

ADDENDUM FOR LOWER AND MIDDLE SCHOOL FAMILY HANDBOOK

NONDISCRIMINATION STATEMENT

Santa Catalina School admits students of any race, color, and national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin or sex in the administration of its educational and employment policies, financial aid programs, and athletic and other school-administered programs. As part of its obligations under a Small Business Administration loan, the school has agreed to comply with Title IX of the Education Amendments of 1972 and the Small Business Administration's Title IX regulations during the term of the loan. Inquiries concerning the application of Title IX and the Title IX regulations to Santa Catalina School may be referred to the Title IX Coordinator or to the Small Business Administration's Assistant Administrator for Equal Employment and Civil Rights Compliance. The school's Title IX Coordinator can be contacted as follows:

Mr. Ronald Kellermann
Business Manager
Business Office
(831) 655-9334
Ron.kellermann@santacatalina.org

Santa Catalina's policies prohibit conduct that violates Title IX, and complaints of such conduct may be submitted to the Title IX Coordinator or in accordance with the school's Policy Against Harassment Involving Students in this handbook.

POLICY AGAINST HARASSMENT INVOLVING STUDENTS

Within its Christian heritage, Santa Catalina School is committed to its responsibility to love, to support, and to educate its members and to insure that they are being treated equally with courtesy, dignity, and tact; therefore, the school community addresses the issue of unlawful harassment, including sexual harassment, with clear guidelines and procedures. Such guidelines and procedures assure the maintenance of an atmosphere free of harassment or intimidation and serves to further the school's mission to impress upon all members of its community the value of Christian charity and justice.

It is Santa Catalina's policy to provide an academic environment that is free from all forms of discrimination or harassment. Santa Catalina prohibits sexual harassment as well as discrimination and harassment based on a student's race, religion, national origin, sex, sexual orientation, gender identity, gender expression, or disability. Santa Catalina will not tolerate harassing or discriminatory treatment of students by other students, their family members, school volunteers, employees or contractors. Additionally, Santa Catalina forbids retaliation against any

individual who reports an incident of harassment, opposes harassment or participates in an investigation of a complaint of harassment.

Because behavior away from school may have a significant impact on the school environment, this policy applies to all interactions involving students, whether or not occurring during school or school functions or on campus, if (1) the conduct has a negative impact upon the school performance of the student who is subject to harassment or affects that student's academic status or progress; (2) the conduct adversely affects the educational environment including creating an educational environment that is intimidating, hostile, or offensive; (3) such conduct affects the benefits, services, honors, programs, or activities available to any Santa Catalina student.

Harassment

Prohibited harassment may include, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes, slurs or comments;
- Visual displays and written communication, such as derogatory posters, photography, cartoons, drawings, gestures, or email messages;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work; and
- Retaliation for reporting or threatening to report harassment.

Sexual Harassment

In addition to the examples of harassment described above, for the purposes of this policy, "sexual harassment" is defined to also include:

- For adult to student interaction: any sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature.
- For student to student interaction: unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature when: (1) such conduct has a negative impact upon the recipient student's school performance; (2) such conduct adversely affects the educational environment including creating an educational environment that is intimidating, hostile, or offensive; (3) such conduct affects the services, honors, programs, or activities available to any student at the School.

Student to student sexual harassment is not social or courting behavior. The overriding factor in student to student sexual harassment is that the behavior is uninvited and unwanted and often an assertion of power. Sexual harassment may include:

- physical assault, including rape
- coerced sexual relations
- inappropriate personal questions of a sexual nature
- sexually explicit or suggestive remarks about a person's body, clothing, or sexual activity

- sexually stereotyped or sexually charged insults, humor, or verbal abuse
- public display of sexually explicit, offensive or demeaning objects, photographs, or cartoons
- leering or ogling at a person's body
- unnecessary touching in any form
- demanding sexual favors, accompanied by promises, hints, or threats concerning one's academic status or opportunities
- subtle pressure for sexual activity
- repeated expressions of sexual or "romantic" interest after being informed that the interest is unwelcome.

Complaint and Resolution Procedures

Complaints of violations Santa Catalina's policy against harassment involving students will be handled in accordance with the following procedures. For complaints of discrimination based on sex or sexual harassment in violation of Title IX, students or their parents or guardians may elect to submit a formal complaint following the procedures described in Appendix A to this handbook rather than follow the procedures below.

Adult to Student Harassment

A student or her parent who believes that the student has been subject to prohibited harassment by any adult member of the Santa Catalina community, including employees, contractors, volunteers or family members of other students, should immediately bring this to the attention of Head of the Lower and Middle School or the Head of School. If both of those administrators were involved in the situation, the report may be made to the Chair of the Board of Trustees who will act in the place of the Head of School. The parents or guardians of the student(s) involved will also be notified. The Head of School will lead an immediate investigation and will take corrective action if any is appropriate, including possible disciplinary actions against employees of the School. The School will advise the student who reported harassment and the student's parents of the disposition of the complaint.

Student-to-Student Harassment

A student or his or her parent or guardian who believes that the student has been subject to prohibited harassment by another student should bring this to the attention of the Dean of Students, the Head of the Lower and Middle School or, for reports by boarding students on the weekend, to the Resident-in-Charge. Depending on the nature of the conduct involved, the complaint may be handled informally, by asking the other student to stop the behavior.

If the informal actions do not cause the offensive behavior to cease, or if the behavior is of such a nature that informal resolution is not appropriate, a school administrator will initiate a formal process and notify the Head of School. The administrator will also notify the parent(s) of the students involved unless notice at that time is inappropriate under the circumstances.

The Head of the Lower and Middle School will conduct a fair, timely, and thorough investigation of the complaint. If the Head of the Lower and Middle School determines that

harassment in violation of this policy has occurred, the Head of the Lower and Middle School will take prompt corrective action. The Head of the Lower and Middle School will notify the student who made the complaint and his/her parents of the disposition of the complaint.

Complaints regarding violations of the harassment policy are not referred to the Discipline Committee.

Final Review

A complaining student not satisfied with the disposition of the complaint or a student subject to discipline under this policy, and/or their parents, may ask the Head of School to review the matter. Such a request for review should be submitted in writing within fifteen days of receiving notice of the disposition of the complaint or the imposition of discipline. The request for review should explain why the student believes the disposition was not satisfactory or the discipline was not warranted, including reference to any relevant facts. The Head of School will issue a decision which shall be final.

Disciplinary Consequences

A student who violates this policy may be subject to discipline as described in the Discipline policy of this handbook, which may include a range of actions including counseling, warnings, detention, separation from school, or other appropriate consequences based on the age of the respondent and the nature of the conduct involved.

Confidentiality

Records of all complaint resolution proceedings will be maintained by the Head of the Lower and Middle School. The school will keep the complaint and the investigation as confidential as possible consistent with the need to conduct an investigation, determine responsibility, cooperate with law enforcement, and implement any appropriate remedial measures.

Mandated Reporting

All Santa Catalina employees are mandated reporters who are required by law to file a report with a child protective services agency (CPS) whenever they learn information that leads them to suspect that a minor they encounter in the course of their employment has been subjected to sexual or physical abuse, including sexual assault. Employees are not permitted to investigate suspected abuse of a minor before making a report. Employees are also required by law to keep mandated reports confidential, so they may not be able to inform students or their parents if they make a report.

Santa Catalina's disciplinary process is separate from any CPS or law enforcement investigation. The school's investigation is limited to whether there has been a violation of the school's policies. Santa Catalina School does not conduct investigations in order to determine whether criminal activity has occurred. That is the role of law enforcement. Both the standards of proof and the evidence available to the school are different from those in a criminal proceeding. Students and parents should be aware that if law enforcement or CPS is conducting an investigation, the school may need to defer its own investigation to avoid interfering with the law enforcement proceedings.

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APPENDIX A

TITLE IX COMPLAINT PROCEDURES¹

Parents or students may elect to use the following formal complaint procedure to address sexual harassment of students in violation of Title IX by other students, employees, or third parties involved in the operations of the School. Please see the Policy Against Harassment Involving Students in the Lower and Middle School Family Handbook for more information on the school's policies prohibiting discrimination and harassment against students.

Formal Complaints of Sexual Harassment

As an alternative to submitting a complaint under the Policy Against Harassment Involving Students, a student who is the subject of sexual harassment that violates Title IX or the student's parent/guardian may elect to submit a formal complaint. A formal complaint may also be submitted on behalf of a student by the school's Title IX Coordinator. A formal complaint must (1) allege that the student was subjected to sexual harassment that would violate Title IX;² and (2) request that the school investigate the allegation.

Formal complaints must be submitted in writing to the Title IX Coordinator by mail, email, or in person using the following contact information:

Mr. Ronald Kellermann
Business Manager
Business Office
(831) 655-9334
Ron.kellermann@santacatalina.org

¹ While as an independent school Santa Catalina School is not generally subject to Title IX of the Civil Rights Act, the school has agreed to comply with Title IX during the term of a loan it received through a Small Business Administration program.

² Sexual harassment violates Title IX where (1) an employee of the School conditions the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct; (2) an employee, student or third party involved in the operations of the School engages in unwelcome conduct that would be considered by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education programs or activities; or (3) an employee, student or third party involved in the operations of the School commits "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).

Upon receiving a formal complaint, the Title IX Coordinator will promptly contact the student who made the complaint and, where appropriate, the student's parent or guardian. The Title IX Coordinator will explain the process the school will use to address the complaint and ask the student to clarify any information necessary for the school to proceed. The Title IX Coordinator will also identify supportive measures the school will provide to the student to ensure equal educational access for the student, protect the student's safety, and/or deter sexual harassment during the processing of the complaint. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, and other similar measures.

If a formal complaint includes allegations of conduct that do not fall within the definition of sexual harassment under Title IX, the Title IX Coordinator will inform the person filing the complaint (the "Complainant") that those allegations will not be addressed under this complaint procedure. The Title IX Coordinator will advise the Complainant whether the allegations may be addressed using the complaint procedures of other School policies such as the Policy Against Harassment Involving Students. The Complainant may appeal this decision as described later in this procedure.

Regardless of whether a formal complaint is submitted, Santa Catalina School will make available supportive measures designed to ensure equal educational access, protect safety, and/or deter sexual harassment that are described earlier in this policy.

How the School Responds to Formal Complaints

The Title IX Coordinator will notify the Complainant and the individual accused of engaging in harassment ("the Respondent") of the allegations to be investigated in writing, and provide a copy of this complaint process. If the Respondent is a student, the Title IX Coordinator will also notify the Respondent's parents.

The Title IX Coordinator will appoint an investigator to promptly investigate the complaint. The Title IX Coordinator will determine whether the investigation will be conducted by the Title IX Coordinator, another school employee or an outside investigator retained by the school. The investigator, as well as other school personnel involved in the resolution of complaint (Title IX Coordinator, decision-makers), will be free from conflicts of interest or bias for or against the Complainant or Respondent.

The school will conclude its investigation as quickly as possible considering the nature of the conduct and complexity of the investigation and will communicate with the Complainant about the timeline of the investigation and any delays.

During the investigation, both the Complainant and Respondent will have an opportunity to identify witnesses and provide evidence to the investigator, although the investigator and not the parties themselves will interview witnesses and parties. The investigator will conduct an objective evaluation of all relevant evidence, whether inculpatory or exculpatory, to make findings of fact, and will not base credibility determinations on a person's status as complainant, respondent, or witness. The Respondent will be presumed not to be responsible for the alleged conduct until a determination of responsibility is made. The investigator will use a preponderance of the evidence standard in making factual findings, evaluating the evidence to

determine whether the alleged conduct is more likely than not to have occurred.

Before the school makes a final decision on action to take in response to a formal complaint, the school will notify the Complainant and Respondent (and their parents) of the preliminary findings of the school's investigation including a summary of the evidence. In doing so, the school will take appropriate steps to protect the confidentiality of witnesses who participated in the investigation. Each party may respond to the written summary within ten days and may submit written questions that the party wants asked of the other party or witnesses. If the investigator concludes that the questions are relevant and not cumulative, the investigator will ask the questions of the witnesses or parties and modify the preliminary findings if necessary.

Based on the findings of the investigation, the school will determine whether the Respondent is responsible for sexual harassment in violation of law or school policy. If the school determines the Respondent was responsible for a violation, the school will determine appropriate remedies and disciplinary sanctions as described below. The school will notify the Complainant and Respondent in writing at the same time of the outcome of the complaint, including a summary of the findings of the investigation and any actions the school will take in response to the findings.

Remedies and disciplinary sanctions

If the findings show that the Respondent engaged in sexual harassment in violation of the school's policies or the law, the school will implement appropriate remedies designed to maintain the Complainant's equal access to education. Remedies may include, but are not limited to: limiting or eliminating opportunities for the Respondent to interact with the Complainant, counseling and social-emotional support for the Complainant. The school will also impose disciplinary sanctions on the Respondent as appropriate. Discipline for student-respondents may include a range of actions including counseling, probation, suspension, separation from school, or other appropriate consequences. Consequence for employee-respondents may include warnings, suspension, demotion or termination.

Appeal Procedures

Either the Complainant or Respondent may appeal the school's determination of responsibility for a violation or the dismissal of any allegation on the following grounds: (1) procedural irregularity that affected the outcome of the complaint; (2) newly discovered evidence that could affect the outcome of the complaint; and/or (3) Title IX personnel having a conflict of interest or bias that affected the outcome of the complaint. An appeal must be requested within 10 days of the issuance of the written determination of responsibility by providing a written request explaining the basis of the appeal to the Head of School.

Confidentiality

The school will keep the complaint and the investigation as confidential as possible consistent with the need to conduct an investigation, determine responsibility, cooperate with law enforcement, and implement any appropriate remedial measures.

Retaliation

The school prohibits retaliation for making a formal or informal complaint of harassment or participating in the investigation of such a complaint. Complaints of retaliation should be made in accordance with the school's Policy Against Harassment Involving Students in the Lower and Middle School Family Handbook.

Mandated Reporting and Cooperation with Law Enforcement

All Santa Catalina School employees are mandated reporters who are required by law to file a report with a Child Protective Services (CPS) agency whenever they learn information that leads them to suspect that a minor they encounter in the course of their employment has been subjected to sexual or physical abuse, including sexual assault. Employees are not permitted to investigate suspected abuse of a minor before making a report. Employees are also required by law to keep mandated reports confidential, so they may not be able to inform students or their parents if they make a report.

In some cases, CPS will refer reports of sexual abuse to the police or other law enforcement agencies. Students and their parents/guardians may also report sexual assault or abuse directly to law enforcement. Law enforcement may conduct an investigation in order to determine whether a criminal offense has occurred and whether criminal charges should be filed. It is the choice of the reporting student and the student's family as to whether they wish to press charges or cooperate with a law enforcement/CPS investigation. The school will cooperate with the investigation by CPS or law enforcement whether or not a student is pressing charges.

The school's disciplinary process is separate from any criminal proceeding or law enforcement investigation. The school's investigation is limited to whether there has been a violation of the school's policies or the laws prohibiting discrimination and harassment. The school does not conduct investigations in order to determine whether criminal activity has occurred. That is the role of law enforcement. Both the standards of proof and the evidence available to the school are different from those in a criminal proceeding. Students and parents should be aware that if law enforcement or CPS is conducting an investigation, the school may need to defer its own investigation to avoid interfering with the law enforcement proceedings.