



Edward Hynes Charter School

Board Meeting

Reporting Documents

October 10, 2022

TITLE IX POLICY AND PROCEDURES

Hynes Charter School Corporation (HCSC) does not discriminate on the basis of sex in its education programs and activities and, accordingly, requires its staff, teachers, employees and students to abide by the requirements of Title IX of the Educational Amendments of 1972 and its implementing regulations. Sexual harassment is a form of sex discrimination and is explicitly prohibited, whether such conduct occurs on or off campus during or after school hours during or directly related to school-sponsored activities, or at a time and/or place directly related to school functions or an employee's school-related duties. It is the intent of HCSC to maintain an environment free from sexual assault and sexual harassment of any kind; therefore, this policy commands that no student shall be subjected to sexual misconduct, sexual assault or sexual harassment by other students or HCSC staff or employees. This policy shall be enforced and the accompanying procedures shall be implemented regardless of whether a complaint has been filed with or an investigation has been instituted by any law enforcement agency.

Sexual harassment occurs when: education benefits are conditioned upon participation in unwelcome sexual conduct (i.e., Quid Pro Quo); unwelcome conduct occurs that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; and/or sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Title IX requires HCSC to take steps to prevent and remedy two forms of sex-based harassment: sexual harassment (including sexual violence) and gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Title IX also prohibits gender-based harassment, which is unwelcome conduct based on a student's sex, or harassing conduct based on a student's failure to conform to sex stereotypes.

Sex-based harassment can be carried out by school employees, other students, and third parties. All students can experience sex-based harassment, including male and female students, LGBT students, students with disabilities, and students of different races, national origins, and ages. Title IX protects all students from sex-based harassment, regardless of the sex of the parties, including when they are members of the same sex.

Sex-based harassment creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program. When a school knows or reasonably should know of possible sex-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the school must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Questions regarding Title IX may be referred to the U. S. Department of Education, Office of Civil Rights (OCR) or to HCSC's Title IX Coordinators.

HCSC's Title IX Personnel consist of the following individuals:

Title	Name	Contact Information
Coordinator Hynes-Lakeview	Margo Johnson (H-LV)	Email: margo.johnson@hynesschool.com Office phone: (504) 324-7160
Coordinator Hynes-UNO	Dana Clark-Williams (H-UNO)	Email: dana.clark-williams@hynesschool.com Office phone: (504) 359-7700
Coordinators Hynes-Parkview	Tiffany Vega-Dermody Ashlyn Williams (H-PV)	Email: tiffany.vega-dermody@hynesschool.com Email: ashlyn.williams@hynesschool.com Office phone: (504) 766-0299
Investigator Hynes-Lakeview	Dawn Lobell (H-LV)	Email: dawn.lobell@hynesschool.com Office phone: (504) 324-7160
Investigator Hynes-UNO	Brittany Smith (H-UNO)	Email: brittany.smith@hynesschool.com Office phone: (504) 359-7700
Investigator Hynes-Parkview	Terri Williams (H-PV)	Email: terri.williams@hynesschool.com Office phone: (504) 766-0299
Decision Maker	Shawn Persick (HCSC)	Email: shawn.persick@hynesschool.com Office phone: (504) 359-7700
Appeal Person	Michelle Douglas (HCSC)	Email: michelle.douglas@hynesschoool.com Office phone: (504) 324-7160
Alternates and Informal Resolution Person	Jeannine LaFonta (HCSC)	Email: jeannine.lafonta@hynesschool.com Office phone: (504) 324-7160

DEFINITION OF SEXUAL HARASSMENT

1. Sexual assault or sexual harassment is unwelcome conduct of a sexual nature.

2. Sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when at least one (1) of the following occurs:
 - a. Submission to such conduct is made, either implicitly or explicitly, a term or condition of the student's grades, academic status, or progress or is used to deprive the student of access to the educational opportunities and benefits provided by the HCSC.
 - b. Submission to or rejection of such conduct is used as the basis for academic or other school-related decisions affecting the student.
 - c. Such conduct of a sexual nature is sufficiently severe, persistent, or pervasive and has the purpose or effect of unreasonably interfering with the student's academic performance or of creating an intimidating, hostile, or offensive educational environment for the student.
3. Extended Definition of Sexual Harassment which may include but is not limited to:
 - a. Verbal harassment or abuse;
 - b. Uninvited letters, telephone calls, or materials of sexual nature;
 - c. Uninvited or inappropriate leaning over, cornering, patting or pinching;
 - d. Uninvited sexually suggestive looks or gestures;
 - e. Intentional brushing against a student's or school employee's body;
 - f. Uninvited pressure for dates;
 - g. Uninvited sexual teasing, jokes, remarks or questions;
 - h. Any sexually motivated unwelcome touching;
 - i. Any conduct resulting in an intimidating, hostile or offensive educational environment; or
 - j. Attempted or actual rape or sexual assault or sexual battery.

NO RETALIATION

Retaliation of any nature against any student or teacher, staff, or employee who makes a report or complaint or who participates in any investigation under this policy is a serious violation of HCSC's sexual harassment policy. Such retaliation is considered an act of sexual discrimination itself; therefore, reports and complaints of such retaliation are handled in the same manner as those of sexual harassment. A reference to "sexual harassment" in this policy and the related procedures shall also include retaliation. As such, retaliation against any employee or student who brings sexual harassment charges or who assists in investigating such charges shall be prohibited. Any employee or student

bringing a sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected, discriminated against or punished because of the complaint.

VIOLATIONS

1. Students and employees are encouraged and expected to immediately report incidences of alleged sexual discrimination or harassment and/or retaliation in accordance with these regulations and procedures.
2. A report or complaint – written or verbal – of an alleged violation of this policy must be sufficiently clear and explicit so that it can be recognized as a legitimate report of sexual discrimination or harassment or retaliation. This means that a report or complaint must, at a minimum, include: (1) a description of an alleged act of sexual discrimination or harassment or retaliatory conduct, including the date, time, and place it allegedly occurred; (2) identity of the alleged victim; (3) identity of the alleged harasser; and (4) identity of the reporting person.
3. All alleged violations of this policy shall be handled seriously and according to these regulations and procedures.
4. Discipline/Consequences.
 - a. Any student who is determined to have engaged in a sexual assault, sexual discrimination or harassment or retaliation against another individual in violation of this policy may be subject to disciplinary action, up to and including expulsion.
 - b. Any employee who is determined to have permitted, engaged in, or failed to report sexual assault, sexual harassment or retaliation in violation of this policy and the related procedures may be subject to disciplinary action, up to and including termination.

ENFORCEMENT

Each Principal, staff member, and teacher has the responsibility of taking such reasonable steps necessary and practicable to maintain a work environment and educational environment free of sexual assault and sexual discrimination or harassment. Such steps shall include implementation of the following:

1. All teachers, other staff members, and all employees shall cooperate, as needed, in any formal and informal investigations instituted under this policy. The Title IX Investigator is responsible to investigate any report of sexual discrimination or harassment involving student on student in coordination with the Title IX Coordinator. Reports involving an employee shall also be immediately reported to the Title IX Coordinator.
2. All principals, administrators and staff in charge of discipline of students shall, in accordance with policy and law, take such disciplinary action against any student found to be in violation of the sexual harassment policy as may be appropriate under the circumstances.

3. Within the first week of school each school year, the Title IX Coordinator through each Principal or Building Site coordinator shall ensure that an in-service program addressing the sexual harassment policy and procedures is provided for all teachers, staff and employees.
4. During orientation at the beginning of each school year or at the time of a new student's enrollment, the Principal of the school shall ensure that instruction about sexual harassment, HCSC School policy, and its procedures are provided to students.
5. Teachers, counselors, and administrators shall instruct students on the sexual assault, dating violence, or sexual harassment report and complaint procedures within the educational setting on an as-needed basis.
6. The Title IX Coordinator shall ensure that the sexual assault, dating violence, or sexual harassment policy and procedures are provided to all students, parents, and employees by:
 - a. Including a restatement of the policy and procedures in the student handbook;
 - b. Posting an age-appropriate restatement of the policy against sexual assault and sexual harassment, the report and complaint procedures, and notice of the Title IX Coordinator at visible and accessible sites for students, for parents, and for employees;
 - c. Making a copy the complete policy and procedures available on request for students, parents, and employees at the school office and the central office; and
 - d. Maintaining the policy and procedures on HCSC website.

****THE TITLE IX COORDINATOR FOR HYNES CHARTER SCHOOL CORPORATION IS:**

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Coordinator Hynes-Lakeview	Margo Johnson (H-LV)	Email: margo.johnson@hynesschool.com Office phone: (504) 324-7160
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APPEAL OF TITLE IX FINDING

Any appeal or grievance related to a Title IX Investigation shall be sent in writing to HCSC Chief Executive Officer (CEO), Michelle Douglas, at the following address: 990 Harrison Avenue, New Orleans, Louisiana 70124 and emailed to: michelle.douglas@hynesschool.com. In reviewing the decision, the CEO of HCSC may uphold, modify, or reverse the decision of the Title IX Coordinator; however, the CEO of HCSC's review of the Title IX Investigation findings is final.

GRIEVANCE PROCEDURE

A. Basic Elements of the Formal Grievance Procedure

The following are all components of Hynes' grievance process:

1. Treat complainants and respondents equitably by providing remedies to a complainant after a determination of responsibility for sexual harassment has been made against a respondent, and by following this grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to Hynes' education program or activity. Remedies may include supportive measures but may also include punishing respondent.
2. Provide an objective evaluation of all available evidence without making credibility determinations based on a party's status as complainant, respondent, or witness.
3. The Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal process must not have a conflict of interest or bias for or against complainant or respondent. Training is provided for these individuals on definition of sexual harassment, scope of Hynes' program or activity, how to conduct an investigation and grievance process, hearings, appeals and informal processes. Investigators are trained on how to prepare an investigation report. Decision-makers are trained on issues of evidence and questioning. In the event of a potential conflict of interest or bias, Hynes' Title IX Coordinator may designate a neutral third party to fulfill the role of investigator, decision maker, or appeal decision maker, as appropriate.
4. There is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the grievance process.
5. Reasonably prompt time frames for completing the grievance process, including a process for delays such as law enforcement involvement, absence of a witness, party, etc. with written notice to both parties explaining the reasons for the delay. Hynes anticipates that any Title IX Formal Grievance Procedure shall take approximately 30 days from initiation of a formal complaint to resolution.

6. Identify possible disciplinary sanctions and remedies that may be implemented. Hynes' remedies may include disciplinary action up to and including suspension or termination of employment (if an employee) and suspension or expulsion (if a student). Hynes further adopts the disciplinary sanctions set forth in its disciplinary policy in the Student Handbook.
7. Hynes has adopted the preponderance of the evidence standard to determine responsibility.
8. Provide procedures and permissible reasons for appeal by a respondent or a complainant, which can be found below and in the Hynes' Title IX Policy.
9. Provide a description of the range of supportive measures available to complainants and respondents, which can be found in Hynes' Title IX Policy.
10. Disallow evidence or questions that constitute or seek legally privileged information, unless the privilege is waived.

B. Written Notice

1. Hynes provides a written notice to all known parties upon receipt of a formal complaint. The Notice includes all of the following:
2. Notice of the grievance process, including any informal resolution process;
3. Notice of the allegations potentially constituting sexual harassment as defined in Title IX with sufficient details (names, dates, conduct, location, etc.) to allow the respondent to prepare a response before any initial interview;
4. A statement that the respondent is presumed not responsible for the conduct and responsibility will be determined at conclusion of grievance process;
5. Notice of the parties' right to have an advisor (may be an attorney) and to inspect and review evidence, and that
6. The code of conduct prohibits knowingly making false statements or providing false information in the grievance process.

C. Dismissal

1. A complaint must be dismissed if the allegations do not constitute sexual harassment as defined, did not occur in Hynes' program or activity, or did not occur against a person in the United States.
2. A complaint may be dismissed if complainant notifies the Title IX Coordinator at any time that he/she wishes to withdraw the complaint or an allegation, if the respondent's enrollment or employment ends, or if specific circumstances prevent Hynes from

gathering evidence (e.g. passage of several years between complaint and alleged conduct, non-cooperation of complainant, etc.).

3. Notice of dismissal must be provided to both parties, including the reasons for dismissal.

D. Consolidation

1. Where allegations arise out of the same facts or circumstances, formal complaints can be consolidated against more than one respondent, by more than one complainant against one of more respondents, or by one party against another party.

E. Investigation

Hynes' investigative process:

1. Ensures that the burden of proof and gathering evidence rests on Hynes rather than the parties (note: certain treatment records cannot be obtained without voluntary, written consent; also parent consent may be sought under FERPA if applicable);
2. Provides an equal opportunity for the party to present witnesses and evidence;
3. Does not restrict either party's ability to discuss the allegations or gather and present evidence;
4. Provides the same opportunity to have others present during interviews or other proceedings, including an advisor (who may be an attorney) and ensures that any restrictions on advisor participation apply equally to both parties;
5. Provides written notice to a party who is invited or expected to attend and includes, the date, time, participants, purpose, and location of any investigative interview or other meeting with enough time to allow the party to prepare to participate
6. Provides both parties and their advisors, if any, an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint, including evidence on which Hynes does not intend to rely and any exculpatory or inculpatory evidence from any source. This evidence must be provided prior to the completion of the final investigative report and in time to give the parties at least 10 days to submit a written response, which investigator must consider before completing the investigation report; and
7. Includes preparation of a written investigation report that fairly summarizes the relevant evidence. This report will be provided to the parties and their advisors at least 10 days before a determination of responsibility for review and written response.

F. Hearings and Written Questions

No hearing is required in K-12 educational institutions. School officials may determine that hearings will be held in certain circumstances. With or without a hearing, after Hynes has sent the investigative report to the parties and before reaching a determination regarding responsibility the decision-maker must provide each party the opportunity to submit written, relevant questions that the party wants asked of another party or witness, provide each party with the answers, and provide for limited follow-up questions. Hynes reserves the right to provide restrictions on the number of questions and certain types of questions related to the complainant.

G. Determination of Responsibility

The decision-maker cannot be the investigator or the Title IX Coordinator. The decision-maker issues a written determination of responsibility that:

1. Identifies the allegations that potentially constitute sexual harassment as defined in the amendments;
2. Describes Hynes' procedural steps taken from the receipt of the complaint to the determination;
3. Includes findings of fact supporting the determination;
4. Includes conclusions regarding application of the code of conduct to the facts;
5. Includes a statement of, and a rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions imposed upon the respondent, and whether remedies to restore or preserve equal access to Hynes' education program or activity will be provided to the complainant; and
6. Includes procedures for appeals.

H. Appeals

1. Both parties have the right to appeal a determination of responsibility or Hynes' dismissal of a complaint or any allegations for the following:
 - i. A procedural irregularity that affected the outcome;
 - ii. New evidence that was not reasonably available at the time of the determination regarding responsibility and could affect the outcome; or
 - iii. Conflict of interest on the part of the Title IX Coordinator, investigator, or decision-maker that affected the outcome
2. Hynes will ensure that written notice is provided to both parties of the appeal and provide both parties an equal opportunity to submit a written statement in support of, or challenging, the determination.

3. A written decision of the appeal will be provided to both parties simultaneously.
4. The decision-maker for the appeal (the appeal decision-maker) cannot be the Title IX Coordinator, the investigator or the initial decision-maker.

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****How and why did you select your Title IX Personnel Team?**

The Chief Executive Officer and Counsel for the Hynes Charter School Corporation reviewed the requirements of the Title IX Policy and collaborated on the roles, responsibilities, and training of all members of the HCSC Title IX team.

****What will be your procedure for selecting and noticing Alternative Team members?**

Alternative team members will serve in a Title IX investigation in the event that another team member is unable to serve due to illness, conflict of interest, or other such conflict. HCSC is committed to assuring an adequate, reliable, and impartial investigation.