

February 8, 2018

ARCHWAY TRIVIUM EAST**Board of Directors Telephonic Meeting****Unapproved Minutes**

Date: February 28, 2018

Time: 5:00 p.m.

Location: Great Hearts Quayle Campus

A telephonic meeting of the Great Hearts Academies-Archway Trivium East Board of Directors was held at Great Hearts Quayle Campus, 3102 N. 56th Street, Suite 300, Phoenix AZ 85018, pursuant to A.R.S. 38-431.02, notice having been duly given.

I. Call to Order

Mr. Ellison called the meeting to order at 5:05p.m. The following directors/administrators were present/absent:

Directors	Office	Present	Absent	Notes
Andrew Ellison	President	X		By phone
Tom Doebler	Vice President		X	Attempted to join, 5:12 p.m.
Allen Keys	Secretary	X		By phone
Kristin Darby	Director	X		By proxy
Heidi Vasiloff	Director	X		By proxy
Jamee Twardeck	Director	X		By phone
Administration				
Heather Washburn	Headmaster, Archway Trivium East	X		By phone
Erik Twist	AZ President	X		By phone

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II. Call to the Public

Mr. Ellison made a call to the public at 5:05 p.m. There was no public present.		
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III. Approval of the Title IX Grievance Procedure for Archway Classical Academy Trivium East

Title IX Grievance Procedure attached.		Mr. Keys made a motion that Archway Classical Academy Trivium East adopt the attached Title IV Grievance Procedure, seconded by Ms. Twardeck, all members in favor, none opposed, motion passed at 5:06 p.m.
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IV. Announcements/Adjournment

		Mr. Ellison adjourned the meeting at 5:06 p.m.
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Submitted by Board Secretary, Allen Keys

-Gena McFarland, Scribe-



Title IX Grievance Procedure

Background

Title IX is a federal law that prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution. The purpose of this Grievance Procedure is to provide for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title IX. Title IX prohibits retaliation against individuals who submit grievances or participate in the resolution process.

Statement of Nondiscrimination

Archway Classical Academy – Trivium East (the “School”), a Great Hearts school, does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

Title IX Coordinator

The School has designated Jennifer Whitmire, Great Hearts HR Director, to serve as its Title IX Coordinator and to coordinate its efforts to comply with and carry out its responsibilities under federal law, including any investigation of any complaint communicated to the School alleging noncompliance with Title IX or alleging any actions which would be prohibited by Title IX. The Coordinator’s name and contact information are as follows:

Title IX Coordinator:	Jennifer Whitmire, HR Director Great Hearts 3102 N. 56th Street Phoenix, AZ 85018 602.438.7045 EXT 363
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The Title IX Coordinator may be assisted by other personnel as needed including, but not limited to, personnel in the Great Hearts Human Resources department.

Grievances alleging discrimination on the basis of sex in any School program or activity shall be handled in accordance with the following procedures:

I. Definitions

- A. **Complainant:** A complainant is a student or employee of the School or Great Hearts who submits a request for resolution of a complaint alleging discriminatory action or treatment prohibited by Title IX, including acts of sexual harassment or sexual violence.
- B. **Complaint Submission Date:** the date on which a complaint was received by the Responsible Administrator.
- C. **Day:** The calculation of days in complaint processing, except as otherwise expressly provided, shall exclude Saturdays, Sundays, and federal, state, and School holidays or closures.
- D. **Neutral and objective investigator/administrator:** an administrator or designated investigator who is not the subject of a complaint or is not a Complainant.
- E. **Respondent:** The person alleged to be responsible for the prohibited conduct alleged in a complaint.
- F. **Responsible Administrator:** The Title IX Coordinator and/or the authorized designee of the Coordinator, or an administrator designated by the Headmaster or Great Hearts CEO, as appropriate.
- G. **Sexual Harassment:** Conduct occurring between any persons, including members of the same sex, that:
- (1) is sexual in nature;
 - (2) is unwelcome; and
 - (3) denies or limits a student's ability to participate in or benefit from a school's education program or creates a hostile work environment for an employee.
 - (4) Sexual Harassment may include acts of sexual violence. Sexual Harassment is a form of sex discrimination prohibited by Title IX.
- H. **Sexual Violence:** Physical sexual acts occurring between any persons, including members of the same sex, perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age, a person's use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school

employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

- I. **Title IX of the Educational Amendments of 1972:** Federal law declaring that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Sex discrimination under Title IX includes sexual harassment and sexual violence.

II. Procedural Requirements

- A. **Time Limits:** A complaint alleging a violation of Title IX should be filed as soon as possible after the alleged violation(s). Failure to follow the timeframes outlined in the grievance procedure may result in dismissal of the complaint. A dismissal of a complaint here does not preclude a Complainant from pursuing the complaint with the appropriate external government agency. If a School representative fails to meet a deadline outlined in this procedure, the Complainant may proceed immediately to the next level of the process.
- B. **Serving Papers:** Service of any complaint, notice, or decision contemplated by this procedure is effective on the date of delivery if hand delivered, faxed, or emailed. Delivery is effective three (3) calendar days after notice is sent by first class or certified mail.
- C. **Confidentiality:** To the greatest extent possible, any complaint or proceeding under these procedures will remain confidential. There are no guarantees that information will be kept confidential, but the materials presented and any information gathered pursuant to an investigation related to a complaint will be treated as highly sensitive information that will only be disclosed in limited circumstances. Some such circumstances include, but are not limited to, the following:
1. information the School or an individual is required to report by law
 2. information shared with other administrators or those involved in an investigation to further the purposes of the investigation or stop a discriminatory practice
 3. information that is given to the respondent to ensure that the respondent may provide a substantive response

The School will take all reasonable steps to investigate and respond to a complaint in a manner consistent with the Complainant's request not to disclose his or her name, if such a request is received in writing. Such requests for confidentiality may limit the School's ability to investigate and respond to the allegations in the complaint.

Any request for confidentiality will be evaluated in connection with the School's responsibility to provide a safe, nondiscriminatory environment for all students and faculty, as well as other factors the School determines are relevant, including the Complainant's age, any circumstances suggesting there is an increased risk of future acts of harassment and/or sexual violence, and whether the School has other means to obtain the information and evidence needed for its investigation.

All parties to a grievance, including the Complainant, Respondent, and witnesses, have privacy interests and, therefore, all parties should be cautioned not to divulge or publicize the nature of the proceedings or the identity of those involved outside the scope of the investigation.

III. Grievance Procedure

A. Informal Resolution Procedure

In some cases involving conduct that is not serious or repetitive, and where disciplinary action is not required to remedy the situation, informal resolution may be appropriate. Informal resolution is **not** a precondition for filing a formal complaint, as described below.

In an informal resolution process, the School does not conduct a formal investigation, and the methods for resolving the complaint vary widely based on the nature of the allegation(s) and any agreement reached by the parties. The procedure for informal resolution is as follows:

1. A Complainant must request informal resolution within ten (10) days of the alleged incident. The School headmaster or his or her designee, in conjunction with the Title IX Coordinator, will determine whether the nature of the allegation is such that it may be resolved on an informal basis through mutual agreement.
2. The methods for informal resolution vary widely and include, but are not limited to, the following:
 - coaching the person on how to directly address a situation which is causing a problem;
 - mediating the dispute with the parties;
 - developing written behavior expectations of the alleged offender to redirect conduct;
 - assisting with the resolution of a real or perceived problem;
 - arranging a documented meeting with the alleged offender that involves a discussion of the sex discrimination and sexual harassment policies and requirements for compliance.
3. The headmaster or his or her designee shall document any informal

resolution and shall provide a copy of that document to the Complainant and the Title IX Coordinator within three (3) days of the resolution.

B. Formal complaint Procedure

Formal complaint procedures begin with the filing of a complaint either in writing, in person, or via another method. All written complaints regarding harassment or discrimination under Title IX, for students or employees, shall be submitted to:

Jennifer Whitmire, HR Director
Great Hearts
3102 N. 56th Street
Phoenix, AZ 85018
602-438-7045
jwhitmire@greatheartsaz.org

Step 1: Reporting a complaint

1. **Complaint:** A Complainant may submit a complaint by using a Complaint Form, verbally, or through other equivalent means (see Section 3, “Alternative Reporting Option,” below). The Complaint Form is the preferred method for submitting a complaint. Complaint Forms are available from the Title IX Coordinator, the HR Department, the School headmaster, or in the family handbook. A completed complaint will contain all the information requested on the Complaint Form, and may include an additional, written narrative that contains information relevant to the allegation of sex discrimination, including sexual harassment and sexual violence. In order for the School to investigate the allegations, the complaint and any written narrative must identify with reasonable particularity the Respondent(s) and any witnesses to the alleged conduct.

The complaint may be submitted to the Title IX Coordinator in person, by FAX, or as an email or email attachment. The Complaint Form or equivalent submission is the primary document used to evaluate the sufficiency of a complaint and to direct the School’s investigation. It is important that complaints in any format provide as much detail as possible regarding the alleged incident.

2. **Timeline for Filing a Complaint:** Formal complaints related to alleged sex discrimination, sexual harassment, or sexual violence by a student, employee, or third party under Title IX must be filed within **forty-five (45) days** of the alleged incident. The School may waive the 45-day filing requirement if the Complainant provides a sufficient explanation of circumstances beyond his or her control that caused him or her to delay filing the complaint. The School may also consider requests to extend the 45-day deadline if an extension request is received in writing by the Title IX Coordinator. Extensions may be granted for reasonable periods at the discretion of the Title IX Coordinator based on the specific facts of each case. The Title IX Coordinator will notify the Complainant whether the extension is granted, and if it is, the Coordinator will inform the Complainant of the new filing deadline.

3. **Alternative Reporting Option:** If the Complainant is unwilling or unable to

provide a written statement including the information set forth above, the Responsible Administrator and a witness shall conduct an oral interview where he or she will ask for such details and complete a Complaint Form that the Complainant will approve. The Complaint Form developed in the course of the oral interview will be the basis for any investigation moving forward. In the event the Complainant is a student with disabilities, the Responsible Administrator will carefully review the reporting student's IEP or 504 plan to determine what specific accommodations that child should have to aid in their reporting.

4. **Employee Reports:** Any School employee who either reasonably believes a student has been discriminated against based on sex or who receives a complaint of sex discrimination, harassment, or violence from a student must immediately submit a Complaint Form to the Responsible Administrator. This reporting obligation is in addition to the School employee's mandatory reporting obligations under Arizona law.

5. **No Retaliation:** Students, employees, or parents who make complaints in good faith shall be free from retaliation, coercion, and reprisal in seeking resolution of their complaint. Anyone acting as a witness to a complaint, in good faith, shall be free from reprisal. Retaliation is a separate violation distinct from the initial allegation about harassment or discrimination. Claims of retaliation, submitted in good faith and in writing to the Responsible Administrator, shall be investigated under these procedures. Individuals who engage in retaliation will be subject to discipline, regardless of whether there has been a finding of cause for the underlying complaint.

6. **False complaints:** Anyone who knowingly files a false or misleading complaint alleging harassment, discrimination, or retaliation is subject to appropriate disciplinary action, including, but not limited to, dismissal of the complaint. If the preponderance of the evidence supports a finding that the Complainant submitted a false or misleading complaint alleging harassment, discrimination, or retaliation, the complaint will be dismissed, and the student or employee who submitted the complaint will be recommended for discipline in a manner consistent with the School or employee handbook.

Step 2: Evaluating a complaint

1. Once a complaint is received, the Responsible Administrator will ensure that the complaint is complete and that the allegations in the complaint involve potential violations or actions that are governed by Title IX and this procedure. The Responsible Administrator will also determine whether there is sufficient information to begin an investigation and, if not, will request additional or clarifying information from the Complainant.

2. Within five (5) days after the complaint Submission Date, the Responsible Administrator shall inform the Complainant in writing that the School will begin an investigation or that the matters alleged in the complaint are not within the jurisdiction or authority of the School to investigate and that the School will not carry out any further investigation.

3. If the complaint does not allege discrimination or violations under Title IX, the

Responsible Administrator may forward the complaint to another School administrator for review, if appropriate.

Step 3: The Investigation

1. The Responsible Administrator will conduct, or oversee, an adequate, reliable, and impartial investigation of the allegations in the complaint. The investigation may be performed by any neutral party designated by the Coordinator, including an employee of the School, another Great Hearts employee, or an outside investigator. The selection of an investigator will depend on factors such as where the student is enrolled, where an employee is assigned, where the alleged incident(s) occurred, and the nature and severity of the allegations. **No one who is a party to a complaint may be involved in the investigation of that complaint.**

2. In the event that the Coordinator and Responsible Administrators are not neutral parties, the Great Hearts CEO shall designate a neutral and objective investigator to investigate the complaint and perform all the functions of the Coordinator for that particular complaint.

3. The investigator shall interview all parties identified in the complaint and other witnesses that the investigator determines may provide information relevant to resolving the complaint allegation(s). Both the Complainant and Respondent shall have the opportunity to identify witnesses to be interviewed and provide documentation or other evidence for the designated investigator to review. Failure to present information during the investigation stage may not only affect the decision, but also your right to appeal. It is important to disclose all the information you know during the course of the investigation.

4. The Responsible Administrator shall consider the evidence compiled by the designated investigator and take whatever additional actions the Responsible Administrator deems necessary to complete the investigation.

5. The Responsible Administrator will maintain documentation of all proceedings, which may include written findings of facts, transcripts, notes, or audio recordings.

6. **Interim Measures Available:** During the course of an investigation, particularly in cases of harassment, the School may implement interim measures to protect the Complainant from ongoing harassment or discrimination. These measures may include, but are not limited to, separation pending the outcome of the investigation, counseling, educational resources and support, victim advocacy, housing assistance, disability services, and health and mental health services. The Responsible Administrator should consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the Complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and alleged perpetrator share classes, transportation, or extra-curricular activities; and whether other judicial measures have been taken to protect the Complainant (e.g., civil protection orders).

7. The investigator shall complete his or her investigation within thirty (30) days after the complaint Submission Date.

8. The Responsible Administrator will notify both the Complainant and Respondent in writing when the investigation is complete.

Step 4: Notice of Resolution

1. Within ten (10) days of the notice that the investigation is complete, the Responsible Administrator shall notify both the Complainant and Respondent in writing of the results of the investigation.

2. The Responsible Administrator will consider the totality of the evidence and determine whether a preponderance of the evidence establishes that the alleged actions occurred. A preponderance of the evidence means that it is more likely than not that discrimination/sexual harassment/sexual violence occurred.

a. If the Responsible Administrator determines that the preponderance of the evidence does not support the allegations of discrimination, the Complainant may appeal the determination pursuant to Step 5, below.

b. If the Responsible Administrator determines that the preponderance of the evidence supports the allegations of discrimination by the Respondent, the Responsible Administrator shall provide written findings and conclusions supporting the determination. In addition, the written determination shall make recommendations for (i) immediately ending the discriminatory conduct; (ii) ways to remedy the discriminatory effects of any discriminatory behavior on the Complainant and, if applicable, the School's educational environment, and (iii) the steps to be taken to prevent the recurrence of any discriminatory or harassing conduct found to have occurred. The recommendations of the Responsible Administrator shall become final and shall be implemented unless either party appeals as provided in Step 5—Appeal Rights.

3. **Discipline:** As part of a Resolution, employees or students may be disciplined if it is determined through this procedure that discriminatory action, treatment, harassment, or retaliation for complaining, has occurred in violation of federal or state laws or School policies. The Responsible Administrator shall refer the matter to the appropriate School administrator to initiate disciplinary proceedings against the Respondent.

a. Students. If the recommended disciplinary consequences involve either a long-term suspension or expulsion, the student is entitled to a hearing before the School board as outlined in the School handbook.

b. Employees. If the disciplinary consequence involves termination, the employee's rights will be governed by Arizona law and School policies.

Step 5: Appeal Rights

1. Any party not satisfied with the resolution provided by the Responsible Administrator at the conclusion of Step 4 may submit an appeal to the Great Hearts CEO within five (5) days of receiving the decision. The appeal shall state with particularity the party's disagreement with the decision, the reasons for the disagreement, and how the resolution would change if the decision is reconsidered. Complainants who wish to submit an appeal not in writing should follow the process outlined in Step 1, Section 3 above for submitting an alternative form of appeal.

2. The appeal process is not meant to be an opportunity to present additional or different evidence that was available at the time of the investigation. Your decision not to present information during the investigation stage is not a ground for appeal. New information that you recently discovered or could not have known about during the course of the investigation may be a basis to reconsider the decision.

3. The Great Hearts CEO or his or her designee shall review the record of the investigation in light of the written appeal and determine whether a preponderance of the evidence supports the decision. The CEO or his or her designee shall issue a written decision and send it to the parties within ten (10) days of receiving the written appeal. The CEO's decision is final.

Step 6: Complaint with Government Agency

1. If a party is not satisfied with the final decision of the School, the party may file a complaint with the government agency tasked with enforcing Title IX, the U.S. Department of Education Office for Civil Rights ("OCR"). There are specific timelines associated with filing a complaint with a government agency. More information about filing a complaint can be found here: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf>.

2. The contact information for the OCR office that oversees Arizona is as follows:

Office for Civil Rights, *Denver Office*
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Blvd., Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695*
Fax: 303-844-4303
OCR.Denver@ed.gov