

TITLE IX

Effective Date: 9/19/2022

Santa Fe South Schools, Inc. (hereinafter referred to as “Santa Fe South Schools”, “district”, or “District”) does not discriminate on the basis of race, color, national origin, sex, disability, age or any other classification protected by applicable law with respect to employment, programs and activities.

Santa Fe South Schools is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive, including sexual harassment. Actions, words, jokes or comments based on an individual’s sex, race, color, national origin, age, religion, disability, sexual orientation or any other legally protected characteristic will not be tolerated. Santa Fe South Schools prohibits discrimination. The district also prohibits retaliation, intimidation, threats or coercion against any individual who complains about discrimination or participates in the district’s discrimination complaining process.

Policy and Purpose

Santa Fe South Schools will address all incidents of sex discrimination and sexual harassment reported to the District’s Title IX coordinators. Title IX coordinators for Santa Fe South Schools are located at Santa Fe South Schools District Office, 7000 Crossroads Blvd, Suite 4000, Oklahoma City, OK, 73149. The coordinators can be emailed at titleix@santafesouth.org. This policy informs all students and all district employees of policies and procedures regarding sex discrimination and sexual harassment to which all students, instructional staff, and noninstructional personnel are expected to adhere. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

Santa Fe South Schools seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies, and procedures aimed at providing protection against sex discrimination and harassment. To that end, the Santa Fe South Schools condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, dating violence, and stalking. Notice of sex discrimination or a sexual harassment incident to the district’s Title IX coordinators charges the district with actual knowledge and triggers its response obligations.

Scope of the Policy

Santa Fe South Schools must respond when sex discrimination and harassment occur in the school’s education programs or activities. Education programs and activities include locations, events, or circumstances in which the district exercises substantial control over both the respondent and the context in which the discrimination or harassment occurred. Title IX applies to all of the district’s education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction. Any person may report sex discrimination, including sexual harassment, whether or not

the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail or by email, using the contact information listed for the Title IX coordinators, by completing the Title IX Complaint Form, or by any other means that results in the Title IX coordinators receiving the person's written report. Such a report may be made at any time, including during non-business hours, by using the email address or by mail to the office address listed for the Title IX coordinators. Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the district's Title IX coordinators.

Title IX Coordinators include:

Superintendent of Schools, Chris Brewster
Director of Counseling, Lisa Souza
Assistant Superintendent, Brooks Levonitis

Title IX Coordinators' contact Information:

Santa Fe South Schools
7000 Crossroads Blvd, Suite 4000
Oklahoma City, Oklahoma 73149
Email: titleix@santafesouth.org
Office Phone: (405) 601-5440

If the person filing the claim would prefer, the report may be sent to the Santa Fe South Governance Board at board@santafesouth.org

A report may also be made by completing the Santa Fe South Title IX Complaint Form:
<https://forms.gle/8UwRF96dRYRpDy7H8>

Assistance Following an Incident of Sexual Harassment

Victims of sexual violence should first attempt to seek to a safe place and call police. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and district officials will assist in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual violence receives the necessary medical treatment and tests and provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

Complainant or Witness: Call OKC Police at 911 for immediate assistance.

Ongoing Assistance

In order to ensure the safety and well-being of the complainant, Santa Fe South Schools may take interim measures which may include but are not limited to changing academic schedules, work schedules, extracurricular activity modifications, withdraw from/retake a class without penalty, academic support (e.g., tutoring), leaves of absence, counseling, campus escort services, distance learning arrangements, or similar measures. In addition, while an investigation is pending, the district may initiate a “no contact order” between the parties that carries a sanction of short-term or long-term suspension if violated. The district offers internal counseling options. District officials and representatives are available to facilitate access to support services. Several service organizations in Oklahoma have provided telephone numbers and made available other services for students, staff and campus community members. District will assist any interested person, needing assistance, in contacting these agencies.

Support Services

Oklahoma Safeline: 1-800-522-7233 (SAFE)

Oklahoma Safeline: Oklahoma City Metro Area - 405-522-7233 (SAFE)

National Domestic Violence Hotline: 1-800-799-7233 (SAFE)

Rape, Abuse & Incest National Network Hotline: 1-800-656-4673 (HOPE)

Communication Services for the Deaf (TTY): 1-800-252-1017 (TTY)

Communication Services for the Deaf (Voice): 1-866-845-7445 (Voice)

Oklahoma Coalition Against Domestic Violence/Sexual Assault: 405-524-0700

Title IX Coordinators and Staff

The Title IX coordinators have the primary responsibility for overseeing the process of coordinating the district's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX coordinators at titleix@santafesouth.org or complete the Santa Fe South Title IX Complaint form at <https://forms.gle/8UwRF96dRYRpDy7H8>.

In the event that the person filing the Title IX complaint would prefer to contact someone other than the coordinators listed above, the complainant may email the Santa Fe South Governance Board at board@santafesouth.org.

Title IX investigators may also include but not be limited to other district administration. The primary responsibility of the investigators relates to formal complaints. The investigators are to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX coordinators. Investigators will receive appropriate Title IX training.

Title IX Hearing Officer (decision-maker) may include a district administrator, legal counsel or specially designated officer. The primary responsibility of the hearing officer is to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX coordinators. Hearing Officers will receive appropriate Title IX training.

For all Title IX processes, a translator will be provided upon request.

Definitions

Santa Fe South Schools defines sex discrimination and sexual harassment to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect:

- Any instance of quid pro quo harassment by a school's employee
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access.
- Any instance of sexual assault, dating violence, domestic violence, or stalking as defined by Federal law.

Offenses prohibited under the district's policy include, but are not limited to: sex discrimination, sexual harassment, sexual violence to include nonconsensual sexual contact, nonconsensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

Examples

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature (see §703, Title VII, U.S. Civil Rights Act of 1964; and Title IX of the Education Amendment of 1972). This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Making or threatening reprisals after a negative response to sexual advances. Offering employment benefits in exchange for sexual favors.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Employee Reporting

All Santa Fe South School employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX coordinators. Failure to do so may result in disciplinary action up to and including termination. All district employees are considered responsible employees with a duty to report any incident to the Title IX coordinators. The only exception to the mandatory duty to report is a licensed counselor for whom the report is considered a privileged exchange.

Santa Fe South Schools strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence gathered preserve future options regarding criminal prosecution, district disciplinary actions and/or civil actions against the respondent.

Student Reporting

Students shall report any instances of sex discrimination or sexual harassment to any district employee and/or the Title IX coordinators. Only victims or their parents or guardians can file a formal complaint of sexual harassment. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX coordinators or by any other means that result in the coordinators receiving the report. The report can be made any time, even during non-business hours.

Process after Receiving an Initial Title IX Report

After receiving a report or notice of an incident, the Title IX coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether Santa Fe South Schools investigates will be respected unless the Title IX coordinators determine that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

Santa Fe South Schools will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sexual harassment has occurred. In some instances, the district may implement an emergency removal of a student when a safety and risk analysis indicates that an imminent threat exists to the physical health or safety of a party. A party subject to an emergency removal shall have an opportunity to challenge the decision immediately following the removal. An employee may be placed on administrative leave or suspended during the pendency of the grievance process. Periodic updates on the status of the investigation will be provided to the complainant.

Written Notice of Complaint

Upon receipt of a formal complaint, the Title IX coordinators will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview.

Written notice includes:

- Notice of the grievance process, including any informal resolution process
- Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response
- A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process
- Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence;
- Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct of students or a violation of performance and conduct standards for employees.

Investigation Process and Timeline

An investigator will be designated to investigate the allegations contained in the complaint or which are developed in the course of the investigation. The burden of gathering evidence and the burden of proof must remain on the district—not on the parties. An investigation will be conducted by a district Title IX official. This investigation will include:

- Meeting personally with the complainant (unless extraordinary circumstances prevent a personal meeting)
- Meeting personally with the respondent (unless extraordinary circumstances prevent a personal meeting)
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made
- Collecting any physical evidence
- Meeting personally with any witnesses (unless extraordinary circumstances prevent a personal meeting with one or more witnesses)
- Reviewing any documentary evidence
- Preparing a report of the investigation

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. The Title IX coordinators will determine if a Title IX hearing is necessary. In making this determination, the coordinators will consider whether both parties request or consent to a hearing and will agree to participate in a hearing. If it is determined that the district will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing.

Rights

Complainants Rights:

- Be given a written explanation of the allegations and the hearing process
- Have access to evidentiary material in advance of the hearing
- Be present during the entire hearing
- Be accompanied by an advisor during the hearing. The advisor is limited to advising and may not present the case, or make statements during the proceedings
- Be given a timely live or non-live hearing
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant
- Be provided written notification of an avenue for appeal

Respondent's Rights:

- Be given written notice of the allegations and the hearing process
- Be given access to evidentiary material in advance of the hearing
- Be present during the entire hearing
- Have no violation presumed until found responsible
- Be given a timely hearing
- Be accompanied by an advisor during the hearing. The advisor is limited to advising and may not present the case, or make statements during the proceedings
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant or respondent
- Be provided written notification of external counseling services that may be available
- Be provided written notification of an avenue for appeal

Hearings

Witnesses and evidence need to be directly related to the claims. Parties will be notified in any instance in which responses, information or documents are not available because of a privilege (not waived by the party who asserts the privilege) or irrelevant information is involved (e.g., information involving prior sexual behavior or sexual predisposition is irrelevant; a privilege such as an attorney-client or doctor-patient or other privilege bars introduction of certain evidence). The standard of proof used in district Title IX hearings is the preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

Outcomes

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a sexual harassment policy violation the complaint will be dismissed. If it is determined under the preponderance of evidence standard that the respondent is responsible for a sexual harassment policy violation appropriate sanctions will be considered.

Appeal Procedures

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the parties. The burden of proof shifts from the district to the party found responsible for the policy violation. The appealing party must show one or more of the listed grounds for an appeal.

Appeals must be submitted in writing to the Superintendent within five (5) district working/calendar days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):

- The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent Resulted.
- The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
- New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
- The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with district procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

The final decision will be communicated in writing by the Superintendent or designee to both parties. The decision will be communicated within ten (10) calendar days of receiving the hearing officer’s decision. The decision of the Superintendent or designee on appeal shall be final.

Training

Training on sexual misconduct: discrimination, harassment, and violence is included in the District’s education program for students and the professional development program for staff members.