

Mount St. Mary Catholic High School
Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines
and Grievance Procedure

These Guidelines and Grievance Procedure applies to all applicants for admission and employment, students, and employees. These Guidelines and Grievance Procedure will be disseminated to all such individuals, as well as parents and legal guardians of students.

Mount St. Mary Catholic High School (“School”) is a Catholic faith-based community providing students with exceptional Christ-centered Catholic formation and education while serving with mercy. Rooted in the Catholic understanding of the human person and her or his relationship with God and neighbor, the School fully embraces the teachings of the Catholic Church’s Magisterium, and the School fully incorporates these into every aspect of the School, including but not limited to, its curricular and co-curricular activities. In short, every aspect of the School’s life reminds students, parents, faculty and staff to intentionally consider the implications Catholic teaching has for their lives and for the formation and education of the School’s students. These guidelines are not indented to conflict with any of the School’s religious tenants or teachings of the Catholic Church. This specifically includes Catholic teachings on modesty, sanctity of life, sanctity of marriage, and the theology of the body. The School will defer to the appropriate Catholic faith leaders and teachings in implementing these guidelines and nothing in these guidelines is intended to conflict with those teachings.

A. Prohibited Discrimination, Harassment, and Retaliation of Students, Employees, and Others

The School is committed to providing a school environment that is free from unlawful discrimination, harassment, and retaliation. The School strictly prohibits and does not tolerate any unlawful discrimination, harassment, or retaliation that is also inconsistent with Catholic teaching on the basis of a person’s race, color, national origin, disability, genetic information, sex, pregnancy, age, military status, or any other protected classes recognized by applicable federal, state, or local law in its programs and activities, unless there is any conflict with the teachings of the Catholic Church. The School further prohibits discrimination on the basis of sex in the recruitment and admission of students, in its education programs and activities, and in all employment-related decisions, including recruitment, application, hiring, promotion, termination, and other employment actions.

The following persons have been designated as Coordinators to handle inquiries or complaints regarding the Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines:

Name: Rebecca Lane

Address: 2801 S. Shartel Ave; Oklahoma City, OK 73109

Telephone Number: (405) 631-8865 (ext 218)

Email address: rlane@mountstmary.org

Name: David Roberts (pending training)

Address: 2801 S. Shartel Ave; Oklahoma City, OK 73120

Telephone Number: (405) 631-8865 ext 207

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Designated Coordinators will be responsible for:

- a. Ensuring compliance with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- b. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment, and anti-retaliation laws and regulations, including the training areas listed above.
- c. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- d. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other School employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- e. Overseeing discrimination complaints.
- f. Immediately informing the Archdiocese of Oklahoma City and MESA of all formal complaints of discrimination and keeping them informed of all developments in each case as well as final disposition of the case.
- g. Identifying and addressing patterns and/or systemic problems and reporting such patterns or systemic problems to the Principal.
- h. Reviewing all evidence in harassment or violence cases brought before the School's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- i. Ensuring that all investigations address whether students or employees other than the reporting student or employee may have been subjected to discrimination, harassment, or retaliation.
- j. Determining whether School employees with knowledge of allegations of discrimination, harassment, or retaliation failed to carry out their duties in responding to and reporting the allegations to the designated compliance coordinator.
- k. Recommending changes to these guidelines and grievance procedure.
- l. Performing other duties as assigned.
- m. Removing oneself from the Compliance Team if a conflict of interest is discovered.

The designated Coordinators will not be assigned any additional job responsibilities that may create a conflict of interest with their Coordinator responsibilities.

The School's Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines are available on the school website. Further, these guidelines are included in the School Handbook (i.e. both student and faculty handbooks), and are available in the administration office. The contact information for the designated Coordinators is also available on the School website, in the School Handbook, and in the administration office.

The School is committed to keeping all faculty, staff, and employees safe and the School's Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines and Grievance Procedure is intended to be a guideline for an appropriate process in accomplishing that goal. The School's Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines and Grievance Procedure is expressly not incorporated into any tuition, employment, or other contract and does not confer any statutory, common law, or contractual rights. The School reserves the right to amend the Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines and Grievance Procedure.

1. Anti-Harassment

Harassment is a form of discrimination, and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's race, color, national origin, disability, age, sex, or other protected category, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the School, whether those programs take place in School facilities, on a school bus, at a class or training program sponsored by the School at another location, or elsewhere. Programs and activities include all locations, events, or circumstances where the School exercises control over the individuals involved and the context of any alleged misconduct. The School's education programs and activities further include buildings or other locations that are part of the School's operations, including remote learning platforms, and

off-campus settings if the School has substantial control over the individuals involved (e.g., a school field trip to a museum).

The following are examples of behavior that may constitute harassment:

- a. Ongoing name-calling
- b. Ongoing teasing or taunting
- c. Ongoing insults, slurs, epithets, or derogatory names or remarks
- d. Demeaning or inappropriate jokes
- e. Inappropriate gestures
- f. Graffiti or inappropriate written or electronic material
- g. Visual displays, such as cartoons, posters, or electronic images
- h. Threats or intimidating or hostile conduct
- i. Physical acts of aggression, assault, or violence
- j. Sexual advances, requests for sexual favors, or sexual jokes
- k. Offensive or obscene material
- l. Criminal offenses

This list is illustrative only, and not exhaustive. Harassment includes inappropriate conduct based upon any legally protected status. Harassment has no place at the School. It is expected that employees and students will treat one another with mutual respect and dignity. It is the responsibility of every student and employee to conduct themselves in a manner consistent with the School's policies, and to create an atmosphere free of discrimination and harassment.

Sexual harassment is also against the policy of the School. The School strictly prohibits any discrimination, harassment, or retaliation based upon an individual's sex. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances, requests for sexual favors, or any other conduct of a sexual nature, when:

- Submission to the advance, request, or conduct is made either explicitly or implicitly a term or condition of an individual's employment, grades, academic status, or participation in the School's programs or activities;
- Submission to or rejection of the advance, request, or conduct is used as a basis for employment or academic decisions affecting such individual, including the provision of an aid, benefit, or service;
- Such advances, requests, or conduct have the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance, access to School programs or activities, or creates an intimidating, hostile, or offensive environment for the individual or others; or
- The conduct constitutes sexual assault, dating violence, domestic violence, or stalking, as defined by applicable law.

Please see Appendix A for additional detail on the definitions of sexual misconduct covered by these Guidelines.

The following are additional or more specific examples of conduct that may constitute sexual harassment:

- a. Unwelcome sexual advances or propositions
- b. Requests or pressure for sexual favors
- c. Unwelcome comments about an individual's body, sexual activity, or sexual attractiveness
- d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body
- e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol
- f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc.
- g. Sex-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving the conduct of a sexual nature
- h. Sexual harassment, sexual assault, stalking, dating violence, and domestic violence
- i. Strangulation

This list is illustrative only, and not exhaustive.

2. Anti-Retaliation

The School prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any rights under these Guidelines, including the right to oppose discrimination (including harassment), or for participating in the School's discrimination complaint process, making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing related to such conduct. Retaliation is a form of discrimination. Reports made in good faith will not result in any discipline.

The School will take immediate steps to stop retaliation and prevent its recurrence against the alleged complainant and any person associated with the alleged complainant, including the reporting individual. These steps will include but are not limited to: notifying students, employees, and others that they are protected from retaliation, ensuring that all involved individuals know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have

occurred. If retaliation occurs, the School will take prompt and appropriate responsive action, including disciplinary action up to and including expulsion or termination, if applicable.

B. Grievance Procedures

These Grievance Procedures are intended to provide for the prompt and equitable resolution of all student and employee complaints alleging any action that is prohibited by the School's Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines.

Complaint

If you believe you are a victim of any conduct that is prohibited by these Guidelines, or if you believe these Guidelines has been violated in any way, you should immediately report it pursuant to these Guidelines and the School's Grievance Procedures. You can help the School prevent and correct alleged misconduct. Reports should be made to the School's designated Coordinators. Complaints should be made in writing, when possible. The complaint can be made to the Coordinator in person, by mail, or by electronic mail. Your complaint should be as detailed as possible, including the names of individual(s) involved, any witnesses, dates, times, and locations of all incidents, and a factual description of the incident(s).

As a condition of employment with the School, all School personnel and employees must immediately report alleged violations of these Guidelines, complaints or reports of violations of these Guidelines, and all incidents of alleged discrimination to the School's designated Coordinators, even if doing so may result in duplicative efforts. All employees of the School are charged with this obligation. Failure of personnel/employees to abide by this requirement will result in disciplinary action, up to and including termination.

If the school has notice about possible discrimination, harassment, or retaliation, including violence, and any conduct that would violate these Guidelines, the School will conduct a prompt, thorough, and impartial investigation to determine whether unlawful conduct occurred (see the School's "Grievance Procedures"), and take appropriate interim measures, as necessary. The School may receive notice through an oral report, written report, personal observation by an employee, anonymous report, or other means. If the School determines that unlawful harassment occurred, the School will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, as appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the School will follow these Guidelines and Grievance Procedure.

Supportive Measures

The Coordinator may determine that supportive measures should be provided to the complainant, and if so, the Coordinator will promptly contact the complainant to discuss the availability of such supportive measures and consider the complainant's wishes. Interim measures may also be appropriate for the respondent. For example, the Coordinator may determine that the respondent should (i) be removed on an emergency basis from education programs and activities based on a safety and risk analysis, or (ii) be placed on administrative leave during the pendency of the investigation and grievance process. Supportive measures are designed to: preserve access to the School's programs and activities; protect the safety of all parties; and deter further misconduct. Such supportive measures may include counseling, schedule adjustments, extensions of deadlines, escort services or additional supervision, no-contact orders, leaves of absence, and other similar measures. The implementation of supportive measures will remain confidential to the extent possible. The Coordinator is responsible for the effective implementation of supportive measures, and may implement such measures where no formal complaint has been submitted to the School, or where the complainant does not wish to pursue to grievance process, if the circumstances warrant.

Parents and Guardians

Consistent with applicable state and local law, a student's parent or guardian will be permitted to exercise the rights granted to their child under this School's policy, whether such rights involve requesting supportive measures, filing a formal complaint, or participating in a grievance process. A student's parent or guardian will also be permitted to accompany the student to meetings, interviews, and hearings, if applicable, during the grievance process in order to exercise rights on behalf of the student.

Notice of Receipt of Complaint

Once the School receives notice that discrimination, harassment, retaliation, or other misconduct under these Guidelines has occurred, the School will respond promptly and effectively. Upon receipt or submission of a written complaint, the Coordinator will provide written notice to the known parties of the following:

- (A) the School's Grievance Procedures;
- (B) the allegations constituting a potential violation of these Policies, including details of the identities of the parties, the alleged incident(s), and dates and locations of the alleged incident(s), if known;
- (C) the fact that the respondent is presumed not responsible for the allegations until a Determination is made at the conclusion of the grievance process;

- (D) the fact that a determination regarding responsibility will be made at the conclusion of the grievance process;
- (E) that the parties have the right to an advisor of their choice present at any meeting or proceeding, who may be, but is not required to be, an attorney; and
- (F) the parties' opportunity to request inspection and review of evidence obtained as part of the investigation.

During the course of the investigation, should the Coordinator discover allegations that were not included in the initial notice to the parties, the Coordinator may decide to investigate such allegations. If the Coordinator determines that additional allegations require investigation, the Coordinator will provide written notice of the additional allegations to the parties, if and when known.

Dismissal of Complaint

If at any time during the investigation it is determined that no violation of these Guidelines or no unlawful discrimination, harassment, or retaliation has occurred, the School will dismiss the complaint or any allegations in the complaint. However, it is possible that the alleged conduct may constitute a violation of other School policies, including the School's code of conduct, and as such may be further investigated under those policies. A complaint may also be dismissed if: (i) the complainant notifies the Coordinator in writing that he or she wishes to withdraw the complaint or any allegations therein; (ii) the respondent is no longer enrolled in or employed by the School; or (iii) specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The School may nevertheless investigate if the Coordinator determines it is necessary in light of a health or safety concern. If a complainant refuses to participate in the investigation after making a complaint, it may result in a dismissal of the complaint. However, the School may proceed with an investigation as the circumstances may allow.

Investigation

Once the School receives a grievance, complaint, or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the School will conduct a prompt, thorough, and impartial investigation to determine whether unlawful conduct in violation of this policy occurred. Throughout the investigation process, the School will undertake an objective evaluation of all relevant evidence, treat the parties equitably, ensure that investigators and decisionmakers are free from conflicts of interest or bias, and work through the grievance process with reasonably prompt time frames. The Coordinator will conduct the

investigation unless the Coordinator or the School determines that an outside, third-party should conduct the investigation. If necessary, the School will take immediate, interim action to provide Supportive Measures and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The complainant will be notified of his or her options to avoid contact with the respondent, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the School's investigation. The School will attempt to minimize any burden on the complainant and respondent when taking interim measures to protect the complainant.

The investigation may include gathering physical, electronic, and other evidence, and interviewing witnesses and parties. Individuals who are evasive, obstructionist, or who do not fully cooperate in the investigative process may be subject to disciplinary action, up to and including expulsion or termination. The parties will receive advance notice before they are interviewed for investigative purposes.

The parties may elect to have an advisor of their choice for purposes of the investigation and grievance proceedings. Advisors are welcome to attend meetings, interviews, and any grievance proceedings, but are not permitted to speak in place of the parties. The role of the advisor is narrow in scope: the advisor may attend any interview or meeting connected with the grievance process that the party whom they are advising is invited to attend, but the advisor may not actively participate or intervene in interviews or meetings, and may not serve as a proxy for the party. In addition, while advisors may provide guidance and assistance throughout the investigation and grievance process, all written submissions must be authored by the student or employee.

The School will investigate all complaints received, even if an outside entity or law enforcement agency is also investigating a complaint involving the same facts and allegations. Unless directed by law enforcement, the School will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this Grievance Procedure. If the allegation(s) involve possible criminal conduct, the Coordinator will notify the complainant of his or her right to file a criminal complaint. No School employee shall dissuade the complainant from filing a criminal complaint either during or after the School's investigation and School employees are required to follow all reporting guidelines.

The School will attempt to complete its investigation within thirty (30) school days after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses, witnesses refusal to cooperate, additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims.

Extenuating circumstances do not include summer vacation, and if a designated compliance Coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the timeframe to complete the investigation will be extended as needed, keeping in mind the goal of prompt and effective resolution. Periodic status updates will be given to the parties, if necessary.

Informal Resolution

When a formal complaint has been filed, at any time during the investigation and grievance proceeding and prior to a determination regarding responsibility, the parties may agree to resolve the matter informally. The Coordinator or the School may facilitate an informal resolution process, subject to obtaining the parties' voluntary, written consent. In addition, although the parties may not contact one another for purposes of direct mediation, they may communicate through their advisors or through the Coordinator for purposes of reaching an informal resolution.

Informal resolution is not permitted in a situation where an employee is alleged to have sexually harassed a student or where an employee or student is alleged to have sexually assaulted another person.

If the parties consent to an informal resolution process, it will be facilitated through the Coordinator or an outside, third-party, free from conflicts of interest and bias. Each party will receive written notice prior to the informal proceeding, disclosing: (A) the allegations; and (B) the requirements of the informal resolution process. Informal resolution may involve pursuit of individual or community remedies, supported direct conversations, mediation, indirect action by the facilitator of the informal process, or other forms of resolution tailored to the needs of the parties. Informal resolution may also be used to reach agreed upon disciplinary sanctions.

If a resolution satisfactory to the parties is reached, through an informal resolution proceeding or otherwise, the Coordinator will prepare a written document indicating the resolution of the matter, to be signed by both parties, and the investigation and/or proceeding will then be closed. The written document indicating resolution will be maintained by the School as a confidential record.

Preliminary Review Prior to Investigative Report

Prior to completion of the investigative report, the School will send to each party and the party's advisor, if any, all evidence subject to inspection and review in an electronic format or a hard copy for review. The parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

Investigative Report

The designated compliance Coordinator (or designated investigator) will complete an Investigative Report, which will fairly summarize all relevant evidence gathered during the investigation. If someone other than the designated compliance Coordinator conducted the investigation, the compliance Coordinator will review, approve, and sign the Investigative Report.

The Report will be sent to each party and the party's advisors, if any, for the party's review and written response. The parties will also be entitled to submit written, relevant questions that the party wants asked of any party or witness prior to any determination regarding responsibility, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The response to the Investigative Report and written questions, if any, must be sent to the Coordinator or designated investigator within ten (10) calendar days of the party's receipt of the Investigative Report. The compliance Coordinator (or designated investigator) will have discretion on which additional information to provide and to determine which questions may be relevant and appropriate.

The School will maintain relevant evidence obtained during the investigation, including the Investigative Report, and any witness statements, interview summaries, and any transcripts or audio recordings pertaining to the investigation as required by any applicable law.

Determination Regarding Responsibility

The School will utilize a "preponderance of the evidence" standard when determining whether any violation of these Guidelines occurred. The decision-maker, who will not be the same person as the Coordinator or the investigator, will issue a written determination regarding responsibility (the "Determination"). The written Determination will include:

- (A) identification of the allegations potentially constituting a violation of these Guidelines;
- (B) a description of the procedural steps taken from the receipt of the allegations or complaint throughout the entire investigation and grievance process;
- (C) findings of fact supporting the Determination;
- (D) conclusions regarding the application of the School's Policy or code of conduct;
- (E) a statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed, and whether any remedies designed to restore or preserve equal access to the School's education program or activity will be provided; and
- (F) the procedures and permissible bases for appeal.

The Determination will be provided to the parties at the same time. The Determination becomes final the date on which an appeal would no longer be considered timely, or upon the conclusion of an appeal with the issuance of the Decision on Appeal.

The Coordinator will be responsible for implementing any remedies set forth in the Determination.

Appeals

Both parties are entitled to appeal the Determination, including any sanctions, or the School's dismissal of a formal complaint or any allegation therein. Appeals must be made within ten (10) School days after the party receives the Determination or the dismissal.

The grounds for appeal are as follows:

- (A) Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the School's own procedures);
- (B) New evidence that was not reasonably available at the time the Determination regarding responsibility or dismissal was made that would affect the outcome of the matter; or
- (C) The Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of an appeal stays any sanctions for the pendency of the appeal. Supportive measures, including remote learning opportunities, remain available during the pendency of the appeal. If a party appeals a Determination, the School will notify the other party in writing of the appeal as soon as is practicable; however, the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. The non-appealing party may submit a written response to the appeal within five (5) school days after receiving notice of the appeal. Appeals will be decided by the Appeals Team, who will be free of conflicts of interest and bias, and who have not and will not serve as investigator, Coordinator, or decision-maker in the same matter.

The Appeals Team will review the appeal, any written response thereto, all evidence gathered during the investigation, investigative documentation, and the Determination, and will conduct additional investigation, if necessary, at the Appeals Team's sole discretion. The Appeals Team will then issue a written Decision on Appeal within thirty (30) school days after receiving the appeal. The Decision on Appeal will describe the result of the appeal and the rationale for the result, and shall be sent to all parties at the same time. The Decision on Appeal is final. (If a

member of the Appeals Team is the subject of the complaint or is involved in the investigation, a new member will be appointed.)

Sanctions and Remedies.

Sanctions. Sanctions are imposed against the wrongdoer/harasser in an effort to stop and/or correct his/her conduct, prevent any recurrence of misconduct, deter any future misconduct, and remedy the effects of the misconduct.

Sanctions may include, but are not limited to: any level of disciplinary action, such as a verbal warning, written warning, suspension, administrative leave, demotion, termination of employment, expulsion, suspension or dismissal from School, modification of schedule, reduction or elimination of financial or other benefits, and no-contact orders.

Remedies. Remedies are actions taken to overcome the effects of the misconduct. Remedies provided to the complainant are designed to restore or preserve that individual's educational or employment access and opportunities. Remedies may include the same individual services provided as Supportive Measures, or other, additional items. Other remedial measures may be taken to ensure learning and working environments that are free from misconduct, such as, but not limited to, training and counseling support services. Remedies will be prompt, age-appropriate, effective, tailored to the specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged complainant pending the result of the School's investigation, counseling, health, and mental health services, and other remedies, such as those listed below.

Remedies for an individual further include but are not limited to:

- a. Providing an escort to ensure the complainant can move safely between classes and activities.
- b. Ensuring the complainant and alleged harasser do not attend the same classes.
- c. Providing academic support services, such as tutoring, if desired.
- d. Arranging for the complainant to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

The School may also provide Remedies for the School or broader student population, including, but not limited to:

- a. Providing resources to all students or employees affected by sexual harassment or sexual violence so that they can access comprehensive victim services, and notifying students and employees of community counseling, health, mental health, and other services.
- b. Providing additional training to the School's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- c. Informing students and employees of their options to notify law enforcement authorities, including school and local police, and the option to be assisted by School employees in notifying those authorities.
- d. Creating measures of feedback from students, employees, and School officials to identify strategies for ensuring that students and employees:
 - i. Know and understand the school's prohibition against discrimination, harassment, and retaliation.
 - ii. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
 - iii. Understand how to report any incidents of discrimination, and to whom they must be reported.
 - iv. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
 - v. Feel comfortable that School officials will respond promptly and equitably to reports of discrimination, harassment (including violence), and retaliation.
- e. Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the School's policies against anti-discrimination, anti-harassment, and anti-retaliation.
- f. Conducting, in conjunction with students or employees, a "climate check" to assess the effectiveness of efforts to ensure that the School is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the School.

Confidentiality

The identity of the complainant will be kept confidential, to the extent that a fair and thorough investigation can be completed. The School will notify the complainant of the anti-retaliation provisions of applicable laws, and that the School will take steps to prevent retaliation and will take prompt and corrective responsive actions if retaliation occurs.

At the same time, the School will evaluate a confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students and employees. In some cases, the School may be required to report alleged misconduct or

discrimination, such as sexual harassment involving sexual violence, to local law enforcement or other officials, and the School may not be able to maintain the complainant's confidentiality. The School will inform the complainant that it cannot ensure confidentiality, if applicable.

If a complainant requests confidentiality or asks that the complaint not be pursued, the School will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the School from responding effectively to the harassment and preventing harassment of other students. In some instances, the School may pursue an investigation with a complaint signed by the Coordinator. If a complainant or third party insists that his/her name or the complainant's name not be disclosed, the School will inform the complainant that its ability to respond may be limited. For example, the School would be unable to provide Supportive Measures without knowing the complainant's identity. Where a complainant desires Supportive Measures, the complainant's identity may be kept confidential unless disclosing the complainant's identity is necessary to provide Supportive Measures. Where a complainant desires to initiate a grievance process, the complainant cannot remain anonymous or prevent the complainant's identity from being disclosed to the respondent. A respondent has the right to, and must be, notified of the complainant, complaint and details of the allegations, and the ensuing investigation in order to provide the respondent with an adequate opportunity to respond. Even if the School cannot take disciplinary action against the alleged harasser, the School will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

The duty of confidentiality has three exceptions: if disclosure is (1) permitted under FERPA, (2) required by law, or (3) necessary to carry out the purposes of these Guidelines and the grievance process.

Privacy of Records

Any complaint, the allegations involving misconduct, the evidence gathered during the investigation, the witnesses interviewed, and any records, reports, or documents generated in the process of the investigation and grievance proceeding, including at the appeals levels, are all confidential, not open to the public, and must be maintained as confidential records by the School. Any breach of confidentiality is grounds for disciplinary action.

Conflict of Interest or Bias

If at any point during the investigation or grievance process a party has concern about a conflict of interest or bias for or against any complainant or respondent, the party should report such concern to the Coordinator or principal. The School wants to ensure an impartial investigation and grievance process for all employees and students, and that all Coordinators, investigators,

and decision-makers in the investigative and grievance process, including the Appeals Team, are unbiased and free from conflicts of interest. If any Coordinator, investigator, or decision-maker identifies his/her own conflict of interest or bias, they must immediately self-report the concern to the Coordinator or principal. Where concerns regarding conflicts or bias are validated, the School will remove the conflicted or biased individual from the matter, and appoint someone else.

Training

The School will ensure that all employees, including but not limited to: officials, administrators, teachers, substitute teachers, counselors, coaches, assistant coaches, paraprofessionals, aides, bus drivers, school volunteers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate School officials or employees. This training will include, at a minimum, the following areas:

- a. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and local laws and regulations, including the definitions of and several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.
- b. The School's current anti-discrimination, anti-harassment, and anti-retaliation notices, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the School's disciplinary procedures.
- c. Identification of the School's designated compliance coordinators and their job responsibilities.
- d. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate School officials or employees. In addition, the School will emphasize that employees, students, third parties, and others, should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the School's primary concern is student safety that any other rules violations will be addressed separately from the sexual violence allegation and that the use of alcohol or drugs never makes the victim at fault for sexual violence.
- e. Potential consequences for violating the School's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- f. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence and remedy its effects.

- g. A description of victim resources including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

In addition, the School shall ensure that employees designated to address or investigate reports of discrimination, harassment, and retaliation, or carry out responsibilities under these Guidelines and Grievance Procedure, including designated compliance Coordinators, investigators, decision-makers, the Appeals Team, and any employee facilitating an informal resolution process, will receive additional specific training on the definitions of misconduct covered by these Guidelines and Grievance Procedure, the scope of the School's education programs and activities, how to promptly and effectively investigate, conduct a grievance process, and respond to complaints and reports of discrimination, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, how to make decisions on issues of relevance regarding questions and evidence, how to fairly summarize relevant evidence, and to know the School's Grievance Procedures and the applicable confidentiality requirements.

Preventive Measures

The School will publish and widely distribute on an ongoing basis a notice of nondiscrimination in electronic and printed formats, including prominently displaying the notice on the School's website and posting the notice at each building in the School. The School also will designate an employee to coordinate compliance with anti-discrimination laws and widely publish and disseminate this grievance procedure, including prominently posting it on the School's website, at each main building in the School, reprinting it in School publications, such as handbooks, and sending it electronically to members of the school community. The School will provide training to employees and students at the beginning of each academic year in the areas identified in the Training section, above.

The School also may distribute specific harassment and violence materials including a summary of the School's anti-discrimination, anti-harassment, and anti-retaliation guidelines and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.

Appendix A

Definitions

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as: Conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo:
 - a. an employee of the school/district, who
 - b. conditions the provision of an aid, benefit, or service of the school/district,
 - c. on an individual's participation in unwelcome sexual conduct.
2. Sexual Harassment:
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and,
 - e. objectively offensive,
 - f. that it effectively denies a person equal access to the School's education program or activity.
3. Sexual assault:
 - a. an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - b. This includes any sexual act, including rape, sodomy, sexual assault with an object, or fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
4. Non-Forcible Sex Offenses:
 - a. Incest:
 - i. Non-forcible sexual intercourse,
 - ii. between persons who are related to each other,
 - iii. within the degrees wherein marriage is prohibited by Oklahoma law.
 - b. Statutory Rape:
 - i. Non-forcible sexual intercourse,
 - ii. with a person who is under the statutory age of consent of 16.

- c. Dating Violence:
 - i. Violence,
 - ii. committed by a person,
 - iii. who is in or has been in a social relationship of a romantic or intimate nature with the victim; and
 - iv. where the existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - v. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - vi. Dating violence does not include acts covered under the definition of domestic violence.
- d. Domestic Violence:
 - i. Felony or misdemeanor crimes of violence
 - ii. committed by a current or former spouse or intimate partner of the victim, or
 - iii. by a person with whom the victim shares a child in common, or
 - iv. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, or
 - v. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma or
 - vi. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Oklahoma.
- e. Stalking:
 - i. engaging in a course of conduct,
 - ii. directed at a specific person,
 - iii. that would cause a reasonable person to
 - 1. fear for the person's safety or the safety of others or
 - 2. Suffer substantial emotional distress.
 - iv. Stalking includes cyber-stalking.



Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Complaint Form

PURPOSE: The purpose of this complaint form is to gather the essential basic facts of alleged actions or misconduct involving complaints based on sex discrimination, including complaints of sexual harassment or sexual violence, in violation of the prohibitions in the Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Policy. This form is used so any complaints can be resolved as expediently and appropriately as possible. This form only applies to complaints involving complaints of sex discrimination, including complaints of sexual harassment or sexual violence covered by the Anti-Discrimination, Anti-Harassment, Anti-Retaliation Policy and Grievance Procedure.

INSTRUCTIONS: Individuals alleging sex discrimination, including complaints of sexual harassment or sexual violence, or retaliation in violation of the Anti-Discrimination, Anti-Harassment, Anti-Retaliation Policy and Grievance Procedure and requesting review are required to complete this form and submit it to the appropriate administrator as soon as possible after the occurrence of the alleged discrimination or retaliation:

Contact our Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Guidelines Coordinator:

Name: Rebecca Lane

Email: rlane@mountstmary.org

Phone: (405) 631-8865

1. Name of Complainant:

Contact information:

Student Grade:

Employee Job Title and Office Location:

2. Today's Date: _____

3. Nature of Grievance:

Please describe the action you believe may be sex discrimination or retaliation, including complaints of sexual harassment or sexual violence, in violation of the Anti-Discrimination, Anti-Harassment, Anti-Retaliation Policy and identify with reasonable particularity any person(s) you believe may be responsible. Please attach additional sheets, if necessary:

4. When did the actions described above occur?

5. Are there any witnesses to this matter? (Please circle) Yes No

If yes, please identify the witnesses:

6. Did you discuss this matter with any of the witnesses identified in Item 4?

(Please circle) Yes No

If yes, please identify: Person to whom you have

spoken: _____ Date: _____

Method of communication:

7. Have you spoken to any administrator(s) or other school employee(s) about this matter? (Please circle) Yes No

If yes, please identify: Person to whom you have

spoken: _____

Date: _____

Method of communication:

8. Please describe the result of the discussion(s) identified in Item 6:

PLEASE ATTACH ANY STATEMENTS, NAMES OF WITNESSES, REPORTS, OR OTHER DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR COMPLAINT.

I certify that the foregoing information is true and correct.

Print Name

Signature

Date