match EDUCATION | Match Charter Public School

Title IX Policy for

MATCH CHARTER PUBLIC SCHOOL

Introduction

Title IX of the Education Amendments Act of 1972 and various state and federal laws protect all students and school employees from sex-based harassment that occurs during an educational activity, regardless of the sex of the parties. In school systems, sexual harassment may cross many lines, and may involve staff member and staff member, staff member and student, student and student, third party and staff member, or third party and student. All students and school employees can experience sex-based harassment, including male and female students/employees, LGBT students/employees, students/employees with disabilities, and students/employees of different races, national origins, and ages.

Any person who believes that a student, teacher, administrator, other school personnel or third party has engaged in conduct prohibited by this policy, whether such conduct has been directed at the person or some other person, should report the alleged prohibited conduct as soon as possible to the appropriate Match Charter Public School (hereinafter "Match") official (as designated by this policy) verbally or in writing. Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different Match employee than the one designated in this policy.

Policy Statement

Match does not discriminate against individuals on the basis of sex, or any other category protected by state and federal law, in the administration of its educational and employment policies, and in its administered programs and activities, and provides equal access to all designated youth groups. Match is committed to maintaining an educational and work environment free from all forms of discrimination, including sexual harassment and retaliation.

Goals

Match is committed to providing equal educational opportunities and a safe learning and workplace environment free from discrimination, including sexual harassment and retaliation. Match will not tolerate any form of discrimination, including sexual harassment and retaliation, within the school community. Match will promptly and fairly investigate and respond to all allegations and complaints of sexual harassment and retaliation. During the investigation process, Match will provide equitable treatment to complainants and respondents, ensure objective evaluation of all relevant evidence, and designate investigators and decision makers who are free from bias or conflict of interest. Following an investigation where it is determined that sexual harassment has occurred, Match will take prompt, appropriate disciplinary, corrective and remedial measures necessary to ensure a safe and equitable learning and workplace environment for all school community members.

Definitions

Title IX identifies three separate types of conduct that would constitute "sexual harassment":

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- 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 recipient's education program or activity ("hostile environment harassment"); or

- "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).

Examples of unwelcome conduct that may establish a hostile environment include but are not limited to unwelcome sexual advances; requests for sexual favors; verbal, nonverbal or physical conduct of a sexual nature; sex discrimination; threats of violence; and/or physical assault. Digital and online conduct can also constitute sexual harassment, examples of which include, but are not limited to, non-consensual sharing of naked or intimate images (including images altered or generated with artificial intelligence tools), online sexually demeaning slurs or threats, and technology facilitated stalking, such as repeated unwanted messages, creation of fake accounts, or use of apps to evade blocks.

The following additional definitions apply:

- "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to any employee of Match, except that this standard is not met when the only official of Match with actual knowledge is the respondent (where the respondent is an employee). Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. Complaints will be addressed whenever Match has actual knowledge of the allegation.

- "Administrative leave" means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.

- "Consent" means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is undertaken due to the influence of fear, fraud, forcible compulsion, threats, and/or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent may be relevant to whether conduct between students was unwelcome, but it is not a defense where the complainant lacked legal capacity to consent, including any student under the age of sixteen, and it is not a defense to conduct by a Match employee toward a student.

- "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- "Deliberate indifference" means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

- "Emergency removal" means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes Match from removing a respondent from Match's education program or activity on an emergency basis, provided that Match follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

- "Formal complaint" means a document filed by a complainant (or the complainant's parent or guardian if the complainant is a student) or signed by the Title IX Coordinator alleging sexual harassment and requesting that Match investigate the allegation of sexual harassment.

- "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

- "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, technological solutions, and other similar measures. Match must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Application of Title IX/Sexual Harassment Policy

To be covered by Title IX, the sexual harassment must have occurred in the school's education program or activity, and the complainant must have been participating in or attempting to participate in an education program or activity at the school at the time the complaint is filed. The complainant must also have been in the United States when the conduct occurred. For purposes of this policy, "education program or activity" expressly includes school related digital spaces, which include, but are not limited to, school sponsored email, learning management systems, virtual classes, team group chats, and online platforms or device the school operates, controls or is used in school operations.

Match will investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to occur in the school's programs and activities, including locations, events, and/ or circumstances in which the Match exercises substantial control (on-campus, off-campus, or virtual), and will respond consistent with this policy without deliberate indifference.

While Title IX covers the above-described definition of "sexual harassment", Match recognizes that the Title IX standard does not capture all conduct that amounts to sexual harassment under school policy and other state and federal laws. Therefore, while Match prohibits "sexual harassment" as defined by Title IX, it also prohibits sexually harassing conduct that may fall outside of Title IX's definition and includes other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to students or employees.

If Match determines that the alleged conduct falls outside of Title IX's scope but still constitutes sexual harassment under other school policies, Match will implement appropriate remedial and/or disciplinary action in accordance with those policies.

Please note that incidents of sexual harassment may constitute child abuse under state law and may also violate criminal laws. Match will also comply with all legal requirements governing the reporting of suspected cases of child abuse and criminal violations to the appropriate authorities, including the Department of Children and Families, and Match's Child Abuse and Neglect Policy.

Complaint and Reporting Process:
For allegations of sex-based discrimination, including sexual harassment, sexual violence, and gender-based harassment by a Match employee or volunteer, another student at Match or a third party, immediately report the incident to Match's Title IX Coordinator. The Title IX Coordinator's contact information is as follows:

Alvin Cooper, Chief Human Resource Officer and Title IX Coordinator, 215 Forest Hills Street, Jamaica Plain, MA 02130, TitleIXCoordinator@matcheducation.org; (617) 438-0820.

Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different Match employee than the one designated in this policy. Employees who receive a report must immediately notify the Title IX Coordinator.

Upon receiving actual notice of alleged sexual harassment (including the receipt of digital evidence), all non-student members of the Match community (including Match board members, administration, faculty, staff, volunteers in schools and/or parties contracted to perform work for Match, subject to school authority) must notify the Title IX coordinator as soon as practicable, but no later than 24 hours after becoming aware of the incident. Failure to comply with this mandatory reporting requirement or this Protocol may lead to disciplinary action.

The Title IX Coordinator, and/or designated school administrator and/or employee, must then contact the complainant within two days of receiving the complaint and do the following:

- Promptly offer and discuss supportive measures with the complainant.
- Consider the complainant's wishes with respect to supportive measures;
- Explain that supportive measures may be received with or without filing a formal complaint;
- Explain the process of filing a formal complaint and determine whether the complainant wishes to file a formal complaint; and
- Explain to the complainant the purpose of filing a formal complaint.

The Title IX Coordinator must document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. Complainants and respondents must be offered supportive measures even if they do not file a formal complaint.

If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to sign a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead Match to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require Match to investigate and potentially sanction a respondent. A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference. If a formal complaint is not made, Match may still investigate the report of sexual harassment in accordance with its Harassment and Discrimination Policy, taking the complainant's wishes into consideration.

Formal complaints may also be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours.

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building principal, or the Title IX Coordinator. Whether the complaint is reduced to writing by a student, parent, or staff member, the written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the complainant is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by Match.

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of Match. Additionally, Match has discretion to dismiss a formal complaint where the passage of time would result in

Match's inability to gather evidence sufficient to reach a determination regarding responsibility, or when Match loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by Match).

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in Match's education program or activity, or did not occur against a person in the United States, then Match must dismiss the formal complaint under these procedures, but could investigate it under other policies and procedures. Match will promptly send written notice of any dismissal, and the reason or reasons for it, simultaneously to both parties.

Written Notice of Formal Complaint

Upon receiving a formal complaint of sexual harassment, Match will provide the complainant and the respondent written notice of the allegations, the grievance process, the appeal process, available supportive measures, and possible disciplinary sanctions and remedies. The written notice will also include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties that the Match's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If additional allegations are added during the course of the investigation, additional written notice must be provided.

Informal Resolution

Where appropriate, and only after a formal complaint has been filed and written notice has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation). Participation in an informal resolution process may only occur where both parties give voluntary, informed, written consent to attempt informal resolution, which Match will obtain only after providing the parties written notice disclosing the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any consequences of participating, including the records that will be maintained or could be shared. Either party has the right to withdraw from the informal process at any time prior to agreeing to a resolution and to resume the grievance process on the formal complaint. The informal complaint option is not available for reports of employee-on-student sexual harassment; in this context a formal investigation is required. Where an informal resolution process is agreed to, it will be facilitated by a facilitator designated by the Title IX coordinator who does not have a conflict of interest and/or bias for or against complainants or respondents and who has received proper training.

Informal resolution is entirely voluntary. Parties may elect to pursue formal procedures and decline informal resolution at any step in the process, even if informal resolution has already begun.

If the parties are not satisfied with the resolution from the informal process, or if the complainant does not choose informal resolution, then the complainant can begin the formal complaint procedure described below.

Investigation

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person.

All formal complaints will require a full investigation in accordance with the Title IX grievance process. For formal complaints of sexual harassment, the investigator will conduct and complete a thorough and impartial investigation into the reported conduct within a reasonably prompt timeframe, with delays for good cause only. Good faith efforts will be made to complete the investigation within fifteen (15) school days of the initiation of the formal complaint,

except for good cause, as documented in the investigation file. Where feasible, the formal process will be completed within a ninety (90) day timeframe from the date a formal complaint is filed with Match. There may be a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

1. Gathering Evidence

The investigation will include personal interviews with the complainant(s), the individual(s) against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator, including but not limited to gathering physical or digital evidence. The investigator will find facts and make determinations related to credibility, all of which will be incorporated into a written report. The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

Match will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

For Title IX purposes, if a student requests that the student's name not be revealed to the alleged perpetrator, honoring the request may limit Match's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. Title IX includes protections against retaliation, including retaliatory actions taken by the school and school officials, and school officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs. Confidentiality concerns should be brought to the attention of the Title IX Coordinator, whose contact information is provided above, and/or the principal of your school building.

Match has the burden of gathering the evidence, not the parties. However, parties may gather and present evidence of their own. All parties will be provided with an equal opportunity to review and respond to evidence gathered during the investigation.

All parties whose participation is invited or expected will be provided with written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

All parties will be provided with the opportunity to be accompanied to any related meeting, interview or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney.

Match will not require, allow or rely upon privileged information, unless privilege is waived in writing by the holder.

All parties will be provided with an equal opportunity to review and respond to evidence gathered during the investigation. Prior to completion of the investigative report, Match will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigative report.

2. Investigative Report & Written Questions

Upon its completion, the parties will be provided with a copy of the investigative report for their review and, if desired, submit a written response. Written responses from the parties will be required within ten (10) days of receipt of the investigative report and will be incorporated into the investigative report.

After the parties' responses to the investigative report, if any, have been incorporated into the investigative report, but prior to reaching a determination regarding responsibilities, the decision-maker(s) – who will not be the same person(s) as the investigator and/or Title IX coordinator – will afford each party the opportunity to submit written questions for the other parties and witnesses to answer, provide each party with the answers, and allow for additional, limited follow-up questions from each party. If any questions are determined not to be relevant, the decision-maker may exclude the questions and will explain to the party proposing the questions any decision to exclude questions as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

3. Written Determination & Standard of Evidence

After this process, the decision-maker will issue a written determination simultaneously to the parties regarding whether sexual harassment has occurred using a preponderance of the evidence standard, as it does for all conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanctions. Resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. The decision-maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, Match will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others if appropriate. Such remedies may include supportive measures.

The written determination must be issued to both parties simultaneously and must include:

- Identification of the allegations potentially constituting sexual harassment;
- 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, methods used to gather other evidence, etc.;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the recipient's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- Match's procedures and permissible bases for the complainant and respondent to appeal (a copy of, or direct reference to, this policy will suffice).

<u>Disciplinary Action, Corrective Action, and Remedial Measures</u>

If the respondent is ultimately found responsible, the complainant will be made aware of any sanctions imposed on the respondent that directly relate to the complainant. The respondent will not be notified of individual remedies offered or provided to the complainant. If the respondent is ultimately found responsible, Match will effectively implement remedies for the respondent, complainant and where appropriate, for the broader student population. The remedies will be designed to restore or preserve equal access to the educational program or activity for a complainant, end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Remedies may include, but are not limited to, disciplinary sanctions against the respondent, up to an including termination and/or expulsion (subject to state law and the Student Discipline Policy), counseling for the respondent, an escort for the complainant, ensuring that complainant and respondent do not share classes or extracurricular

activities, providing comprehensive victim services, training or retraining school employees, changes to Match's policies and/or services, etc. Any disciplinary action will be in accordance with due process rights under State law.

As indicated above, these procedures do not limit Match from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people's physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

Appeal Process

Parties may appeal the decision issued as a result of the investigation, or from Match's dismissal for a formal complaint or any allegations therein to the Board of Trustees, within fifteen (15) school days of receipt of the findings of the formal procedure or a dismissal. The decision-maker(s) for the appeal will not be the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), and/or the Title IX Coordinator. Parties may appeal on the basis of procedural deficiencies; bias or conflict of interest; newly discovered evidence; and/or other good cause.

Match will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The appeal decision-maker will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

Training

Match will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, evidence, credibility, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Match will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Match also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. These training materials will be posted on Match's website.

Records

A record will be maintained for a period of seven (7) years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process Match staff will document the basis for Match's conclusion that its response was not deliberately indifferent.

Referral to Law Enforcement, Other Agencies

Some alleged conduct may constitute both a violation of Match policies and criminal activity. The Title IX Coordinator or designee will refer matters to law enforcement and other agencies as appropriate under the law or Match policy, and inform the complainant/alleged victim of the right to file a criminal complaint.

Retaliation

Retaliation against an individual who has brought good faith allegations of sexual harassment to the attention of Match or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by Match. If a student/employee believes that the student/employee has been retaliated against in connection with any good-faith report of inappropriate conduct or harassment, the student/employee should immediately report such conduct to the Title IX Coordinator. The Title IX Coordinator and/or designee will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

In addition to the above, if you believe you have been subjected to unlawful harassment and/or retaliation you may file a complaint with either or both of the following local government agencies. Each of the agencies has a short time period for filing a claim.

United States Equal Employment Opportunity Commission
JFK Federal Building
475 Government Center
Boston, Massachusetts, 02203
800-669-4000

Massachusetts Commission Against Discrimination,
Boston office at One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108,
617-994-6000

Office of Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109
(617) 289-0111

You may also file a complaint directly with the Office of Program Quality Assurance at the Department of Elementary and Secondary Education or seek outside counsel.

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