



*First here, then anywhere.*

## **TITLE IX COMPLIANCE POLICY STATEMENT**

In compliance with Title IX of the Education Amendments of 1972, the Allendale Columbia School (“the School”) does not discriminate on the basis of sex in the educational programs and activities which it operates, including employment, admissions, recruitment and referrals. If an employee or student believes that he or she has been discriminated against in violation of Title IX, please reference the School’s Title IX Grievance Procedures below. **The Grievance Procedures are also available on the School’s website and in each Division Heads Office, as well as on request from the School’s Headmaster’s & Business Office.**

For more information about Title IX, please contact the following individuals:

**Title IX Coordinator:**

Seth Hopkins, (585)641-5254, [shopkins@allendalecolumbia.org](mailto:shopkins@allendalecolumbia.org)

**Title IX Complaints (students):**

Lower School: Michelle Feiss, (585) 641-5223, [mfeiss@allendalecolumbia.org](mailto:mfeiss@allendalecolumbia.org)

Middle School: Tina Duver, (585) 641-5259, [tduver@allendalecolumbia.org](mailto:tduver@allendalecolumbia.org)

Upper School: Phil Schwartz, (585) 641-5237, [pschwartz@allendalecolumbia.org](mailto:pschwartz@allendalecolumbia.org)

**Employee Issues:**

Christina Lacagnina, (585) 641-5211, [clacagnina@allendalecolumbia.org](mailto:clacagnina@allendalecolumbia.org)

## **GRIEVANCE PROCEDURES**

**PURPOSE:** The purpose of these procedures is to secure, at the lowest possible level, prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX of the Education Amendments of 1972 ("Title IX"), and in violation of School policies that prohibit these types of discrimination. These procedures apply only to complaints alleging discrimination prohibited by Title IX (including sexual harassment and sexual violence). These procedures shall be available in every division head office, headmasters office, as well as the business office, posted on the School's website, and included in student handbooks.

### **I. DEFINITIONS**

A. "Complainant" - A complainant is a student or employee of the School who submits a complaint alleging discriminatory action or treatment prohibited by Title IX, including acts of sexual harassment or sexual violence.

B. "Respondent" - the person alleged to be responsible for the prohibited conduct alleged in a complaint.

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. "Title IX" of the Educational Amendments of 1972 - 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.

E. "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. Sexual Harassment may include acts of sexual violence. Sexual Harassment is a form of sex discrimination prohibited by Title IX.

F. "Sexual Violence" - Physical sexual acts occurring between any persons, including members of the same sex, perpetrated by against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student 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.

G. "Complaint Submission Date" - the date on which a complaint was received by a Responsible Administrator.

H. "Responsible Administrator" - The individuals identified above in the Title IX Compliance Policy Statement: Head of School, Division Heads, Title IX Coordinator, and the CFO, and the authorized designee of these individuals, as appropriate.

I. "Neutral and objective investigator/administrator" - an administrator or designated investigator, including outside legal counsel, who is not the subject of a complaint or is not a Complainant.

### **II. PROCEDURAL REQUIREMENTS**

A. Time Limits. A complaint under this procedure should be filed as soon as possible after the time of occurrence of the alleged violation(s) of Title IX. Failure of a complainant or appellant to comply with any time limitation in the complaint procedure may result in dismissal of the complaint and/or denial of the appeal. Dismissal shall not preclude the individual's right to pursue the complaint through other appropriate external agencies. If a School representative fails to comply with any time limitation in the complaint procedure, the Complainant may immediately proceed to the next level permitted by these Procedures.

B. Service. Service of any notice or decision provided for under this procedure shall be deemed effective on the person served as of the date of delivery, if personally served, faxed or emailed, or effective three (3) calendar days of deposit by first class mail if delivered by mail.

C. Confidentiality.

1. Confidentiality will be maintained to the greatest extent possible. Any information gathered during an informal procedure may be used during a formal procedure, if initiated. While there can be no assurance of complete confidentiality, complaints under this procedure will be treated as sensitive information not to be shared with others except in limited circumstances. Examples of exceptions to maintaining confidentiality include: • information the law requires to be reported. • information imparted to others in supervisory positions in order to further an investigation or halt a discriminatory practice. • information given to the respondent in order to have sufficient information to respond to the allegations.

2. The School will take all reasonable steps to investigate and respond to a complaint consistent with a request by the complaining party not to disclose his/her name. However, such requests for confidentiality may limit the School's ability to adequately investigate and respond to the allegations raised in the complaint.

3. Requests for confidentiality, therefore, will be evaluated in the context of the School's responsibility to provide a safe and nondiscriminatory environment for all students, and the request will be weighed against whatever factors the School deems relevant, including, without limitation: the complainant's age; circumstances that suggest there is an increased risk of future acts of harassment and/or sexual violence under similar circumstances; and whether the School possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

4. 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. INFORMAL AND FORMAL PROCESSES

A. INFORMAL RESOLUTION PROCESS: Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. All parties must voluntarily agree to participate in an informal process and the School must determine that informal resolution is appropriate under the circumstances. No formal investigation is involved in the informal resolution process.

1. A request for informal resolution should be made as soon as practicable following the date of the alleged incident. The Head of the School building, or his or her designee, shall determine whether the nature of the problem is such that it is likely to be resolved on an informal basis.

2. Methods for informal resolution may include, but are not limited to, coaching the person on how to directly address a situation which is causing a problem; mediation; developing written behavior expectations of the alleged offender to redirect conduct; assisting with the resolution of a real or perceived problem; or 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 Head of the School building, or his or her designee, shall document any informal resolution, and a copy of such documentation shall be forwarded to the Title IX Coordinator or Head of School within **three (3) days** of resolution.

B. FORMAL COMPLAINT PROCEDURES: Written complaints are encouraged but are not required. A complaint that includes allegations that fall within the purview of this policy will result in the initiation of the formal complaint procedures, absent agreement to proceed with informal resolution. All written complaints regarding harassment or discrimination of students or employees in violation of Title IX shall be submitted to:

For students:

- Lower School: **Michelle Feiss, (585)641-5223,**  
[mfeiss@allendalecolumbia.org](mailto:mfeiss@allendalecolumbia.org)
- Middle School: **Tina Duver, (585)641-5259,**  
[tduver@allendalecolumbia.org](mailto:tduver@allendalecolumbia.org)
- Upper School: **Phil Schwartz, (585)641-5237,**  
[pschwartz@allendalecolumbia.org](mailto:pschwartz@allendalecolumbia.org)
- For employees: **Christina Lacagnina, (585)641-5211,**  
[clacagnina@allendalecolumbia.org](mailto:clacagnina@allendalecolumbia.org)

#### Step 1 - Reporting Complaints

(a) The Complainant may obtain a complaint form from the Title IX Coordinator, headmaster, division head, or the business office. A complaint form also may be copied from myAC or Paylocity. The Complainant may attach a written narrative to the complaint form explaining the nature of the complaint. The complaint form or narrative shall contain information that describes the conduct that has violated prohibitions against sex discrimination, including sexual harassment and sexual violence, and identify with reasonable particularity the respondent(s) and any witnesses to the alleged conduct. A copy of the complaint form is attached below.

(b) If the Complainant is unwilling or unable to provide a written statement including the information set forth above, but nonetheless expresses an intent to file a written complaint or otherwise pursue the complaint, the Responsible Administrator shall ask for such details in an oral interview and file a written complaint on behalf of the Complainant. 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 such written complaint.

(c) 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 (or staff member on behalf of a student) through informal verbal communication or other means (such as email) shall immediately report the incident to the Title IX Coordinator. The Title IX Coordinator and/or Responsible Administrator shall then determine whether the allegations fall within the scope of this policy. If they do, an investigation shall be commenced and the Title IX Coordinator shall determine whether or not interim measures must be implemented.

(d) In the event that the incident meets the definition of sexual violence as set forth above, the Title IX Coordinator and/or Responsible Administrator shall:

1. Report the incident to local law enforcement officials; and

2. (d) In the event that the incident meets the definition of sexual violence as set forth above, the Title IX Coordinator and/or Responsible Administrator shall report the incident to local law enforcement officials pursuant to school procedures.;

(e) The Title IX Coordinator and Responsible Administrator shall preserve any evidence of the incident, including, without limitation, incident reports, text messages, images, postings on social media and available video recordings from security cameras. The above requirements are not intended to limit any School employee's right to file a written complaint pursuant to these Procedures if that individual so chooses.

### Step 2 - Determining Applicability of the Procedures

The Title IX Coordinator or Responsible Administrator shall initially review the complaint to determine whether the allegations fall within the scope of this policy and whether interim measures need to be implemented. Within ten (10) days after the Complaint Submission Date, the Responsible Administrator shall initiate an investigation of the matters alleged or inform the Complainant in writing that the matters alleged in the complaint are not within the scope of this policy and will not be investigated pursuant to same, or are not within the jurisdiction or authority of the School to investigate. If the matter does not involve allegations of discrimination within the scope of this policy the Responsible Administrator may nonetheless forward the matter to the proper School authority for review, if appropriate.

### Step 3 - Investigation

(a) The Responsible Administrator shall oversee that an adequate, reliable and impartial investigation of the complaint is conducted. The investigation may be conducted by the Responsible Administrator, his or her designee, or outside legal counsel, as appropriate. In no case shall the investigator be a party to the complaint.

(b) In the event that the Responsible Administrator or his or her designee is not a neutral party, the Responsible Administrator shall designate a neutral and objective party to oversee, conduct and/or assist in the investigation, as appropriate under the circumstances.

(c) In conducting the investigation, the designated 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.

(d) Prior to the initial interview, Respondent(s) shall be provided written notice of the allegations with sufficient detail so as to allow the Respondent(s) to prepare a response before any initial interview. Sufficient details include the identities of the parties involved, any particular rules allegedly violated, the conduct that is alleged to constitute a violation, and the date and location of the alleged incident(s). Each party should receive written notice in advance of any interview with sufficient time to prepare for meaningful participation.

(e) Upon completion of the investigation, the investigator's findings should be submitted to the Responsible Administrator in a written report absent extenuating circumstances. The report shall include both exculpatory and inculpatory evidence. Any notes, memoranda or other records created by the School or its investigator shall be deemed confidential and privileged to the extent allowed by law.

(f) 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.

(g) The Responsible Administrator will maintain documentation of all proceedings.

#### Step 4 - Notice of Resolution

(a) Notice.

(i) Prior to rendering a final determination, the parties shall be provided an opportunity to respond in writing to any information used by the Responsible Administrator, including any investigation report, in rendering his or her determination.

(ii) In most circumstances, the Responsible Administrator will notify both the Complainant(s) and Respondent(s) in writing within sixty (60) days from the Complaint Submission Date of his or her final determination.

(b) Written Determination. The Responsible Administrator shall consider the totality of the evidence and determine whether the preponderance of the evidence establishes that the alleged discrimination occurred (i.e., it is more likely than not that discrimination/sexual harassment/sexual violence occurred).

(iii) The Responsible Administrator shall notify the parties of his or her final determination in writing. If the parties are students under the age of 18, the notice should also be provided to the students' parent/guardian. The written determination shall also include, as applicable, the remedies offered to the Complainant(s), any sanctions imposed on the Respondent(s) that directly relate to the Complainant(s), the rationale for the final determination and any sanctions imposed, and if a hostile environment was found to exist, the steps that the School will take to eliminate the hostile environment. Any sanctions imposed shall be proportionate to the offense and consistent with any applicable code of conduct, policies or rules of the School. Sanctions may be imposed by the Responsible Administrator who conducts or oversees the investigation, or by another individual to whom the Responsible Administrator delegates that responsibility. The Responsible Administrator's written determination shall be final and binding.

#### **IV. DISCIPLINE**

Employees and 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 or rules.

## **V. NO RETALIATION**

A. Students, employees or parents who make complaints in good faith, shall be free from retaliation, coercion, and reprisal in seeking resolution of their complaint. Furthermore, persons acting as witnesses to a complaint, in good faith, shall be free from reprisal.

B. Retaliation is a separate violation distinct from the initial underlying harassment or discrimination allegation. Claims of retaliation, submitted in good faith and in writing to the Responsible Administrator, shall be investigated pursuant to these procedures. Individuals who are found to have engaged in retaliation will be subject to discipline up to and including expulsion and/or termination, regardless of whether there has been a finding of cause for the underlying complaint.

## **VI. FALSE COMPLAINTS**

Individuals who knowingly file a false or misleading complaint alleging harassment, discrimination or retaliation will be subject to appropriate disciplinary action and the complaint will be dismissed.

## **VI. RELATIONSHIP OF THESE PROCEDURES AND TIMELINES TO LAW ENFORCEMENT ACTIVITIES**

A. Nothing in these Procedures should in any way be deemed to discourage the Complainant from reporting acts subject to these Procedures, including acts of sexual violence, to local law enforcement. In the event that the Complainant files a criminal complaint, the Responsible Administrator should not wait for the conclusion of a criminal investigation or criminal proceeding to begin the School's own Title IX investigation.

B. Although the School may need to delay temporarily the fact-finding portion of a Title IX investigation while local law enforcement officials are gathering evidence, it is important for the Responsible Administrator to understand that during this brief delay in the Title IX investigation, the School may need to take interim measures to protect the Complainant in the educational setting. The School should also continue to update the parties on the status of the investigation and inform the parties when the School resumes its Title IX investigation.

## **VII. INTERIM MEASURES PENDING FINAL DETERMINATION OF THE COMPLAINT**

A. Title IX requires the School to take steps to ensure equal access to its education programs and activities and protect the Complainant(s) as necessary, including taking interim measures before the final outcome of an investigation. The School should take these steps promptly when necessary once it has notice of a sexual harassment or sexual violence allegation. The Title IX Coordinator or Responsible Administrator should notify the Complainant of his or her options to avoid contact with the alleged perpetrator and allow the Complainant to change academic and extracurricular activities, as appropriate. They should also ensure that the Complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to local law enforcement.

B. The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The Title IX Coordinator or 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 the class, transportation, or extra-curricular activities; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders). In deciding which interim measures to implement, they must also make every effort to avoid interference with either parties' education. Where interim measures are implemented, the Title IX Coordinator or Responsible Administrator shall communicate periodically with both parties during the investigation to assess whether the interim measures are effective or no longer needed.



**TITLE IX FORMAL COMPLAINT FORM**

**PURPOSE:** The purpose of the Title IX grievance procedures is to secure, at the lowest possible level, prompt and equitable resolutions of complaints based on sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX of the Education Amendments of 1972 ("Title IX") and violation of School policies that prohibit these types of discrimination. These procedures apply only to complaints alleging discrimination prohibited by Title IX (including sexual harassment and sexual violence).

**INSTRUCTIONS:** Individuals alleging Title IX discrimination and requesting review should complete this form and submit it to the appropriate administrator as soon as possible after the occurrence of the alleged discrimination.

**Title IX Coordinator:** Seth Hopkins, (585)641-5254, shopkins@allendalecolumbia.org

**Title IX Complaints (students):**

**Lower School:** Michelle Feiss, (585)641-5223, mfeiss@allendalecolumbia.org

**Middle School:** Tina Duver, (585)641-5259, tduver@allendalecolumbia.org

**Upper School:** Phil Schwartz, (585)641-5237, pschwartz@allendalecolumbia.org

**Employee Issues:** Christina Lacagnina, (585)641-5211, clacagnina@allendalecolumbia.org

1. Name of Complainant: \_\_\_\_\_

Home Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_ Home Phone \_\_\_\_\_

School/Office: \_\_\_\_\_ Grade: \_\_\_\_\_

2. Nature of Grievance: Please describe the action you believe may be sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX and identify with reasonable particularity any person(s) you believe may be responsible. Please attach additional sheets, if necessary:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. When did the actions described above occur?  
\_\_\_\_\_

4. Are there any witnesses to this matter? (Please circle) Yes No

If yes, please identify the witnesses:  
\_\_\_\_\_  
\_\_\_\_\_

5. Have you spoken to any administrator(s) or other School employee(s) about this matter? (Please circle) Yes No

If yes, please identify the administrator or employee: \_\_\_\_\_

Date: \_\_\_\_\_

Method of communication: \_\_\_\_\_

Please describe the substance and result of that discussion:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE ATTACH ANY STATEMENTS, NAMES OF WITNESSES, REPORTS, OR OTHER DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR COMPLAINT. PLEASE ATTACH ADDITIONAL PAGES SHOULD YOU REQUIRE MORE SPACE TO RESPOND TO ANY OF THE ABOVE QUESTIONS.**

*I certify that the foregoing information is true and correct.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name