

## Williston Northampton School

### TITLE IX GRIEVANCE PROCEDURES

In compliance with Title IX of the Education Amendments of 1972 (“Title IX”), Williston Northampton School (the “School”) does not discriminate on the basis of sex in its educational programs and activities, recruitment, admissions, course offerings, financial aid, athletics, or employment.

The School has adopted a Title IX Policy and these Title IX Grievance Procedures which apply to all students, employees, volunteers, independent contractors, vendors, and members of the School community. The Title IX Policy and Grievance Procedures shall apply to conduct that occurs on the School’s campus, at School-sponsored events, and to events on or off campus that have sufficient ties to the School.

The purpose of this document is to outline the steps the School will take to provide the prompt and equitable and reliable resolution of student and employee complaints under the School’s Title IX Policy. These procedures apply only to complaints alleging sex-based discrimination and/or sexual harassment prohibited by Title IX and as outlined in the School’s Title IX Policy. For all other complaints, please consult the relevant policies in the School’s *Student and Parent Handbook*, as applicable.

#### **Sexual Harassment**

The School prohibits sexual harassment by students, employees, or third parties when the conduct is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the School’s educational programs and activities; submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of admission or employment or the basis for an admission or employment decision; or such conduct has the purpose or effect of unreasonably interfering with performance or creating an intimidating, hostile, humiliating, or sexually offensive learning or work environment.

Title IX prohibits several types of sexual harassment. For the purposes of these grievance procedures, sexual harassment is defined as conduct on the basis of sex that satisfies one of the following: (i) a school employee conditioning education or employment benefits on participation in unwelcome sexual conduct (*i.e.*, *quid pro quo* harassment); (ii) unwelcome conduct 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; or (iii) sexual assault, dating violence, domestic violence, or stalking. All of these types of sexual harassment are forms of sex-based discrimination prohibited by Title IX.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove that sexual harassment occurred, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may constitute sexual harassment.

Sexual harassment may occur between students, between students and employees, between employees, between students and third parties, and between employees and third parties, regardless of the gender of the victim and harasser.

#### **Complaint Process**

All complaints regarding sex-based discrimination and/or sexual harassment experienced by students or employees in violation of Title IX shall be submitted to the School’s Compliance Coordinators:

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### For complaints regarding students:

Kathryn Noble  
Dean of Students  
19 Payson Avenue, Easthampton, MA 01027  
413-529-3266  
knoble@williston.com

### For complaints regarding adults or employees:

Kathy Ouimette  
Director of Human Resources  
19 Payson Avenue, Easthampton, MA 01027  
413-529-3251  
kouimette@williston.com

### Step 1: Reporting Complaints

Complaints may be reported in person, by mail, by telephone, or by e-mail, by submitting the School's Title IX Complaint Form to the Compliance Coordinator, or any other means that results in the Compliance Coordinator receiving the person's verbal or written report. The Title IX Complaint Form may be obtained on this website or from the Compliance Coordinators or the Head of School.

The complaint, whether reported orally or in writing, shall contain information that describes the conduct that has allegedly occurred and caused the violation of the School's policy and Title IX prohibitions against sex-based discrimination and/or sexual harassment and identifies the complainant, respondent(s), and any witnesses to the alleged conduct.

Complaints may be reported by employees or students (or on their behalf) as detailed above. While the School encourages the reporting individual to reveal his or her name to facilitate investigation, complaints reported anonymously will be investigated to the fullest extent possible under the circumstances.

### Step 2: Determining Applicability of Procedures

Upon receipt of a complaint, the Compliance Coordinator will review the information provided to determine whether the matter falls within the scope of these procedures. Within ten (10) days after receipt of a complaint, the Compliance Coordinator will either begin an investigation or inform the complainant in writing that the conduct alleged in the complaint is not within the scope of these procedures and an investigation will not be conducted. If the matter does not involve allegations of sex-based discrimination or sexual harassment within the scope of these procedures, the Compliance Coordinator will forward the matter to the appropriate School administrator to handle a review in accordance with applicable School policies and procedures.

### Step 3: Investigation

If the complaint falls within the scope of these procedures, the Compliance Coordinator will initiate an investigation. The Compliance Coordinator may conduct the investigation or designate other school employees or an external investigator (the "Investigator") to assist with an investigation, as necessary, in his or her sole discretion. The Compliance Coordinator will advise the parties of the name of the Investigator assigned to the complaint. To the extent practicable, the Investigation shall include interviews with all the parties identified in the complaint as well as other witnesses, students, or employees whom the Investigator determines may provide information relevant to addressing the complaint. Both the complainant and respondent(s) will have an opportunity to identify witnesses to be interviewed and provide documentation or other relevant evidence for review by the Investigator. The Investigator may take any additional actions as necessary to complete the investigation.

The Investigator will maintain documentation of all proceedings related to the investigation, which may include, but is not limited to, notes or transcripts from witness interviews, evidence provided by witnesses or involved parties, audio recordings, or written findings of fact.

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The Investigator will provide the parties with an interim written investigative report that fairly summarizes the evidence, in electronic format or hard copy, and permit the parties at least ten (10) days to respond. The Investigator will then finalize the report and provide it to the Head of School or the Head of School's designee (the "Decision-maker").

### Step 4: Closure of Complaint

After receiving the written investigative report and before reaching a determination regarding responsibility, the Decision-maker will afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up from each party.

The Decision-maker will issue a written determination (based on the preponderance of the evidence) regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The Decision-maker's determination will be sent simultaneously to the complainant and respondent, and in the case of minor students to their parents/guardians. The written determination shall also advise the parties of their right to appeal an adverse decision to the Compliance Coordinator or the Head of School (or his or her designee).

The School will strive to complete investigations, including issuance of the Decision-maker's written determination, in as timely and efficient a manner as possible within sixty (60) days of receipt of a complaint. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks including summer break, and complexity of the complaint. If an investigation cannot be completed within sixty (60) days of receipt of the complaint, then the Investigator will notify the complainant and respondent of that fact and provide a timeframe for completing the complaint and investigation process. Both parties will be given periodic updates throughout the investigation process.

### Step 5: Appeal Rights

Any party not satisfied with the result of a Title IX investigation or the suggested recommendations of the Investigator and/or Compliance Coordinator may submit a written appeal to the Compliance Coordinator and/or the Head of School (or his or her designee). Appeals shall be decided by the Head of School.

The written appeal shall state the nature of the disagreement with the result of the investigation, the reasons supporting the appeal, and how the outcome would be changed by reconsideration of the determination. The Head of School (or his or her designee) will consider all issues presented by the appealing complainant, respondent, or their parent/guardian and the relevant documentation. The Head of School (or his or her designee) will issue a written determination within a reasonable timeframe after receipt of the appeal.

### **Confidentiality**

Confidentiality will be maintained to the greatest extent practicable during the complaint and investigation process. Any information gathered during the investigation will only be shared with those who the Compliance Coordinator determines has a need-to-know, except in limited circumstances, including but not limited to, when the School is required by law to report the information, in order to further an investigation and/or stop a discriminatory practice, or when such disclosure is necessary to protect the health, safety, or well-being of members of the School community.

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### **Interim Measures During Complaint Process**

The School will take steps to strive to ensure equal access to its educational programs and activities and protect the complainant as appropriate, including taking interim measures before the final outcome of an investigation, once it has notice of a complaint. The School will notify the complainant of his or her options to avoid contact with the respondent and/or change his or her academic and extracurricular activities, living, transportation, dining, and working situation as appropriate. Other interim measures will be based on the complaint and may be based on a variety of considerations, such as: any specific need expressed by the complainant; the ages of the individuals involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and the respondent share class, transportation, or extra-curricular activities; and whether any other measures have been taken to protect the complainant.

The School will ensure that the complainant and respondent are aware of their rights under Title IX and any other supportive measures that may be applicable, such as academic support, counseling, and health and mental health services.

### **Relationship of These Procedures And Timelines to Law Enforcement Activities**

Though the School has jurisdiction over all Title IX complaints, 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 an allegation includes behavior or actions that are under review by law enforcement authorities, the school will consider whether continuing its own investigation will interfere with a criminal investigation. The School may defer its investigation to avoid compromising the criminal process, but once it is clear that any such concerns have passed or can be mitigated, the School will promptly resume its investigation.

In the event the School elects to delay temporarily the fact-finding portion of a Title IX investigation while local law enforcement officials are investigating, the School may impose interim measures to protect the complainant during that time. The School will also continue to update the parties on the status of the investigation and inform the parties when the School resumes its Title IX investigation.

### **Right to Additional Complaint Procedures**

The School's Title IX Policy and Grievance Procedures are designed to prevent and address sex-based discrimination, harassment, and violence under Title IX promptly and appropriately. These grievance procedures are not intended to be the exclusive remedy for such violations. School community members, complainants, respondents, and their parents/guardians are entitled to pursue additional avenues of recourse, which may include reporting or filing charges with appropriate legal, state, and federal agencies, initiating civil action, or reporting perceived criminal conduct to the appropriate authorities, including but not limited to:

The Massachusetts Commission Against Discrimination or

U.S. Department of Education  
Office for Civil Rights  
Boston Office

One Ashburton Place  
Boston, MA 02108

5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-3921

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### **Retaliation**

Unlawful retaliation or reprisal by any student or employee against parties, witnesses, or any other participants in the Title IX reporting and investigation process is strictly prohibited. Individuals who believe they have been retaliated against in connection with reporting a complaint or otherwise participating in the Title IX process should immediately report such conduct to the Compliance Coordinator.

### **Disciplinary Action**

The Compliance Coordinator will refer the matter to the Head of School (or his or her designee) to administer or initiate disciplinary action against anyone found to have engaged in discriminatory or harassing conduct or retaliation in violation of Title IX or the School's policies. Such persons may be subject to disciplinary action (up to and including dismissal and/or termination of employment).

The School recognizes that false accusations, especially of sex-based discrimination and/or sexual harassment may have serious effects on innocent persons. Any individual found to have made false accusations of sex-based discrimination and/or sexual harassment may also be subject to appropriate disciplinary action.