

Protecting Students from Sexual Harassment and Discrimination

1. **General Provisions.**—G-Star School of the Arts (G-Star) does not discriminate on the basis of sex in education programs and prohibits sexual harassment of, or sex/gender-based discrimination against, any student or applicant for admission by any Board member, G-Star employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by G-Star.

2. Sexual harassment and discrimination will not be tolerated and shall be just cause for disciplinary action. Pursuant to § 1006.07(2)(h), the Board hereby gives notice that violation of this "sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed."

3. In an effort to promote an environment free of sexual harassment and discrimination, G-Star has adopted this Policy prohibiting sexual harassment of, or gender-based discrimination against, students, in order to prevent, investigate, and take prompt, equitable, and appropriate action with regard to alleged sexual harassment and discrimination.

4. G-Star believes that all students are entitled to a safe, equitable, and harassment-free school experience. The Board will not tolerate sexual harassment between members of the same or opposite sex. The Office for Civil Rights (OCR) states in its Revised Sexual Harassment Guidance (2001):

Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by Title IX For example, if a male student or a group of male students target a gay student for physical sexual advances . . . the school would need to respond promptly and effectively . . . , just as it would if the victim were heterosexual. On the other hand, if students heckle another student with comments based on the student's sexual orientation . . . , but their actions do not involve conduct of a sexual nature, their actions would not be sexual harassment covered by Title IX. However, sufficiently serious sexual harassment is covered by Title IX even if the hostile environment also includes taunts based on sexual orientation.

5. This Policy shall be interpreted and applied consistent with all applicable state and federal laws.

6. **Title IX Coordinator.** -- Title IX of the Education Amendments ("Title IX") and regulations of the Department of Education's Office for Civil Rights ("OCR") require that the school, G-Star, not discriminate on the basis of sex and that G-Star designate a Title IX Coordinator who is responsible for compliance with Title IX and this Policy. G-Star has designated the Equal Employment Opportunity ("EEO") Coordinator as the person responsible for ensuring that students and their custodial parent(s)/guardian receive information related to sexual harassment.

7. The EEO Coordinator is G-Star's Title IX Coordinator and Sexual Harassment Officer and is located at: 2030 S. Congress Ave., West Palm Beach, Florida, 33406; Telephone: (561) 967-2023.

8. Along with similar information required by Policy 5.001, this contact information is to be posted in highly visible locations at each school including the main office, the guidance waiting area, and student services.

9. **Definitions.**-- For purposes of this Policy, the following definitions shall apply:

- a. Accused/employee is defined as a G-Star employee alleged to be responsible for the violation alleged in the complaint.
- b. Accused/student is defined as a student alleged to be responsible for the violation that is alleged in the complaint.
- c. Complaint is defined as written allegations regarding any action, policy, procedure, or practice prohibited by Title IX, the Florida Education Equity Act, and/or this Policy.
- d. Complainant is defined as is a student of, or applicant for admission to G-Star, who submits a written complaint of sexual harassment or discrimination or an individual or group submitting a complaint on behalf of a student(s).
- e. Day is defined as a working day and does not include weekends or holidays unless noted as "calendar day."
- f. Minor, or minor student, is defined as any student who has not yet attained the age of eighteen (18). For purposes of this policy, the term should also be construed to include an adult student who has been determined incompetent or unable to give informed consent due to disability under state law. Note: any procedure in this Policy mentioning a minor student's parent/guardian should also be construed to include an adult student's parent, if the adult student has given consent. For example, where the Policy requires giving notice to the parent of a minor student, this requirement also includes notice to the parent of an adult student who has given consent for the parent to receive the notice. The notice would also be given to the parent of any adult student who has been determined to be incompetent or unable to give informed consent due to disability under state law.
- g. Parties is defined as the accused student/applicant for admission and/or accused/employee, and the complainant.
- h. School Official is defined for purposes of this Policy, as G-Star employees, principals, assistant principals, and teachers who have the duty of reasonable supervision with respect to student activities.

10. Prohibited Sexual Harassment

- a. There are two (2) types of sexual harassment: quid pro quo harassment and hostile environment harassment.
 - i. Quid pro quo harassment occurs when some advancement or opportunity, such as grades, credits, graduation, or other benefits are conditioned upon sexual favors or that an advancement or opportunity is withheld or punishment will result from a refusal to comply with a demand for sexual favors.
 - ii. Hostile environment harassment occurs when sexual conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with a student's performance or ability to benefit from his/her education, or creates an intimidating, hostile, offensive, or abusive school environment.
- b. Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

- i. submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress ;
 - ii. submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, unreasonably interfering with the individual's education, or creating an intimidating, hostile, or offensive educational environment ; or
 - iii. submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.
- c. Types of conduct which are prohibited by G-Star and which may constitute sexual harassment include, but are not limited to:
- i. graphic verbal comments about an individual's body or appearance;
 - ii. sexual jokes, notes, stories, drawings, pictures or gestures;
 - iii. sexual slurs; sexually-suggestive leering, threats, abusive words, derogatory comments; or sexually-degrading descriptions;
 - iv. unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates;
 - v. spreading sexual rumors;
 - vi. touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling ;
 - vii. cornering or blocking normal movements, or bullying;
 - viii. displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment; or
 - ix. any act of retaliation against an individual who reports a violation of G-Star's sexual harassment Policy or participates in the investigation of a sexual harassment complaint.

**11. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION BY STUDENTS --
Investigation and Resolution of Complaints Against an Accused/Student**

- a. **Reporting Discrimination or Harassment.**-- Any student or applicant for admission who believes he/she is a victim of sexual harassment or discrimination (or any individual, including any student, teacher, or other employee of G-Star, who has knowledge of any incident(s) involving sexual harassment or discrimination of students or applicants for admission) is strongly encouraged to report the incident(s) in writing to the principal or other school official. Due to the sensitive nature of sexual harassment complaints, the written complaint may be filed directly with the EEO/Title IX Coordinator and ADA/504 Specialist.
- b. School officials must report in writing any allegations of harassment or discrimination to the principal and to the EEO/Title IX Coordinator.

c. School officials must instruct students and their custodial parent(s)/guardian that the student (or custodial parent(s)/guardian on behalf of the student) may file a written complaint with the principal/designee or EEO/Title IX Coordinator.

d. The principal/designee shall document all complaints in writing to ensure that problems are appropriately addressed. Failure by the principal to respond to a complaint within two (2) work days will automatically allow the complainant to re-file the complaint with G-Star's Founder.

e. It is the responsibility of the principal to forward all complaints within two (2) work days to the School Founder, EEO/Title IX Coordinator, and ADA/504 Specialist. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999).

f. **Principal Involvement.**-- If the principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the founder shall be asked to conduct the investigation.

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g. **Informal Resolution.**-- Where appropriate, the complainant and the accused/student may agree to informally resolve the complaint. Complaints should be made as soon as possible but no later than one hundred eighty (180) calendar days after the alleged incident (that is, within 180 days after the last act of harassment or discrimination). Even at this stage, where a formal complaint form is not filed, the principal must summarize, in a written record, the complainant's allegations. The principal should request the complainant (or minor complaint's parent/guardian) to sign the summary to indicate that it is accurate. The principal must transmit a copy of this summary to the founder, EEO/Title IX Coordinator, and ADA/504 specialist within two (2) work days, noting that the parties agreed to attempt informal resolution.

i. If both parties are willing, the principal/designee may arrange for the parties to resolve the complaint informally through a voluntary conversation between the complainant and the accused/student, facilitated by the principal/designee, within two (2) work days of receiving the complaint. Both the complainant and the accused/student may be accompanied by a person of their choice for support and guidance.

ii. The parties shall never be asked to work out the problem directly with the accused/student unless the assistance of a counselor, teacher, administrator, or mediator is provided and both the complainant and the accused/student are willing.

iii. If the principal/designee and the complainant and the accused/student (and/or their parents) agree that a satisfactory resolution has been achieved through the informal conversation, then no further action need be taken (besides notifying the founder, EEO/Title IX Coordinator, and ADA/504 Specialist that the matter has been resolved). However, if a complete resolution has not been achieved, a formal written complaint should be filed within ten (10) work days after the informal meeting.

iv. If the complaint is satisfactorily resolved informally, the principal/designee shall notify the founder, EEO/Title IX Coordinator, and ADA/504 Specialist of the resolution of the complaint.

h. **Filing a Formal Complaint Report.**-- If the matter is not satisfactorily resolved informally, the principal/designee shall assist the student (or custodial parent(s)/guardian on behalf of a minor as defined in paragraph (9)(f)) in filing a complaint. Individuals may file a written complaint with the principal/designee or EEO/Title IX Coordinator by using the Student Complaint Report form. Said form is hereby incorporated by reference and made a part of this Policy and shall be filed with the founder herewith and is available on the school's web site at www.gstarschool.org. The Witness Statement form is to be completed by witnesses to the alleged incident.

i. Complaints should be made as soon as possible but no later than one hundred eighty (180) calendar days after the alleged incident (that is, within 180 days after the last act of harassment or discrimination). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned. The principal/designee shall record in writing and document all complaints regarding sexual harassment and discrimination to ensure that problems are appropriately addressed, whether the report is made verbally or in writing.

j. The principal/designee may assist the student in completing the form or may complete the form for a student. The complainant will be requested to provide signed, specific information regarding the alleged discrimination or harassment, the alleged offender(s), witnesses, and other relevant information. In all instances, the student (or custodial parent(s)/guardian on behalf of a minor as defined in paragraph (9)(f)) shall review the form to ensure its accuracy and sign and date the complaint.

k. All complaints filed with the principal/designee must be reported in writing to the founder and the EEO/Title IX Coordinator and ADA/504 Specialist.

l. **Notice to Accused/Student.** -- Within two (2) days of receipt of a complaint, the principal/designee will notify the accused/student of the allegations.

m. **Notice to Parent(s)/Guardians.**-- Within two (2) days of receiving a complaint, and in accordance with federal and state privacy laws, the principal/designee shall notify the custodial parent(s)/guardian of any minor student, as defined in paragraph (9)(f), who is involved in alleged harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved and their custodial parent(s)/guardians will also be notified of events and decisions described in this Policy.

n. **Steps in the Investigation.**-- The principal/designee shall begin an investigation within two (2) work days and thoroughly investigate all complaints of sexual harassment or discrimination, including at a minimum the following steps:

- i. talk with the complainant within two (2) work days ;
- ii. give the complainant (or custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment or discrimination, and ensure that the complaint is put in ;
- iii. talk with the accused/student (or custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) within two (2) work days ;

- iv. the accused/student shall have an opportunity to describe the incident, present witnesses and other evidence, and put his/her response in writing;
 - v. talk with any person who saw the harassment, has knowledge of the discrimination, or who may have related information ; and
 - vi. conduct a conference, if appropriate, with the complainant (and custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) and the accused/student (and custodial parent(s)/guardian of a minor) with prior notice of the date, time, place and rules to the parties.
 - vii. The principal/designee is encouraged to ask open-ended questions to enable students to describe what happened in their own words.
 - viii. The principal/designee may request that the accused/student (or the custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)), prepare a written response to the complaint; or the principal/designee may prepare a written statement of the accused/student's oral response to the complaint based on their meeting and obtain the signature of the accused/student (and/or custodial parent(s)/guardian of the minor student as defined in paragraph (9)(f)), after his/her review of the statement.
 - ix. The principal/designee should dictate and then review his/her notes with the complainant and accused/student after the interviews to verify the facts and ensure accuracy, and then obtain signatures, but shall not tape the interviews.
- o. Pursuing the Investigation.**-- During the investigation, the principal/designee may take any action necessary to protect the complainant or other students or employees, consistent with the requirements of applicable regulations and statutes.
- i. In general, complainants shall continue attendance at the school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution.
 - ii. When necessary to carry out his/her investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee may discuss the complaint with any of the following persons:
 - A. Founder/designee;
 - B. Assistant principals;
 - C. The G-Star School of the Arts' Board;
 - D. Palm Springs Police;
 - E. Deans of Students
 - F. Guidance Counselors
 - G. the custodial parent(s)/guardian of the complainant, if the complainant is a minor, as defined in paragraph (9)(f) of this Policy.;
 - H. the custodial parent(s)/guardian of the accused/student, if the accused/student is a minor, as defined in paragraph (9)(f). ;

- I. a teacher or staff member whose knowledge of the students involved may help determine who is telling the truth;
- J. child protective agencies responsible for investigating child abuse; and/or
- K. legal counsel for the Board/G-Star.

p. **Written Decision of the Principal/Designee.**-- Upon completion of the investigation, the principal/designee will make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Matrix of Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a decision about the complaint, the principal/designee should take into account:

- i. statements made by the persons identified in paragraphs (11)(n), (o) above;
- ii. the details and consistency of each person's account;
- iii. evidence of how the complainant reacted to the incident;
- iv. evidence of past instances of harassment or discrimination by the accused/student (provided that, if evidence of harassment/discrimination, accusations, or complaints is to be considered, the principal/designee must review in their entirety the files regarding those past incidents);
- v. evidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past accusations or complaints is to be considered, the principal/designee must review in their entirety the files regarding those past incidents); and
- vi. case law, state and federal laws and regulations, and the Board's Policies prohibiting sexual harassment and discrimination.

q. To determine the severity of the harassment or discrimination, the principal/designee may consider, among other things:

- i. how the misconduct affected one or more student's education;
- ii. the type, frequency, and duration of the misconduct;
- iii. the number of persons involved;
- iv. the subject(s) of harassment or discrimination;
- v. the place and situation where the incident occurred; and/or
- vi. other incidents at the school, including incidents of harassment or discrimination that were not related to sex.

r. Within thirty (30) calendar days of the filing of the complaint, the principal/designee shall give the founder/designee and the EEO/Title IX Coordinator and ADA/504 Specialist a written report that describes the complaint and investigation and contains findings, decision, and reasons for the decision.

- i. If the principal/designee verifies that sexual harassment or discrimination occurred, this report shall describe the actions taken to end the harassment or discrimination pursuant to the Matrix of Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary) ; address the

effects of the harassment or discrimination on the complainant ; and prevent retaliation or further harassment or discrimination

ii. The principal/designee shall notify the parties (and their custodial parents(s)/guardian if the parties are minors as defined in paragraph (9)(f)) in writing of the decision and their right to review by the area superintendent/designee. (If the complaint was originally filed with, and investigated by, the Founder, EEO/Title IX Coordinator, or ADA/504 Specialist instead of the principal, the Title IX Coordinator or ADA/504 Specialist shall inform the parties of the right to appeal to the Board/designee within ten (10) days after receiving the Coordinator's/Specialist's decision.)

s. No retaliation of any kind is permitted on the basis of an individual's having made a discrimination or harassment complaint.

12. Appeal to the Founder.-- If the complaint against an accused/student is not resolved at the school-site level to the satisfaction of the parties, either party (or their custodial parents(s)/guardian if the parties are minors as defined in paragraph (9)(f)), may seek review by the founder designee through the following process :

a. The written complaint and request for review shall be sent to the founder's office within ten (10) days of the completion of the site-level process by the principal/designee.

i. If the principal's designee conducted the investigation and made the decision, the first level of appeal is to the principal rather than the founder. If the complaint was reviewed or investigated by the principal, the next level of appeal is to the founder/designee. (If the complaint was originally filed with, and investigated by, the EEO/Title IX Coordinator or ADA/504 Specialist instead of the principal, the next level of appeal is to the principal.)

ii. However, if the founder/designee is directly involved with a complaint or closely related to a party to the complaint, then the Board/designee shall be asked to conduct the review and/or further investigation.

b. **Notice Requirement.**-- Notice will be given to all parties of a request for review by the founder /designee within two (2) business days of the request for review.

c. **Procedure.**-- The founder shall review the complaint, the answer to the complaint, the principal's report, and any other evidence in the record. The founder/designee may conduct any further investigation he/she deems necessary.

i. The founder/designee will review the principal's decision as to the validity of the allegations and any corrective action and will make a decision within thirty (30) calendar days after receipt of the request for review. Time limits may be extended by written mutual agreement of the individual(s) making the complaint and accused/student (or the custodial parent(s)/guardian of a minor party as defined in paragraph (9)(f)).

ii. No retaliation of any kind is permitted because an individual has made a sexual harassment or sexual discrimination complaint. During the investigation, the founder/designee may take any action necessary to protect the complainant, other students, or employees, consistent with the requirements of applicable regulations and statutes.

iii. The founder/designee shall take action deemed appropriate to resolve the situation, including, but not limited to, disciplinary action by the school, consistent with the requirements of applicable procedures outlined in each school's Student-Parent Handbook, the Matrix of Incidents and Actions in Policy 5.1813, and Florida law, or transfer to alternative school.

iv. The founder/designee will inform the parties in writing of the decision and the parties' right to appeal.

v. A copy of the decision will be sent to the EEO/Title IX Coordinator and ADA/504 Specialist.

13. Appeal to the G-Star School of the Arts Board

a. If the complainant or accused/student (or the custodial parent(s)/guardian of a minor party as defined in paragraph (9)(f)), is dissatisfied with the founder's decision, that decision it may be appealed in writing to the Board within ten (10) days after receipt of the decision.

i. If the founder's designee conducted the investigation, the next level of appeal is to the founder, rather than to the Board.

ii. If the Board is directly involved with a complaint or closely related to a party to the complaint, then the Director of the Board shall be asked to review the matter and report the findings in writing to the Board.

b. **Notice.**-- Notice of the appeal shall be given to the parties within two (2) days of receipt of appeal.

c. **Procedure.**-- The Board/designee shall review the written complaint, the accused/student's response to the complaint (or the response of the custodial parent(s)/guardian of a minor student as defined in paragraph (9)(f)), and all documentation pertaining to the alleged sexual harassment or discrimination, including the founder's decision.

i. The Board/designee may request additional information.

ii. The Board/designee shall issue a written decision to the parties within twenty (20) calendar days of request of the appeal. The decision of the Board/designee is the final decision of the Board.

15. Other Means of Resolution. - - If the complainant is not satisfied with the results of the procedures contained in this policy, he/she may utilize other means for resolution as provided by law, including seeking recourse through the federal Office for Civil Rights ("OCR").

16. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION BY EMPLOYEES -- Investigation of Complaints Against an Accused/Employee

a. Reporting Discrimination or Harassment.-- Any student/applicant for admission (or the custodial parent(s)/guardian thereof, if a minor as defined in paragraph (9)(f)), who believes he/she is a victim of discrimination or harassment, (or any individual, including any student, teacher, or other employee of G-Star who has knowledge of any incident(s) involving sexual discrimination against, or harassment of, students) is strongly encouraged to report the incident(s) in writing to the principal or other school official. Due to the sensitive nature of sexual harassment complaints, the written complaint may be filed directly with the EEO/Title IX Coordinator and ADA/504 Specialist. Complaints should be filed as soon as possible after the alleged incident, but must be filed within one hundred

eighty (180) calendar days after the alleged incident (i.e. within 180 days after the last act of alleged harassment or discrimination).

b. School officials must report in writing any allegations of discrimination or harassment to the principal and to the EEO/Title IX Coordinator and ADA/504 Specialist.

c. School officials must instruct students that they may file a written complaint with the principal/designee or the EEO/Title IX Coordinator and ADA/504 Specialist. If the principal is directly involved with a complaint or with the parties to the complaint or is closely related to a party to the complaint, then the incident may be reported directly to the founder or EEO/Title IX Coordinator.

d. The principal shall document all complaints in writing to ensure that problems are appropriately addressed. It is the responsibility of the principal to forward all complaints to the founder, EEO/Title IX Coordinator and ADA/504 Specialist. Failure by the principal to respond to a complaint within two (2) work days will automatically allow the complainant to re-file the complaint with the Board.

e. **Filing the Compliant Form.**-- Consistent with OCR guidelines, a formal complaint process is required for any complaint against an employee. Complainants (or the custodial parent(s)/guardian of the minor student as defined in paragraph (9)(f)) may file a complaint in writing with the principal/designee or the EEO/Title IX Coordinator and ADA/504 Specialist by using the Student Complaint Report form, available on the school's web site at www.gstarschool.org. The Witness Statement form is to be completed by witnesses to the alleged incident.

i. Complaints should be filed as soon as possible after the alleged incident, but must be filed within one hundred eighty (180) calendar days after the alleged incident (that is, within 180 days after the last act of alleged harassment or discrimination). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.

ii. The principal/designee may assist the individual in completing the form by recording information on it, reviewing it with the complainant, and obtaining the complainant's signature. The complainant will be requested to provide signed, specific information regarding the alleged discrimination or harassment, the alleged offender(s), witnesses, and other relevant information.

iii. All complaints filed with the principal/designee must be reported to the founder and the EEO/Title IX Coordinator and ADA/504 specialist for investigation.

f. **Notice to Parent(s)/Guardians.**-- Within two (2) days of receiving the complaint, and in accordance with federal and state privacy laws, the principal/designee shall notify the custodial parent(s)/guardian of any minor student as defined in paragraph (9)(f) who is allegedly subject to harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved (and their custodial parent(s)/guardians, if the students are minors) will also be notified of events and decisions described in this Policy.

g. **Investigation by The EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee.**—The EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee shall document and begin within (2) work days to thoroughly investigate all complaints of harassment or discrimination, including the following steps to ensure that problems are appropriately addressed:

i. talk with the complainant within two (2) business days after receiving the complaint. The complainant (and/or the custodial parent(s)/guardian of the minor complainant as defined in paragraph (9)(f)) shall have an opportunity to describe the incident, present any evidence, name witnesses, and ensure that the complaint is put in writing ;

ii. talk with any witnesses or others who may have relevant information.; and

iii. conduct an investigation meeting with the accused/employee, and the accused/employee's representative, if applicable, to discuss the allegations and allow the accused/employee to respond to the allegations.

h. During the investigation, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee may recommend to the Chief Personnel Officer/designee, any action necessary to protect the complainant or other students or employees, consistent with the requirements of applicable statutes, State Board of Education Rules.

i. In general, complainants will continue attendance at the school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution.

ii. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee also shall discuss the complaint with the following persons, as appropriate:

A. The G-Star School of the Arts Board/designee;

B. Chief Operating Officer and/or Chief Operating Officer;

C. Founder/designee;

D. Assistant Principals;

E. Palm Springs Police;

F. Guidance Counselors;

G. Deans of Students;

H. the custodial parent(s)/guardian of the complainant, if the complainant is a minor as defined in Section (9)(f);

I. a teacher or staff member whose knowledge of the student(s) or employee(s) involved may help determine who is telling the truth;

J. child protective agencies responsible for investigating child abuse;

K. legal counsel for the Board/G-Star;

L. exclusive bargaining representative or the legal counsel thereof, if appropriate; and

M. the accused/employee.

17. Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.-- Upon completion of the investigation, within thirty (30) calendar days of receiving the complaint if possible, the EEO/Title IX Coordinator shall make a decision about the validity of the allegations in the complaint.

a. The EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee shall discuss the determination and any corrective action with the principal/designee and Chief Personnel Officer.

b. In reaching a decision about the complaint, the following should be taken into account:

i. statements made by the persons identified in subsections (16)(g), (h) above;

ii. the details and consistency of each person's account;

iii. evidence of how the complainant reacted to the incident;

iv. evidence of past instances of harassment or discrimination by the accused/employee (provided that, if evidence of past harassment/discrimination are to be considered, the investigator must review in their entirety the files regarding those past incidents);

v. evidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past accusations or complaints is to be considered, the investigator must review in their entirety the files regarding those past incidents); and

vi. case law, state and federal laws and regulations, and Board Policies prohibiting harassment and discrimination.

c. To determine the severity of the harassment or discrimination, the following may be considered:

i. how the misconduct affected one or more student's education;

ii. the type, frequency, and duration of the misconduct;

iii. the number of persons involved;

iv. the subject(s) of harassment or discrimination;

v. the place and situation where the incident occurred; and

vi. other incidents at the school.

d. The following action(s) may be taken to resolve a complaint of harassment or discrimination:

i. no action, if the complaint is unsubstantiated;

ii. training requirements for the employee;

iii. oral reprimand of the employee;

iv. written reprimand of the employee;

v. suspension of the employee; or

vi. termination of the employee.

A. For the first verified offense of harassment of, or discrimination against, a student, suspension should be recommended for a minimum of thirty (30) days without pay. Termination should be recommended for the second offense of verified harassment of, or discrimination against, a student.

B. Suspension without pay and/or termination requires action/approval from the principal.

18. Appeal Procedure for an Accused/Employee

a. If the accused/employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed with the founder.

19. Appeal Procedure for Student/Complainant Against Accused/Employee

a. **Appeal to the Founder/Designee.**-- If the complainant (or the custodial parent(s)/guardian on his/her behalf if the complainant is a minor as defined in paragraph (9)(f)) is dissatisfied with the EEO/Title IX Coordinator's decision, it may be appealed in writing to the founder/designee within ten (10) days after receipt of the decision. However, if the founder is directly involved with a complaint or closely related to a party to the complaint, then the Board shall be asked to review the matter.

i. Notice.-- Notice of the appeal shall be given to the parties (and the custodial parent(s)/guardian of a complainant who is a minor as defined in paragraph (9)(f)) within two (2) days of receipt of appeal.

ii. Procedure.-- The/founder/designee shall review the written complaint, the accused/employee's response to the complaint, and all documentation pertaining to the alleged sexual harassment or discrimination including the EEO/Title IX Coordinator's or ADA/504 Specialist's decision.

A. The founder/designee may request additional information.

B. The principal/founder/designee shall issue a written decision to the parties within twenty (20) calendar days of request of the appeal.

b. **Appeal to the Board.**-- If the complainant (or custodial parent(s)/guardian of the minor complainant) is dissatisfied with founder's decision, the decision may be appealed in writing to the Board within ten (10) days after receipt of the decision.

i. If the founder's designee conducted the review, the next level of appeal is to the founder rather than to the Board.

ii. If a Board member is directly involved with a complaint or closely related to a party to the complaint, then the Director of the Board shall be asked to review the matter and report the findings to the Board.

iii. Notice.-- Notice of the appeal shall be given in writing to the parties (and their custodial parent(s)/guardian if appropriate) within two (2) days of receipt of the appeal.

iv. Procedure.-- The Board/designee shall review the written complaint, the accused/employee's response to the complaint, and all documentation pertaining to the alleged harassment or discrimination, including the founder's decision.

A. The Board may request additional information.

B. The Board/designee shall issue a written decision to the parties (and their custodial parent(s)/guardian if appropriate) within twenty (20) calendar days of request of the appeal. The decision of the Board/designee is the final decision of the School.

c. **Other Means of Resolution.**-- If the complainant is not satisfied with the results of the procedures contained in this Policy, he/she may utilize other means for resolution as provided by law, including seeking recourse through the federal Office for Civil Rights ("OCR").

20. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION BY VOLUNTEERS, VISITORS, OR CONTRACTORS --Investigation of Complaints Against a School Volunteer, Campus Visitor, Contractor/Consultant, or Other Third Party.

a. G-Star will not tolerate sexual harassment or discrimination by school volunteers, consultants, independent contractors or subcontractors (or their employees), or any third party in the school (or outside of the school at school-sponsored events), on school buses, or at training facilities sponsored by G-Star. Any such alleged harassment or discrimination should be reported immediately to the school principal, using the same formal written complaint process as would be used to report harassment or discrimination by a G-Star employee. The complaint should be filed as soon as possible, at least within one hundred eighty (180) calendar days of the alleged incident (i.e. within 180 days of the last act of alleged harassment or discrimination).

b. It is the responsibility of the principal to forward all complaints to the founder, EEO/Title IX Coordinator, and ADA/504 Specialist within two (2) work days. Failure by the principal to respond to a complaint within two (2) work days will automatically allow the complainant to re-file the complaint with the founder.

c. Within two (2) days of receiving the complaint, and in accordance with federal and state privacy laws, the principal/designee shall notify the custodial parent(s)/guardian of any minor student as defined in paragraph (9)(f)) who is allegedly subject to harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved (and their custodial parent(s)/guardians, if the students are minors) will also be notified of events and decisions described in this Policy.

d. Within two (2) days of receiving the complaint, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee shall begin an investigation, using procedures similar to those used for investigation of allegations against G-Star employees.

e. If the G-Star's investigation substantiates a complaint of sexual harassment or discrimination by a school volunteer, visitor, consultant/independent contractor, vendor or other third party, the founder shall promptly recommend appropriate action. As stated in OCR's Revised Sexual Harassment Guidance (2001): The type of appropriate steps that the school should take will differ depending on the level of control that the school has over the third party harasser. For example, if athletes from a visiting team harass the home school's students, the home school may not be able to discipline the athletes. However, it could encourage the other school to take appropriate action to prevent further incidents; if necessary, the home school may choose not to invite the other school back.

f. Depending on the situation, an appropriate response may include, but not limited to, revoking the volunteer's status under Policy 2.53; asking the visitor to refrain from returning to the campus; requesting a contractor to remove an employee from a project at a school site and discipline the employee; or debarring a vendor. G-Star's response will be designed to eliminate the harassment or discrimination and prevent its reoccurrence. If the complainant is not satisfied with G-Star's

response, he/she (or the custodial parent(s)/guardian of a minor complainant) may appeal according to the procedures used to appeal a decision regarding alleged harassment or discrimination by an employee under Section 19.

g. Other Means of Resolution.-- If the complainant is not satisfied with G-Star's response under this Section, he/she may utilize other means for resolution as provided by law, including seeking recourse through OCR.

21. Confidentiality

a. To the greatest extent possible, all complaints will be treated as confidential and in accordance with Fla. Stat. § 1002.22(3)(d); the Family Educational Rights and Privacy Act ("FERPA"); and any other applicable law, such as Fla. Stat. §§ 119.07(3)(p) & (u); 1012.31(3)(a); or 1012.796(1)(c).

b. However, limited disclosure may be necessary to complete a thorough investigation as described above. G-Star's obligation to investigate and take corrective action may supersede an individual's right to privacy.

c. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed.

22. Informing Students and Employees About this Policy.--Notice of the existence of this Policy, prevention plan, and procedures shall be posted in prominent locations in all G-Star buildings, including information on how to receive a copy. Notice shall be included annually in student, parent, and staff handbooks.

23. Retaliation Prohibited

a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this Policy.

b. Retaliatory or intimidating conduct against any individual who has made a harassment or discrimination complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited.

c. The principal/designee, and EEO/Title IX Coordinator or ADA/504 Specialist, if applicable, shall inform complainants that they are protected by law from retaliation.

24. Additional Assistance Available

a. In all cases, G-Star reserves the right to refer the results of its own investigation to the local State Attorney for possible criminal charges

b. G-Star will provide counseling services for students who have been harassed or discriminated against.

c. Training will be provided to assist teachers and counselors who work with students to prevent sexual harassment and discrimination between people of the same sex or the opposite sex.

d. The Office for Civil Rights is a federal agency in the Department of Education that schools' compliance with charged with implementing Title IX of the Education Amendments and can be contacted by telephone at 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at OCR_Atlanta@ed.gov.

e. For more information, one may contact: EEO/Title IX Coordinator, 2030 S. Congress Ave., West Palm Beach, Florida, 33406; Telephone: (561) 967-2023, or at info@gstarschool.org.

STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(1), (6); 1006.07; 1012.23(1), Fla. Stat.

LAWS IMPLEMENTED: §§ 119.07(3)(p), (u); 1000.05(2)(a), (b) (Florida Education Equity Act); 1002.22(3)(a), (d); 1001.41(1), (2); 1006.07(2)(h); 1006.08; 1012.31(3)(a); 1012.796(1)(c); 760.01(2), Fla. Stat.; (20 U.S.C. § 1681-1688 (Title IX of the Education Amendments of 1972); 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act ("FERPA"))).

STATE BOARD OF EDUCATION RULES SUPPLEMENTED: 6A-19.001; 6A-19.002; 19.008; 6B-1.006(3)(a), (g)

HISTORY: 8/16/95; 3/17/99; 3/24/2003