investigator, Bridge Boston will send to each party and the party's advisor the investigative report in an electronic format or a hard copy for their review and written response.

E. Reaching a Determination

After Bridge Boston sends the investigative report to each party and the party's advisor, each party will have three (3) business days to submit written, relevant questions of any party or witness. The responding party has three (3) business days to respond with written answers. The party receiving an answer will then have three (3) business days to submit limited follow-up questions. The responding party will then have three (3) business days to respond with written answers to the limited follow-up questions.

The Decision Maker may exclude questions from the parties or witnesses that are not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Decision Maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Within thirty (30) calendar days after reviewing the investigative report and the parties' questions and answers, the Decision Maker will issue to both parties simultaneously a written determination regarding responsibility for the conduct alleged in the Formal Complaint. To reach this determination, the Decision Maker will apply the preponderance of the evidence standard. The written determination will include the following information:

1. The allegations potentially constituting prohibited conduct under this Policy;
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Policy to the facts;

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether Bridge Boston will provide to the Complainant remedies designed to restore or preserve equal access to its education programs or activities; and
6. The procedures and permissible bases for the Complainant and Respondent to appeal.

F. Sanctions

Sanctions may include, but are not limited to:

1. Training and educational sanctions, e.g., counseling, community service, sexual harassment sensitivity training, or an anger management course;
2. A written warning placed in the Respondent's file;
3. Adjustment of class scheduling;
4. Probation;
5. Suspension from an academic program or of employment;
6. Expulsion from the Bridge Boston or termination of employment; and/or
7. Referral for further sanctions. In such cases, the Decision Maker will issue a preliminary written determination, indicating that the matter has been referred for further sanctions. After sanctions have been determined, the Decision Maker will incorporate a description of the sanctions imposed into a final written determination.

G. Appeal

Complainants and Respondents will have an opportunity to request an appeal of the Decision Maker's determination regarding responsibility or Bridge Boston's dismissal of a Formal Complaint or any allegations therein. A request for appeal must be submitted in writing to the Title IX Coordinator no more than seven (7) calendar days after receipt of the notice of the outcome.

The sole bases for appeal are:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Bridge Boston will notify the other party in writing when an appeal is filed. The other party will have ten (10) calendar days to review the appeal and to submit a written response.

The Decision Maker for the appeal will not be the same person as the Decision Maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator. The decision on appeal is considered final and will be communicated to the Complainant and Respondent simultaneously in writing.

VIII. Informal Resolution Process

After a Formal Complaint is filed and at any time before a determination regarding responsibility is made, the Complainant may request an informal resolution process, such as mediation, which will not involve a full investigation and adjudication. Both the Complainant and Respondent must provide voluntary, written consent to participate in the informal resolution process.

Bridge Boston may not require any party to participate in informal resolution, and informal resolution is not permitted to resolve an allegation that an employee sexually harassed a student.

Before proceeding with an informal resolution process, Bridge Boston will provide written notice to both parties, containing:

1. The allegations;
2. The requirements of the informal resolution process, including the circumstances in which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint;
3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Either party may withdraw their agreement to proceed via the informal resolution process at any point prior to agreeing to a resolution of the Formal Complaint.

IX. Time Frames

Bridge Boston strives to resolve all reports of violations under this Policy within the following time frames:

1. Informal Resolution: The informal resolution process is typically completed within 30-60 calendar days.
2. Formal Resolution: The formal resolution process, including investigation, adjudication, and appeals, is typically completed within 90 calendar days.

The time frames above may be delayed or extended for good cause. Bridge Boston must provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodations of disabilities.

X. Record Keeping and Disclosure

Records related to reports and proceedings under this Policy will generally be kept for seven (7) years after the date the reported incident is resolved.

Student records will be protected in accordance with the Family Educational Records and Privacy Act (FERPA). FERPA generally restricts disclosure of student information outside the School without the student's consent but permits release of student disciplinary information without a student's consent in certain circumstances.

XI. State and Federal Remedies

In addition to the above, if you are an employee and believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim.

The United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200

The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:
One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990

Springfield Office:
436 Dwight Street, Suite 220

Springfield, MA 01103
(413) 739-2145

Both of these agencies can be contacted by employees who wish to file a formal charge of sexual harassment. However, as stated above, Bridge Boston is committed to responding quickly and effectively to any report of inappropriate conduct, and hopes that all employees will feel comfortable coming forward and allowing us to pursue a resolution of the matter internally.