

Title IX Policies

For any complaint brought forward alleging sexual harassment, sexual assault, stalking, interpersonal violence (e.g., dating violence), additional procedures that are in addition to the Academy's normal investigatory and disciplinary process may apply as noted below.¹

Notice of an Investigation

If it is determined that the reported conduct could trigger the Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include a description of the allegations, the identities of the parties involved, the specific section of the code of conduct allegedly violated, the conduct allegedly constituting the potential violation, and the date and location of the alleged incident, and any interim measures in place about which either party must be made aware. This written notice does not constitute a finding or a determination of responsibility. The notice will also discuss the parties' rights to advisors or support people in the process.

Designation of Investigator

The Title IX Coordinator will designate at least one internal and/or external investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the "Investigative Report"). At the Academy's discretion, more than one investigator may be assigned. All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the Academy or engaged by the Academy for the purpose of conducting investigations under the Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the "Investigator(s)"). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator's decision regarding any conflicts is final.

The Parties' Identification of Potential Witness and Documentation

The Parties have the opportunity (and are expected) to provide the Investigator(s) with the identification of potential witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the investigation phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. Failure to participate in the investigation may limit the investigation and lead to separate disciplinary charges against the non-cooperating individual.

¹ Please note that the Academy reserves the right to alter or amend this document if its federal obligations change during the academic year.

Investigation Prohibitions

Investigator(s) generally will not consider information related to either Party's sexual history outside of the conduct in question.

Review by the Parties and Adjudication

Both parties will be informed of their opportunity to review the entire Investigative Report and that they may submit written comments and/or questions about the content of the Investigative Report to the Investigator within ten (10) calendar days of the date they are notified that the Investigative Report is available for review. This review will take place at a secure location and in a secure manner determined by the Academy. The time to submit written comments can be extended for a brief period if the Title IX Officer concludes, in their sole discretion, that the additional time is warranted. In circumstances where an extension is provided to one party, it will be provided to the other party, as well. Likewise, the secure location and manner of reviewing the Investigative Report can be modified if the Title IX Officer deems it necessary and appropriate. Following this process, the Investigative Report and any additional submission made by either party will be provided to the Head of School to adjudicate the matter. The Head of School may involve others in the process at his discretion. The burden of proof is on the Academy and the standard of review is whether the preponderance of the evidence indicates that the Policy has been violated.

Duty of Honesty

All Parties and witnesses are obligated to be completely honest during the course of the entire process set forth in this Policy. Any person who knowingly makes a false statement – either explicitly or by omission – in connection with any part of the process may be subject to separate school disciplinary action. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of violation of the policy.

Duty of Cooperation

All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing the Policy and these procedures. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Policy may be subject to separate and/or additional school disciplinary action.

Supportive Measures

Non-disciplinary, non-punitive individualized services may be offered as appropriate, as reasonably available, and without fee or charge to either the Reporting Party or the Responding Party before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the Academy's educational programs or activities, and they will be designed so as not to unreasonably burden the other party. Supportive measures may include but are not limited to: counseling; academic accommodations, such as extensions of deadlines or other course-related adjustments; course changes or drops; modifications of class schedules; campus escort services; mutual restrictions on contact between the parties; residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate; leaves of absence; increased security and monitoring of certain areas of the campus; and no trespass notices, among others. Factors to be considered in determining reasonable supportive measure may include the following:

- the specific need expressed by the party;
- the severity and/or pervasiveness of the allegations;

- any continuing effects on the party;
- whether the parties share the same residence hall, dining hall, class, extracurricular activities, transportation and/or job location; and
- whether other judicial measures have been taken to protect a party or the parties.

Informal Resolution

At any time prior to the Academy's sharing of the Investigative Report, either Party may request an informal resolution of a complaint rather than an investigation by contacting the Title IX Coordinator. In such instances, the Parties will still receive written notice of the allegations, though that notice may include less information than the notice requirements set forth above. The Title IX Coordinator will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members. All Parties and the Title IX Coordinator must agree in writing to informal resolution for this option to be used. The Title IX Coordinator will designate a representative or outside service provider to facilitate a dialogue with the Parties in an attempt to reach a resolution. The Title IX Coordinator can end such a process if it becomes unproductive and/or abusive. The allegation will only be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them which is approved by the Title IX Coordinator in consultation with other appropriate administrators. Either Party may withdraw from the informal resolution process at any time. The informal resolution process will be conducted in accordance with procedures specified by the Title IX Coordinator, as determined in his/her sole discretion.