

## 2024-2025 PATHWAYS HIGH TITLE IX POLICY

### **Title IX Policy.**

Sexual harassment is prohibited in any form. Pathways will take all necessary and appropriate action to eliminate it. Individuals who violate this Policy are subject to discipline, up to and including expulsion or termination. Pathways does not discriminate on the basis of sex in the education program or activity that it operates, and is required by Title IX and 34 C.F.R. ch. 106 not to discriminate in this manner. This includes discrimination based on sex, sexual orientation, gender identity, pregnancy, and related conditions. The requirement not to discriminate in Pathways High education program or activity extends to admission (as applicable) and to employment.

### **Questions/Concerns.**

Inquiries about the application of Title IX and 34 C.F.R. ch. 106 (i.e., the federal Title IX regulations) to Pathways High may be referred to Pathways Title IX Coordinator, to the Assistant Secretary at the U.S. Department of Education, or both. Pathways has designated the following individual as the Title IX Coordinator: Dr. Steve Gerner 414-943-2891, 3022 W. Wisconsin Ave. Milwaukee WI, 53208.

### **Definitions.**

“Sexual harassment” is defined as conduct on the basis of sex that satisfies one or more of the following: a. A school employee conditioning education benefits on participation of unwelcome sexual conduct (i.e. quid pro quo); b. Unwelcome conduct that a reasonable person would find so severe or pervasive that it effectively denies a person equal access to the school’s education program or activity; or c. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

A hostile environment may be created by a single incident, by repetition of a particular type of behavior, or by a pattern of related behaviors. A hostile environment may be created not only for the targeted individual, but also for others who witness the conduct. A hostile environment may be created even if it is not the harasser’s intention to do so. The harasser may be a person of the same or opposite sex as the targeted individual. For the purposes of this policy, the sexual harassment must occur during a school educational program or activity, which includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred, whether on or off-campus. This includes but is not limited to instances of student and employee complaints.

Even if it is consensual and would not otherwise violate this Policy, a sexual relationship between staff and students under any circumstances, in or out of the workplace, is strictly prohibited. Individuals who experience sexual harassment should make it clear to the harasser that such behavior is offensive to them and they may process a complaint pursuant to this policy. There shall be no retaliation against any individual pursuing a sexual harassment complaint made in good faith. Any individual who retaliates against a complainant will be subject

to disciplinary action. Any person who believes he or she has been sexually harassed by a student, employee, or other person should report the incident(s) in accordance with the complaint procedures below. Pathways will promptly investigate the complaint and will take appropriate action based on the findings of the investigation.

### **Policy Dissemination**

- a. Every employee will receive yearly training on Title IX, reviewing the policy on Pathways High website.
- b. Each student enrolled in Pathways' instructional programs will receive a copy of the Title IX policy in the Student/Family Handbook on an annual basis.
- c. Staff will ensure that any regular volunteers are familiar with the policy.
- d. In addition to the dissemination of the written policy, each program coordinator and/or supervisor will annually inform each enrolled student and employee of the policy by making direct verbal reference to the policy and the consequences.

### **Confidentiality.**

All staff of Pathways High involved with the investigation, determination or other handling of a complaint of sexual harassment will make every effort to keep the identities of the complainant and the respondent confidential, consistent with the requirements of conducting a fair, impartial and thorough investigation, in order to protect the parties involved. However, in certain situations, it may be necessary to reveal the content and source of the complaint in order to properly investigate and resolve the complaint.

### **Complaint/Grievance Procedures and Investigations.**

The following procedures are adopted to provide for the resolution of employee, student, applicant, or volunteer complaints alleging any sexual harassment. When making a determination of responsibility, Pathways High adopts a preponderance of the evidence evidentiary standard. This standard is applied to all formal complaints of sexual harassment, whether the respondent is a student or an employee. All timelines in the complaint/grievance process are intended to be guidelines to assure that the investigation and grievance process proceeds with all deliberate efficiency. Timelines may be extended by Pathways High for good cause.

### **Step One: Reporting.**

Pathways is required to respond to all reports of sexual harassment. Any person with actual knowledge of sexual harassment that occurred in an education program or activity against a person must report the sexual harassment to the Title IX Coordinator. A report may be made either orally or in writing to the Title IX Coordinator by phone, email, mail, or in person. The Title IX Coordinator is listed below: Dr. Steve Gerner 414-943-2891, 3022 W. Wisconsin Ave. Milwaukee WI, 53208.

Upon receipt of a report of sexual harassment, the Title IX Coordinator will confidentially contact the complainant to discuss the availability of supportive measures and explain the process for filing a formal complaint. Supportive measures are individual services reasonably available that are non-punitive and non-disciplinary, that are designed to provide equal access, protect safety of complainants and respondents, and deter sexual harassment. For informal and formal resolutions, the single-investigator model may be utilized. In emergency situations involving an imminent threat to the health or safety of others, the Title IX Coordinator will also determine whether interim measures are necessary, such as the removal of a student or placing an employee on administrative leave. Such measures may be implemented regardless of whether a complaint is pending. In making such a determination, the Title IX Coordinator should consult the complainant to assess his/her position to the proposed action. If the complainant is unwilling to consent to the proposed change, the Title IX Coordinator may still take whatever actions s/he deems appropriate. For the purposes of this policy, the complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

### **Step Two: Filing a Formal Complaint.**

An individual who believes s/he has been subjected to sexual harassment hereinafter referred to as the "complainant," may file a formal complaint, either orally or in writing with the Title IX Coordinator. If the complaint is regarding the Title IX Coordinator, the complaint shall be reported to the Pathways High Board President, who shall assume the role of the Title IX Coordinator for such complaints. A formal complaint is a document written and signed by the complainant or signed by the Title IX Coordinator. The complaint should include the following information to the extent possible: The date(s) of the incident(s); A description of the incident(s); The identity of the alleged respondent; The identity of any witnesses to the alleged harassment; And the name, home address, e-mail address, and phone number of the complainant.

At the time of filing the formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of Pathways High. The Title IX Coordinator will take the complainant's wishes with respect to whether Pathways conducts a formal investigation into the allegations. The Title IX Coordinator will sign the complaint if the Title IX Coordinator determines it would be clearly unreasonable in light of the circumstances not to conduct a formal investigation. When the Title IX Coordinator determines that an investigation is necessary even where the complainant does not want such an investigation, the grievance process can proceed without the complainant's participation; however, the complainant will still be treated as a party in the grievance process. Upon receipt of a formal complaint, the Title IX Coordinator must provide written notice to the complainant and the respondent of the allegations contained in the complaint. The notice shall include: (1) A description of the allegations of sexual harassment potentially constituting sexual harassment; (2) A statement that the accused is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made after the grievance process; (3) A statement that the complainant and the respondent may have an advisor of their choice, who may be, but is not required to be, an attorney; (4) A statement that the complainant and the accused may inspect and review evidence collected during the investigation; and (5) A reference to a provision in Pathways High

Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. The Title IX Coordinator shall inform the respondent of the requirements of this policy and direct the respondent to the policy on the Pathways High website. The respondent shall be afforded the opportunity to submit a written response to the complaint. The Title IX Coordinator shall inform the respondent of the respondent's deadline to provide the Title IX Coordinator with the written response to the allegations in the complaint.

**Step Three: The Grievance and Investigation Process.**

All timelines contained in this process are approximate. However, the full process will be completed with a written determination no later than 90 days after the complaint is filed. After receipt of a formal complaint containing allegations of sexual harassment, the Title IX Coordinator will assign an investigator. The investigator shall be assigned within ten working days of receiving the complaint. The Title IX Coordinator may assign himself/herself as the investigator. The investigator shall promptly investigate the complaint. The investigation shall include an interview of the alleged harasser, witnesses identified by the complainant, and other individuals deemed appropriate by the investigator. Prior to any investigatory interviews, meetings, or hearings the investigator must send each party a written notice of the date, time, and location of such interviews or meetings. Throughout the investigation, the investigator must send the parties and their advisors all evidence directly related to the investigation, allowing the parties at least five days to respond. The parties will have an equal opportunity to present fact and expert witnesses in addition to other inculpatory and exculpatory evidence. The parties are not restricted from discussing the allegations or gathering evidence. Evidence of any party's medical, psychological, or similar records may not be accessed or used, unless the party provides voluntary, written consent to do so. Evidence regarding prior sexual history shall not be offered, unless to prove consent or someone other than the respondent committed the alleged misconduct. Within approximately fifteen working days of receiving the written complaint, the investigator shall complete the investigation and prepare an investigatory report that summarizes evidence. The investigator shall consider the response of both parties and complete the report. The report must fairly summarize the relevant evidence gathered during the investigation and make recommendations. The investigator's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The report will also identify the decision-maker who will make a determination regarding responsibility. Within fifteen business days from receipt of the investigatory report, the decision-maker (Title IX Coordinator) shall issue a final written decision as to whether the allegations of sexual harassment are substantiated, including any disciplinary sanctions or remedies imposed on the parties. A copy of the decision-maker's final decision will be delivered to both the complainant and the respondent simultaneously, and will provide information regarding the appeals process.

**Step Four: Appeal to the Pathways High Board of Directors.**

If either party is not satisfied with the resolution of the complaint, they may appeal to the Board of Directors or designee within ten working days of receiving the final decision. The appeal must be in writing and include a statement explaining why the complainant disagrees with the investigator's resolution of the complaint. The Board of Directors or designee shall review the

record and, at his/her discretion, may meet with the complainant and other individuals. Within approximately fifteen working days of receiving the appeal, the Board of Directors or designee shall determine what action to take, if any, and shall issue a written appeals determination.

Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

### **Dismissal of Complaints.**

If the conduct alleged in the formal complaint does not constitute sexual harassment under Title IX, did not occur during a Pathways educational program or activity, or did not occur in the United States, Pathways must dismiss the complaint for the purposes of Title IX. The dismissal of a formal complaint for the purposes of Title IX does not preclude Pathways High from taking action under other Pathways High policies. Pathways High may dismiss a formal complaint if the complainant informs the Title IX Coordinator in writing that s/he wishes to withdraw the complaint, if the respondent is no longer enrolled or employed by the school, or if circumstances prevent Pathways High from gathering evidence to reach a determination. In the event of a dismissal, Pathways must provide the parties written notice of the dismissal and the reasons for the dismissal.

### **Disciplinary Procedures and Retaliation.**

Individuals reporting sex discrimination and/or participating in the Title IX process are protected from retaliation. Students who engage in any form of harassment under this policy or any act of retaliation in violation of this policy shall be subject to disciplinary action, which may include dismissal and expulsion, or removal from Pathways High educational program or activity. Students who engage in harassment under this policy may be referred to the proper legal authorities. Employees who engage in any form of harassment under this policy or any act of retaliation in violation of this policy shall be subject to discipline, up to and including termination or removal from Pathways High educational program or activity. Employees who engage in harassment under this policy may be subject to having their contract or agreement with Pathways High terminated and referral to proper legal authorities. Agents or volunteers who engage in sexual harassment under this policy will be subject to having their contract or agreement with Pathways High terminated and referral to the proper legal authorities.

*NOTE: Voluntary resolution of a complaint shall not necessarily preclude disciplinary action against a harasser if such disciplinary action is necessary to ensure that the academic and work environment is free from harassment.*

### **Miscellaneous.**

Pathways High shall post this policy on their website accessible to students, staff, and members of the public. Also, this policy will be listed in the "Student/Family Handbook". This policy shall be reviewed at least annually for compliance with local, State, and Federal law. Pathways High will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with Pathways High legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

**Retention of Investigatory Records and Materials.**

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).