

GENERAL ADMINISTRATION

Policy 1300
(Regulation 1300)
(Form 1300)

Equal Opportunity

Prohibition Against Harassment, Discrimination and Retaliation

Académie Lafayette is committed to maintaining an educational and workplace environment that is free from discrimination, harassment, and retaliation in admission or access to, or treatment or employment in, its programs, services, activities and facilities. Académie Lafayette is committed to providing equal opportunity in all areas of education, recruiting, hiring, retention, promotion and contracted service.

In its programs and activities, Académie Lafayette does not discriminate on the basis of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law and as required by Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title II of the Americans with Disabilities Act of 1990, and state law. In addition, Académie Lafayette provides equal access to the Boy Scouts of America and other designated youth groups. Further, no person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination based on the above listed characteristics under a school nutrition program for which Académie Lafayette receives federal financial assistance from the U.S. Department of Agriculture (USDA Food and Nutrition Service).

This Policy governs Académie Lafayette's compliance with the laws identified above, outside of Title IX. The following person is designated and authorized as the Académie Lafayette's Compliance Officer to coordinate compliance with the laws identified above (outside of Title IX), including to manage inquiries or complaints regarding Académie Lafayette's non-discrimination policies:

Name: Jessica Wallace

Title: Human Resources Coordinator

Address: 201 East Armour Boulevard, Kansas City, MO 64111

Number: 816-708-4752 (Direct) or 816.800.8771 ext. 6105

Email: jwallace@academielafayette.org

A complaint by students, employees, parents, and patrons of Académie Lafayette alleging harassment, discrimination, or related retaliation based on a protected classification under the laws identified above (outside of Title IX) should be filed in accordance with the procedures outlined in Regulation 1300. A complaint regarding sexual harassment or related retaliation of a student or employee under Title IX and that is alleged to have occurred on or after August 14, 2020, should be filed in accordance with the procedures outlined in Regulation 1301. A complaint regarding the identification, evaluation, educational program, or placement of a child with a disability under Section 504 should be filed in accordance with the procedures outlined in Regulation 2110.

GENERAL ADMINISTRATION

Regulation 1300
(Form 1300)

Equal Opportunity

Prohibition Against Harassment, Discrimination and Retaliation

Harassment or discrimination because of an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law is prohibited at Académie Lafayette. Académie Lafayette also prohibits retaliation against a person who files a complaint of discrimination or harassment or participates in an investigation of allegations of harassment or discrimination.

This Regulation governs and outlines the procedure for filing a complaint by students, employees, parents, and patrons of Académie Lafayette alleging harassment, discrimination, or related retaliation based on a protected classification under the laws identified in Policy 1300 (outside of Title IX). A complaint regarding sexual harassment or related retaliation of a student or employee under Title IX and that is alleged to have occurred on or after August 14, 2020, should be filed in accordance with the procedures outlined in Regulation 1301. A complaint regarding the identification, evaluation, educational program, or placement of a child with a disability under Section 504 of the Rehabilitation Act of 1973 should be filed in accordance with the procedures outlined in Regulation 2110.

ACADEMIE LAFAYETTE'S COMPLIANCE OFFICER

The following person has been designated as the Académie Lafayette's Compliance Officer to manage inquiries or complaints regarding the Académie Lafayette's non-discrimination policies:

Name: Jessica Wallace

Title: Human Resources Coordinator

Address: 201 East Armour Boulevard, Kansas City, MO 64111

Number: 816-708-4752 (Direct) or 816.800.8771 ext. 6105

Email: jwallace@academielafayette.org

Académie Lafayette has designated the Compliance Officer with the responsibility to identify, prevent, and remedy unlawful discrimination and harassment at Académie Lafayette. The Compliance Officer is in charge of assuring Académie Lafayette's compliance with this Policy and Regulation, Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; as well as other state and federal nondiscrimination laws. See Regulation 1301 for the individual(s) designated by Académie Lafayette to be the Title IX Coordinator with the responsibility to identify, prevent, and remedy unlawful harassment and related retaliation in accordance with Title IX of the Education Amendments of 1972.

The Compliance Officer will:

1. Receive complaints of discrimination or harassment based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law.

2. Oversee the investigative process.
3. Assess the training needs of Académie Lafayette's staff and students in connection with the dissemination, comprehension, and compliance with this Regulation.
4. Arrange for the necessary training required for compliance with this Regulation.
5. Ensure that investigations are conducted by an impartial investigator.
6. In the event the complaint is about the Compliance Officer or Compliance Officer's immediate supervisor, Académie Lafayette will consider the appointment of an outside investigator.

If any complaint involves allegations against the Compliance Officer, the Complaint shall be filed directly with the Superintendent, unless the Superintendent is the Compliance Officer, or President of the Board of Education.

DEFINITIONS

For the purpose of this Regulation, the following terms are defined:

Compliance Officer: Académie Lafayette employee(s) designated by the Board of Education to coordinate the Académie Lafayette's compliance with Académie Lafayette's policy, Missouri statutes, and federal laws regarding discrimination, harassment and retaliation based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic or any other characteristic that is protected by law.

Day: A calendar day. All the timeframes and deadlines may be extended by Académie Lafayette for good cause, including but not limited to Board-approved holiday breaks and building closures.

Disability: A physical or mental impairment that substantially limits a major life activity.

Discrimination: Adverse conduct directed at an individual or group based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law. The encouragement, cooperation, coercing, or support of adverse conduct that is based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law is discrimination.

Harassment: Harassment is conduct, including but not limited to, intimidation, ridicule or insult, toward an individual or group because of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law and is so severe or pervasive that it:

- Affects an individual's ability to work in, participate in, or benefit from an educational program or activity; and
- Creates an intimidating, threatening, abusive hostile or offensive environment; or
- Has the purpose or effect of substantially or unreasonably altering the work or educational environment.

For the purposes of this Regulation, sexual harassment is defined as unwelcome conduct of a sexual nature or based upon sex when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or consequence is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the Académie Lafayette's programs and activities or the conditions of employment.

A student regardless of age cannot consent to behavior of a sexual nature with an adult irrespective of the circumstances.

Retaliation: Adverse conduct including, but not limited to, conduct of a coercive, intimidating, threatening, discriminatory, or harassing nature because of an individual's good faith complaint, participation in the investigation, testifying, or resolution of discriminatory or harassing conduct based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law.

Student: An individual that is currently enrolled as a student at Académie Lafayette.

Illustrations and Examples of Prohibited Harassment

For the purpose of this Regulation, the determination if conduct as unwelcome is a fact-intensive question that shall be considered on a case-by-case basis.

Examples of Sexual Harassment

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Legitimate, non-sexual physical conduct necessary to avoid physical harm to persons or property, to console an individual, or spontaneous movement during a sporting activity is not sexual harassment.

Depending on the circumstances and application of the definitions immediately above in this Regulation, examples of conduct which may or may not constitute sexual harassment, include, but are not limited to:

- sexual advances;

- request for sexual favors;
- threatening an individual for not agreeing to submit to sexual advancement;
- sexually motivated touching of an individual's intimate parts;
- coercing, forcing, or attempting to coerce or force the touching of an individual's intimate parts;
- display of drawings, graffiti, cartoons, pictures, symbols or other written material of a sexual nature;
- sexual gestures;
- sexual or dirty jokes;
- sexually provocative or explicit speech;
- communications about or rating an individual as to his/her body, sexual activity, or performance; and
- verbal abuse of a sexual nature.

Examples of Race, Color, Nation Origin, Ancestry, Religion, Disability, Age or Genetic Information Harassment

As defined in this Regulation, examples of conduct that may be considered harassment based on an individual's race, color, national origin, ancestry, religion, disability, age, or genetic information, or any other characteristic that is protected by law include, but are not limited to:

- display of drawings, graffiti, cartoons, pictures, symbols or other written material;
- jokes;
- gestures;
- slurs, derogatory stereotypes or remarks, rumors, name-calling, insults, teasing, or taunting;
- threats or intimidating conduct;
- hostile action, physical aggression or violence; and
- damage or theft of property.

OBLIGATION TO REPORT

Académie Lafayette is steadfastly committed to providing an inclusive environment that is free from discrimination and harassment for all of its students and staff. Unless a concern is informally resolved, staff and students shall report all incidents of discrimination, harassment and retaliation to the Compliance Officer as set forth in this Regulation. When a formal complaint is filed with the Compliance Officer, the investigation and complaint process detailed below will be used, including a possible determination by the Compliance Officer that the incident has been appropriately addressed through the informal process. Reports of discrimination, harassment and/or related retaliation must contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.

INTERIM MEASURES

Académie Lafayette will take action to protect a complainant or persons subjected to discrimination, harassment, or retaliation as necessary during the course of an investigation. Appropriate interim measures will be offered and may include, but are not limited to, physical separation, contact limitations, reassignment, alternative work or assignments, altering class or bus seating assignments, additional supervision, counseling, training, warning, conferences, exclusion and employee suspension pending an investigation as permitted by the Académie Lafayette's policies and law. Additional interim measures to prevent retaliation may include, but are not limited to, notification of the retaliation prohibition, confirming the individual knows how to report retaliation, and follow-up contact.

INVESTIGATION AND RESPONSE

Académie Lafayette will investigate allegations of harassment, discrimination, and/or retaliation and take appropriate steps reasonably calculated to resolve the situation, eliminate the misconduct, prevent its recurrence and as appropriate, remedy its effects. Académie Lafayette will take equitable and remedial action within its authority on complaints that come to the attention of Académie Lafayette, either formally or informally.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement and/or the Children's Division. Regardless of whether the misconduct is reported to law enforcement and/or the Children's Division, school staff will investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation.

Engaging in harassment, discrimination, and/or retaliation will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in Académie Lafayette's activities. Anyone else who engages in harassment, discrimination, and retaliation on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Employees and students should fully cooperate with the investigation process.

Informal Process for Resolution

Académie Lafayette takes seriously the obligation to investigate complaints of discrimination, harassment, or retaliation and to take appropriate remedial measures when necessary. Académie Lafayette recognizes that the obligation to investigate and remedy may be accomplished through an informal process, depending on the circumstances.

Anyone may use informal procedures to report and resolve complaints of harassment, discrimination, and retaliation. If a staff member receives an informal complaint of harassment, discrimination, and/or retaliation and the complaint cannot be resolved informally, the staff member shall inform their relevant building administrator or supervisor. The administrator/supervisor may attempt to resolve the matter informally and should inform complainants of this Regulation.

Building administrators/supervisors shall provide information to the Compliance Officer on a regular basis about complaints reported and resolved through the informal process.

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or Académie Lafayette.

During the course of the informal complaint process, Académie Lafayette will take prompt and effective steps reasonably calculated to end the harassment, discrimination, and retaliation and to correct any effects on the complainant.

Informal remedies may include, but are not limited to:

- If the complainant so desires, an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training.

Académie Lafayette will inform the complainant (and their parent/guardian when applicable) how to report any subsequent problems. Additionally, Académie Lafayette may conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems.

Formal Process for Resolution

Step One – Complaint to Académie Lafayette

Anyone may initiate a formal complaint of harassment, discrimination, or retaliation by filing a written complaint with the Académie Lafayette's Compliance Officer. At any step in the formal resolution process, where appropriate, Académie Lafayette will take interim measures to protect the complainant or alleged victim before the final outcome of the Académie Lafayette's investigation. Additionally, Académie Lafayette may appoint an outside investigator at any step of the informal or formal resolution process. A subordinate shall not investigate his/her supervisor.

The following process will be followed at Step One:

Filing of Complaint

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute harassment, discrimination or retaliation. The Compliance Officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The Compliance Officer may also conclude that Académie Lafayette needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- Formal complaints must be submitted to the Compliance Officer.
- A charge or complaint of discrimination, harassment, or retaliation filed with an outside agency does not constitute a formal complaint or trigger an obligation to follow the formal complaint investigation procedures as contemplated under this Regulation.

Investigation of Complaint

- The Compliance Officer will receive and investigate all formal, written complaints of harassment, discrimination or retaliation or will investigate if information in the Officer's possession leads them to believe further investigation is required. The Compliance Officer will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Compliance Officer will provide the complainant with a copy of this Regulation.
- Investigations will be conducted in a manner that is adequate in scope, reliability and impartiality. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused party, will have an opportunity to identify witnesses and present relevant evidence. Académie

Lafayette and the complainant may also agree to resolve the complaint in lieu of an investigation.

- When the investigation is completed, the Compliance Officer will compile a written report of the investigation. The report may include a recommendation of appropriate action to remedy the allegations included in the complaint. The Compliance Officer will forward the report and recommendations to the Superintendent. If the Superintendent is the subject of the complaint, the report and recommendations will be forwarded to the Board President.

Response to Complaint

- The Superintendent will review the report completed by the Compliance Officer.
- The Superintendent will respond in writing with a Letter of Outcome to the complainant and the accused party within **thirty (30)** calendar days of the Compliance Officer's receipt of the written complaint, unless otherwise agreed to by the complainant or if circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, Académie Lafayette will notify the complainant in writing of the reason for the extension and the anticipated response date.
- The Letter of Outcome will include: 1) a statement of the outcome of the investigation including whether a preponderance of the evidence establishes that harassment, discrimination, and/or retaliation occurred in violation of Policy 1300; 2) if violation of Policy 1300 is found to have occurred, the assurance that Académie Lafayette will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; and 3) notice of the right to appeal to the school board and the necessary filing information.
- Any corrective measures deemed necessary will be instituted as promptly as reasonable.
- Académie Lafayette will inform the complainant (and their parent/guardian if the complainant is a student) how to report any subsequent problems. Additionally, where appropriate Académie Lafayette will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to respond and appropriately address continuing or new problems.
- If the Superintendent is the subject of the complaint, the actions set forth herein to be completed by the Superintendent will be completed by the Board President.

Step Two – Appeal to Board of Education

Notice of Appeal

- The complainant or accused party may appeal to the Board of Education by filing a written notice of appeal with the secretary of the Board within **ten (10)** calendar days following receipt of the Letter of Outcome.
- On receipt of the written appeal, the matter shall be placed on the agenda of the Board for consideration no later than their next regularly scheduled meeting, unless otherwise agreed to by the complainant and the superintendent or for good cause.
- Parties will be allowed to provide comment and information as the Board deems relevant and material.

Board Decision

- Unless otherwise agreed to by the appealing party, the Board will provide written notice of its determination within **thirty (30)** calendar days following the filing of the notice of appeal and provide the appealing party with a copy of the determination.

RETALIATION

Académie Lafayette prohibits retaliation against a person who files a complaint of discrimination or harassment, and further prohibits retaliation against a person who participates in related proceedings or investigations.

Notwithstanding this provision, employees or students found to have intentionally made false or materially misleading allegations of suspected discrimination, harassment and/or related retaliation under this Regulation may be disciplined, up to and including dismissal or expulsion.

CONFIDENTIALITY

Académie Lafayette will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses to the extent possible, consistent with applicable law, the Académie Lafayette's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. However, pursuant to the Académie Lafayette's discretion, information may be disclosed, if necessary, to aid in the investigation, resolution, or appeal of the complaint.

CONSEQUENCES AND REMEDIES

Académie Lafayette will take prompt, effective and appropriate action to address substantiated discrimination, harassment or retaliation, prevent its recurrence and remedy its effects.

Consequences

Consequences for violations of this Policy and Regulation may have educational, restorative, rehabilitative and/or punitive components.

Conduct constituting harassment, discrimination or retaliation as defined in this Regulation will be subject to discipline including, but not limited to, written warning or reprimand, conference, required training, “no contact” order, reassignment, probation, suspension or termination for employees, suspension or expulsion for students, or exclusion from Académie Lafayette property.

In the event that the evidence suggests that the conduct at issue is also a crime in violation of a Missouri criminal statute, Académie Lafayette Compliance Officer shall report the conduct to the appropriate law enforcement agency charged with responsibility for managing such crimes.

As required by and in compliance with law and Académie Lafayette policy, a report will be made to the Missouri Children’s Division if there is reasonable cause to suspect abuse or neglect of a child.

Students, employees and others will not be disciplined for speech in circumstances where it is protected by law.

Remedies

Académie Lafayette will consider remedies for the victim as appropriate including, but are not limited to, providing additional resources such as counseling, moving or reassignment of the perpetrator, or allowing the victim to retake or withdraw from a class.

An allegation of discrimination, harassment and/or related retaliation complaint may not necessarily stop, delay or affect pending personnel actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to a reporter who is not performing at acceptable levels or standards or who has violated Académie Lafayette’s policies or regulations.

TRAINING & PUBLICATION OF POLICY

Académie Lafayette will train its employees on this Policy and Regulation. The training will include the requirements of nondiscrimination and the appropriate responses to discrimination, harassment, and retaliation. Académie Lafayette will notify its employees to report complaints of discrimination, harassment or retaliation in accordance with this Policy. This training will be provided to employees on an annual basis, and at such other times as the Superintendent, in consultation with the Académie Lafayette’s Compliance Officer, determines is necessary or appropriate. Additionally, Académie Lafayette will provide additional training to Académie Lafayette Compliance Officer on identifying, investigating, and reporting on acts that may constitute discrimination, harassment or retaliation. Académie Lafayette’s students will be notified regarding this Policy. This Policy will be posted on the Académie Lafayette’s website and available in the Central Office.

GENERAL ADMINISTRATION Form 1300

Equal Opportunity

Notice of Nondiscrimination

Académie Lafayette is committed to maintaining an educational and workplace environment that is free from discrimination, harassment, and retaliation in admission or access to, or treatment or employment in, its programs, services, activities and facilities. is committed to providing equal opportunity in all areas of education, recruiting, hiring, retention, promotion and contracted service.

In its programs and activities, Académie Lafayette does not discriminate on the basis of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law and as required by Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title II of the Americans with Disabilities Act of 1990, and state law. In addition, Académie Lafayette provides equal access to the Boy Scouts of America and other designated youth groups. Further, no person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination based on the above listed characteristics under a school nutrition program for which Académie Lafayette receives federal financial assistance from the U.S. Department of Agriculture (USDA Food and Nutrition Service).

Académie Lafayette has designated and authorized the following person(s) to serve as the Académie Lafayette's Compliance Officer and/or Title IX Coordinator to coordinate compliance with the laws identified above, including to manage inquiries or complaints regarding the Académie Lafayette's non-discrimination policies:

Name: Jessica Wallace

Title: Human Resources Coordinator

Address: 201 East Armour Boulevard, Kansas City, MO 64111

Number: 816-708-4752 (Direct) or 816.800.8771 ext. 6105

Email: jwallace@academielifayette.org

For information regarding how to report or file a claim of discrimination, harassment, or retaliation, see Board of Education Regulations 1300 and 1301. Policies and Regulations 1300 and 1301 shall govern the grievance procedures, process, and response for complaints and concerns by parents, patrons, employees, or students of Académie Lafayette related to discrimination, harassment, or retaliation on the basis of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law. Académie Lafayette's Board of Education Policies and Regulations can be found on the Académie Lafayette's website and/or available in the Académie Lafayette's Central Office.

Inquiries or concerns regarding civil rights compliance should be directed to Académie Lafayette's Compliance Officer and Title IX Coordinator.

For further information about anti-discrimination laws and regulations, or to contact the Office for Civil Rights in the U.S. Department of Education (OCR) regarding the Académie Lafayette's compliance with anti-discrimination laws and regulations, please contact OCR at One Petticoat Lane, 1010 Walnut Street, Kansas City, Suite 320, Missouri 64106, (816) 268-0550 (voice), or (877) 521-2172 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

GENERAL ADMINISTRATION Regulation 1301

Equal Opportunity

Prohibition Against Sexual Harassment and Retaliation under Title IX

This Policy governs a complaint of sexual harassment or retaliation of a student or employee, as such conduct is defined and regulated under Title IX of the Education Amendments of 1972, and that is alleged to have occurred on or after August 14, 2020. If any provision of Title IX or its regulations is held invalid or unenforceable by a court, agency, or department with legal jurisdiction over the Académie Lafayette, the corresponding provisions in this Policy shall likewise be rendered invalid and not enforced.

A complaint by students, employees, parents, and patrons of Académie Lafayette alleging harassment, discrimination, or related retaliation based on a protected classification under the laws identified in Policy 1300 (outside of Title IX) should be filed in accordance with the procedures outlined in Regulation 1300. A complaint regarding the identification, evaluation, educational program, or placement of a child with a disability under Section 504 of the Rehabilitation Act of 1973 should be filed in accordance with the procedures outlined in Regulation 2110.

ACADEMIE LAFAYETTE'S TITLE IX COORDINATOR

The following person has been designated as the Académie Lafayette's Title IX Coordinator:

Name: Jessica Wallace

Title: Human Resources Coordinator

Address: 201 East Armour Boulevard, Kansas City, MO 64111

Number: 816-708-4752 (Direct) or 816.800.8771 ext. 6105

Email: jwallace@academielafayette.org

Académie Lafayette has designated the Title IX Coordinator with the responsibility to identify, prevent, and remedy unlawful harassment and retaliation under Title IX in Académie Lafayette. The Title IX Coordinator is in charge of assuring Académie Lafayette's compliance with Regulation 1301 and Title IX of the Education Amendments of 1972. See Policy and Regulation 1300 for the individual(s) designated by Académie Lafayette to be the Compliance Officer with the responsibility to identify, prevent, and remedy unlawful discrimination and harassment in accordance with Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; as well as other state and federal nondiscrimination laws.

DEFINITIONS

For the purpose of this Regulation, the following terms are defined:

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to any employee (other than the respondent) in an education program or activity of Académie Lafayette against a person in the United States. Actual knowledge does not include constructive notice.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Day: A calendar day. All the timeframes and deadlines may be extended by Académie Lafayette for good cause, including but not limited to Board-approved holiday breaks and building closures.

Education program or activity: Locations, events, or circumstances over which Académie Lafayette exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

Formal complaint: A document filed by a complainant, or a parent or legal guardian of a student complainant, alleging sexual harassment against a respondent and requesting that Académie Lafayette investigate the allegation of sexual harassment. Additionally, a formal complaint can be completed and signed by the Title IX Coordinator, if, in their sole discretion, they conclude that Académie Lafayette needs to conduct an investigation based on information in their possession, regardless of the complainant's interest in filing a formal complaint. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of Académie Lafayette. The complainant must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant.

Respondent: An individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation: Intimidation, threats, coercion, or discrimination of an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report of complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this Regulation.

Sexual harassment: Conduct on the basis of sex that satisfies one or more of the following:

1. An Académie Lafayette employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
0. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or

0. “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).

Supportive measures: Non-disciplinary, non-punitive, individualized services. Appropriate supportive measures shall be offered to the complainant and may be offered to the respondent, as appropriate and depending on the individual circumstances of the situation. Supportive measures may include, but are not limited to, physical separation, contact limitations, reassignment, alternative work or assignments, altering class or bus seating assignments, additional supervision, counseling, training, and conferences.

Illustrations and Examples of Prohibited Sexual Harassment

For the purpose of this Regulation, the determination if conduct is prohibited under Title IX is a fact-intensive question that shall be considered on a case-by-case basis. Legitimate, non-sexual physical conduct necessary to avoid physical harm to persons or property, to console an individual, or spontaneous movement during a sporting activity is not sexual harassment.

Depending on the circumstances and application of the definitions immediately above in this Regulation, examples of conduct which may or may not constitute sexual harassment, include, but are not limited to:

- sexual advances;
- request for sexual favors;
- threatening an individual for not agreeing to submit to sexual advancement;
- sexually motivated touching of an individual’s intimate parts;
- coercing, forcing, or attempting to coerce or force the touching of an individual’s intimate parts;
- display of drawings, graffiti, cartoons, pictures, symbols or other written material of a sexual nature;
- sexual gestures;
- sexual or dirty jokes;
- sexually provocative or explicit speech;
- communications about or rating an individual as to their body, sexual activity, or performance; and

- verbal abuse of a sexual nature.

OBLIGATION TO REPORT

Académie Lafayette is steadfastly committed to providing an inclusive environment that is free from sexual discrimination and harassment for all of its students and staff. Staff with actual knowledge of behaviors that may constitute sexual harassment and related retaliation as defined in this Regulation shall report it to the Title IX Coordinator. When a formal complaint is filed with the Title IX Coordinator, the grievance process detailed below will be used. Reports of sexual harassment and/or related retaliation must contain as much specific information as possible to allow for proper assessment of the nature and extent of the investigative procedures.

RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT OR RELATED RETALIATION

When Académie Lafayette has actual knowledge of sexual harassment or related retaliation under Title IX, the Title IX Coordinator shall:

1. Promptly contact the complainant to discuss the availability of supportive measures;
0. Consider the complainant's wishes with respect to supportive measures;
0. Explain the process for filing a formal complaint under this Regulation; and
0. Inform the complainant of the availability of supportive measures regardless of whether a formal complaint is filed under this Regulation.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process outlined in this Regulation. Académie Lafayette will only impose disciplinary consequences against a respondent for violations of this Regulation after the grievance process has been completed; however, Académie Lafayette may impose disciplinary consequences against a respondent for other violations of the Académie Lafayette's Board of Education Policies prior to the conclusion of the grievance process outlined in this Regulation. If there is an immediate threat to the physical health or safety of any student arising from the allegation of sexual harassment that justifies removal, the respondent's placement shall be changed, including removal from Académie Lafayette. Immediately following the removal, the respondent shall be given notice and an opportunity to challenge the decision to the Superintendent in writing. The Superintendent shall issue a written decision on the respondent's challenge and such decision shall be final. If the respondent is an employee, the employee may be placed on administrative leave during the pendency of the grievance process.

GRIEVANCE PROCESS FOR FORMAL COMPLAINT

During the grievance process for a formal complaint, Académie Lafayette shall treat the complainant and the respondent equitably. Académie Lafayette will ensure that relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence, and that credibility determinations are not based on a person's status as a complainant, respondent, or witness. Additionally, the Title IX Coordinator, the investigator, all decision-makers, and any facilitator of the informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or individually. Furthermore, Académie Lafayette shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Formal Complaint

Formal complaints of sexual harassment under this Regulation must be submitted to the Title IX Coordinator.

A charge or complaint of sexual harassment or retaliation filed with an outside agency does not constitute a formal complaint with Académie Lafayette or trigger the Académie Lafayette's obligation to follow the formal complaint grievance process as contemplated under this Regulation.

If a formal complaint involves allegations against the Title IX Coordinator, the formal complaint shall be filed directly with the Superintendent, unless the Superintendent is the Title IX Coordinator, or President of the Board of Education.

Upon receipt of a formal complaint, the Title IX Coordinator shall promptly:

1. Provide written notice of the allegations, the grievance process, and any informal resolution process to the complainant and the respondent to give both parties the proper time to prepare a response before an interview;
0. Inform the complainant and the respondent of the prohibition against making false statement or knowingly submitting false information;
0. Inform the complainant and the respondent that they may have an advisor (who may be but who is not required to be an attorney) present during any of their own subsequent meetings; and
0. Offer supportive measures in an equitable manner to the complainant and the respondent,

when appropriate.

The Title IX Coordinator, at their discretion, may consolidate formal complaints if they arise out of the same facts or circumstances. If, in the course of the investigation process as outlined below in this Regulation, the investigator decides to investigate new allegations about the complainant or the respondent that are not included in a written notice previously provided to the complainant and respondent, the Title IX Coordinator will provide another written notice of the additional allegations to the complainant and the respondent.

The Title IX Coordinator must dismiss a formal complaint for any of the following reasons:

1. The conduct alleged in the formal complaint would not constitute sexual harassment even if proved.
0. The conduct alleged in the formal complaint did not occur in the Académie Lafayette's education program or activity.
0. The conduct alleged in the formal complaint did not occur within the United States.

The Title IX Coordinator may dismiss a formal complaint for any of the following reasons:

1. The complainant has notified Académie Lafayette in writing that the complainant would like to withdraw the formal complaint or any allegations.
0. The respondent is no longer enrolled or employed by Académie Lafayette.
0. Specific circumstances prevent Académie Lafayette from gathering evidence sufficient to reach a determination as to the formal complaint.

If the Title IX Coordinator dismisses a formal complaint, written notice of the dismissal, including the reasons for dismissal, shall be provided to the complainant and the respondent. If a complainant or respondent wishes to appeal the dismissal of a formal complaint, they should follow the appeal process outlined in this Regulation. Dismissal of a formal complaint does not preclude Académie Lafayette from investigating, taking action, or imposing discipline outside of this Regulation related to the alleged conduct and in accordance with any other Board policy or regulation.

Investigation

The Title IX Coordinator, or a designee, shall serve as the investigator and be responsible for investigating formal complaints in an equitable manner that involves an objective evaluation of all relevant evidence. Académie Lafayette may appoint an outside investigator when appropriate. A subordinate shall not investigate his or her supervisor.

The burden for obtaining evidence sufficient to reach a determination regarding responsibility rests on Académie Lafayette and not the complainant or respondent.

The investigator shall initiate an investigation within five (5) days of the receipt of the formal complaint by the Title IX Coordinator, unless good cause exists to extend this timeframe. All investigations shall:

1. Provide an equal opportunity for the complainant and the respondent to present witnesses and evidence;
0. Not restrict the ability of either the complainant or the respondent to discuss the allegations under investigation or to gather and present relevant evidence;
0. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that seek disclosure of information protected under a legally recognized privilege unless such privilege has been waived;
0. Provide the complainant and the respondent with the same opportunities to have an advisor present during any grievance proceeding;
0. Provide to the complainant and the respondent whose participation is requested written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the individual to prepare to participate;
0. Provide the complainant and the respondent an equal opportunity to inspect and review any evidence directly related to the allegations in the formal complaint; and
0. Result in the creation of an investigative report that fairly summarizes relevant evidence.

Employees and students should fully cooperate with the investigation process under this Regulation.

Prior to the completion of the investigative report, the investigator shall send to the complainant and the respondent the evidence related to the investigation to inspect and review. The complainant and the respondent shall have ten (10) days to submit a written response which the investigator shall take into consideration in creating the final investigative report.

At the close of the investigation, a written final investigative report will be delivered to the complainant and the respondent. The final investigative report should be completed within thirty (30) days of the initiation of the investigation, unless good cause exists to extend this timeframe.

Upon receipt of the final investigative report, the complainant and the respondent shall have ten (10) days to submit a written response to the report to the investigator and to submit written, relevant questions to be asked of any party or witness prior to the determination of responsibility.

Determination of Responsibility

For the purposes of a determination of responsibility, the decision-maker shall be the Superintendent or their designee; however, the decision-maker shall not be the Title IX Coordinator or the investigator. The decision-maker shall receive the final investigative report as well as any written responses and additional questions to be asked that were timely submitted by the complainant and the respondent. Upon a determination of relevance, the decision-maker will facilitate the exchange of written questions as submitted by the complainant and the respondent, provide the complainant and the respondent with submitted answers (if any), and allow for additional, limited follow-up questions from the complainant and respondent.

Within a reasonably prompt time frame, the decision-maker shall make a determination of responsibility based on the final investigative report, the evidence, and all written responses timely submitted by the complainant and the respondent, and without any live testimony or hearing.

The decision-maker shall provide the written determination to the complainant and the respondent, along with information regarding the procedures and allowable bases to appeal the decision. The written determination shall include:

1. The allegations potentially constituting sexual harassment;
0. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
0. Findings of fact supporting the determination;

0. Conclusions regarding the application of the Académie Lafayette's code of conduct to the facts; and

0. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Académie Lafayette imposes on the respondent, and whether remedies designed to restore or preserve equal access to the Académie Lafayette's education program or activity will be provided by the recipient to the complainant.

The preponderance of the evidence standard shall be used in making a determination of responsibility.

If a determination of responsibility against a respondent is made, Académie Lafayette shall impose consequences as described below in this Regulation. After a determination of responsibility is made, the Title IX Coordinator shall work with the complainant to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine whether any other actions are necessary to prevent reoccurrence of the harassment and to restore equal access to the education program or activity.

Appeal

Either the complainant or the respondent may appeal from a determination of responsibility or a dismissal of a formal complaint (or any allegations therein) for any of the following reasons:

1. A procedural irregularity that affected the outcome of the investigation;
0. New evidence that was not reasonably available at the time of the determination and that could affect the outcome of the investigation; or
0. A conflict of interest on the part of the Title IX Coordinator, investigator, or decision-maker.

Appeals shall be submitted to the Title IX Coordinator within five (5) days of a determination of responsibility or dismissal of a formal complaint (or any allegation therein). If an appeal is not timely submitted, the determination of responsibility or the dismissal of a formal complaint (or any allegation therein) becomes final.

Upon receipt of an appeal, the Title IX Coordinator shall provide written notice of the appeal to the complainant and the respondent. During the appeal process, the complainant and the respondent shall have a reasonable, equal opportunity to submit written statements in support of or in challenge of the appeal to the designated decision-maker on appeal; however, both the complainant and the respondent are limited on appeal to submission of only written statements. There will be no live or oral testimony.

After review of the appeal, investigative report, and any written statement submitted by the complainant and the respondent, the designated decision-maker on appeal, who shall not be the Title IX Coordinator, investigator, or the decision-maker of a dismissal or determination of responsibility, shall issue a written decision describing the result of the appeal and the rationale for the result. A written decision shall be provided to the complainant and the respondent. This decision shall be final.

Informal Resolution

At any time after a formal complaint is filed and prior to reaching a determination regarding responsibility, Académie Lafayette may facilitate an informal resolution process to address the allegations made in the formal complaint. The informal resolution process is voluntary and does not involve a full investigation and adjudication under the grievance process in this Regulation. If the complainant and respondent both elect to engage in the informal resolution process, their voluntary consent shall be made in writing and all timeframes and deadlines in this Regulation shall be suspended.

An informal resolution may include, but is not limited to the following:

- If the complainant so desires, an opportunity for the complainant to explain to the respondent that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the respondent that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training.

The informal resolution process shall not be made available to formal complaints alleging sexual harassment under this Regulation of a student by an employee.

RETALIATION

Académie Lafayette prohibits retaliation against a person who files a formal complaint of sexual harassment under this Regulation, and further prohibits retaliation against a person who participates in related investigations.

Notwithstanding this provision, employees or students found to have intentionally made knowingly false or materially misleading allegations of suspected harassment and/or related retaliation under this Regulation may be disciplined, up to and including dismissal or expulsion.

CONFIDENTIALITY

Académie Lafayette will respect the privacy of the complainant, the respondent, and the witnesses to the extent possible, consistent with applicable law as well as the Académie Lafayette's legal obligations to investigate, to take appropriate action, and to conform with disclosure obligations as identified in this Regulation.

The complainant and the respondent shall not disclose any information obtained during the grievance process in violation of the Family Educational Rights and Privacy Act or for any purpose outside of participation in the grievance process.

CONSEQUENCES

Where a determination of responsibility for sexual harassment or related retaliation as defined in this Regulation has been made, Académie Lafayette will provide remedies to the complainant designed to restore or preserve equal access to the Académie Lafayette's education program or activity.

The consequences for violations of this Regulation may have educational, restorative, rehabilitative and/or punitive components.

Conduct constituting sexual harassment or related retaliation as defined in this Regulation will be subject to discipline including, but not limited to, written warning or reprimand, conference, required training, "no contact" order, reassignment, probation, suspension or termination for employees, suspension or expulsion for students, or exclusion from Académie Lafayette property.

In the event that the evidence suggests that the conduct at issue is also a crime in violation of a Missouri criminal statute, the Title IX Coordinator shall report the conduct to the appropriate law enforcement agency charged with responsibility for managing such crimes.

As required by and in compliance with law and Académie Lafayette policy, a report will be made to the Missouri Children's Division if there is reasonable cause to suspect abuse or neglect of a child.

RECORD KEEPING

Académie Lafayette shall maintain for a period of seven (7) years records of the following:

1. Each investigation and determination of responsibility made under this Regulation, including disciplinary sanctions imposed on the respondent and remedies provided to the complainant;
0. Any appeal decided under this Regulation;

0. Any informal resolution reached under this Regulation;
0. Materials used for training the Title IX Coordinator, investigator, decision-makers, and facilitators of the informal resolution process under this Regulation; and
0. Actions taken in response to actual knowledge of sexual harassment or related retaliation under this Regulation, including supportive measures designed to restore or preserve equal access to the Académie Lafayette's education program or activity.

TRAINING & PUBLICATION OF POLICY

Académie Lafayette will train its employees on the definition of sexual harassment and retaliation under this Regulation and the duty to report when they have actual knowledge of sexual harassment. This training will be provided to employees on an annual basis, and at such other times as the Superintendent, in consultation with the Académie Lafayette's Title IX Coordinator, determines is necessary or appropriate. Additionally, Académie Lafayette will provide training to the Title IX Coordinator, investigator, decision-makers, and facilitators of the informal resolution process on identifying, investigating, and reporting on acts that may constitute sexual harassment or related retaliation under Title IX, and such training materials will be posted on the Académie Lafayette's website. Académie Lafayette students will be notified regarding this Regulation. This Regulation will be posted on the Académie Lafayette's website and available in the Central Office.

General Administration Policy 1320

Equal Opportunity

Website Accessibility

Académie Lafayette is committed to providing accessibility of its website for students, parents, and members of the community with disabilities by meeting or exceeding the requirements of Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended in 1998. Section 508 is a federal law that requires agencies to provide individuals with disabilities equal access to electronic information and data comparable to those who do not have disabilities unless an undue burden would be imposed on the agency.

Information on the Académie Lafayette's website will provide access either through modification of its website in conformance of the W3C WAI's Web Content Accessibility Guidelines (WCAG) or by providing the same information in a modality addressing an individual's disability. Students, parents and members of the community who have questions about the accessibility of content used, and/or would like to report barriers to accessing the Académie Lafayette's website, please contact the Académie Lafayette's Title IX Coordinator, Jessica Wallace at jwallace@academielafayette.org or call 816-708-4752 (Direct) or 816.800.8771 ext. 6105, with detailed information on the location of the page or document you are attempting to access so we can make it accessible. Please include your name, email address and phone number so that we may contact you to provide the information in another format.

Website Accessibility

With regard to Académie Lafayette's website and any official Académie Lafayette web presence which is developed by, maintained by, or offered through third party vendors and open sources, Académie Lafayette is committed to compliance with the provisions of the Americans with Disabilities Act (ADA), Section 504 and Title II so that students, parents and members of the public with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use; and that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any Académie Lafayette programs, services, and activities delivered online.

Académie Lafayette shall appoint an administrator(s) who will be responsible for reviewing and evaluating new material that is published by school staff and uploaded to the website for accessibility on a periodic basis. The designated responsible personnel or 3rd party will be responsible for reviewing all areas of the Académie Lafayette's website and evaluating its accessibility on a periodic basis, and at least once per quarter. Any non-conforming webpages will be corrected in a timely manner.

Website Accessibility Concerns, Complaints and Grievances

A student, parent or member of the public who wishes to submit a complaint or grievance regarding a violation of the Americans with Disabilities Act (ADA), Section 504 or Title II related to the accessibility of any official Académie Lafayette web presence that is developed by, maintained by, or offered through Académie Lafayette, third party vendors and/or open sources may make complaints directly to Académie Lafayette's Title IX Coordinator, Jessica Wallace at jwallace@academielafayette.org or call 816-708-4752 (Direct) or 816.800.8771 ext. 6105. The initial complaint or grievance should be made utilizing the procedures set forth in Policy/Regulation 1300 - Prohibition Against Harassment, Discrimination and Retaliation. When the Title IX Officer receives the information, he/she shall immediately begin the process under the Policies and Regulations prohibiting harassment, discrimination and/or retaliation.

Whether or not a formal complaint or grievance is made, once Académie Lafayette has been notified of inaccessible content, effective communication shall be provided as soon as possible to the reporting party to provide access to the information in a modality specific to the individual's disability condition.

A record of each complaint and grievance made pursuant to this Policy shall be maintained at Académie Lafayette office. The record shall include a copy of the complaint or grievance filed, report of findings from the investigation, and the disposition of the matter.