



## **SEX-BASED HARASSMENT POLICY AND GREIVANCE PROCESS**

Applying to Conduct Occurring on August 1, 2024 and After

Sussex Montessori School (SMS) does not discriminate on the basis of sex in any Education Program or Activity that it operates, including admission and employment. SMS is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to SMS may be referred to Sussex Montessori Public Charter School's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The following individual will serve as the SMS Title IX Coordinator:

Precious Benson

24960 Dairy Lane

Seaford, DE 19973

[Precious.benson@sussexms.k12.de.us](mailto:Precious.benson@sussexms.k12.de.us)

Any person may report sex discrimination, including sex-based harassment, at any time, including during non-business hours. Such a report may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "sex-based harassment" is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including

on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity, that is:

1. Quid pro quo harassment. An SMS employee conditioning the provision of an aid, benefit, or service of SMS on an individual's participation in unwelcome sexual conduct;
2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it effectively denies a person ability to participate in or benefit from SMS's Education Program or Activity; or
3. "Sexual assault" as defined in 20 USC § 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC § 12291(a)(10), "domestic violence" as defined in 34 USC § 12291(a)(8) or "stalking" as defined in 34 USC § 12291(a)(30).

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When the harassment or discrimination on the basis of sex does not meet the definition of sex-based harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process for investigation.

#### Retaliation Prohibited

SMS prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. This includes peer-on-peer (student-on-student) retaliation. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sex-based harassment, but arise out of the same facts or circumstances as a report or Complaint of sex discrimination, or a report or Complaint of sex-based harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

#### Confidentiality

SMS must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Complaint of sex-based harassment, any individual who has been alleged to be the victim or perpetrator of conduct

that could constitute sex-based harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder. While SMS will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures, these steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures

#### Training Requirements

SMS ensures that Title IX Coordinators, Investigators, Decision-Makers (including Appeal Decision-Makers), and any person who facilitates an informal resolution process, receives training on the definition of sex-based harassment, the scope of SMS's Education Program or Activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. SMS also ensures that Decision-Makers and Investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior

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sexual behavior are not relevant as set forth in the formal procedures that follow. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of Complaints of sex-based harassment and are made publicly available on the SMS website.

#### Conflict of Interest and Bias

SMS ensures that Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent.

#### Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sex-based harassment is presumed not responsible for alleged conduct. A determination regarding

responsibility will be made by the Decision-Maker at the conclusion of the investigation in accordance with the process outlined herein. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

#### SEX-BASED HARASSMENT GRIEVANCE PROCESS

The Board requires the following grievance process to be followed for the prompt and equitable resolution of student and employee Complaints alleging any action that would be prohibited as sex-based harassment by Title IX. The Board directs the process to be published in accordance with all statutory and regulatory requirements.

#### Definitions

The following definitions apply for Title IX policies and procedures:

“Education Program or Activity:” includes locations, events or circumstances over which SMS exercised substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sex-based harassment, and the context in which the sex-based harassment occurs. Conduct occurs under SMS’s Education Program or Activity when the conduct is subject to SMS’s disciplinary authority.

“Complainant:”

1. A student or employee of SMS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

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2. A person other than a student or employee of SMS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in SMS’s Education Program or Activity.

“Respondent:” an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

“Complaint:” oral or written request to SMS that objectively can be understood as a request for SMS to investigate and make a determination about alleged discrimination under Title IX or its regulations.

“Supportive Measures:” non-disciplinary, non-punitive individualized services offered as appropriate, without unreasonably burdening a Complainant or Respondent and without fee or

charge to the Complainant or Respondent before or after the filing of a Complaint or where no Complaint has been filed to:

1. Restore or preserve that party's access to SMS's Education Program or Activity, including measures that are designed to protect the safety of the parties or SMS's educational environment; or
2. Provide support during SMS's grievance procedures or during an informal resolution process.

### Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that SMS investigate and make a determination about alleged discrimination under Title IX:

1. A Complainant as defined above;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
3. SMS's Title IX Coordinator, under certain circumstances.

With respect to complaints of sex discrimination, other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

1. Any student or employee of SMS; or
2. Any person other than a student or employee who was participating or attempting to participate in SMS's Education Program or Activity at the time of the alleged sex discrimination.

SMS may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances, unless doing so would violate the Family Educational Rights and Privacy Act (FERPA). When more than one Complainant or more than one Respondent is involved, references herein to a party, Complainant, or Respondent include the plural, as applicable.

### Sussex Montessori Public Charter School Requirements

When SMS has knowledge of conduct that reasonably may constitute sex discrimination in its

Education Program or Activity, SMS will respond promptly and effectively. SMS is required to address a sex-based hostile environment in its Education Program or Activity in the United States, even when some of the conduct alleged to be contributing to the hostile environment occurred outside SMS's Education Program or Activity or outside the United States. When the harassment or discrimination on the basis of sex does not meet the definition of sex-based harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process for investigation.

SMS treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering Supportive Measures. Supportive Measures are designed to restore or preserve equal access to SMS's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the SMS educational environment, or deter sex-based harassment. Supportive Measures may include counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of SMS property, campus escort services, changes in work locations and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Upon the receipt of a report of sex-based harassment, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If SMS does not provide the Complainant with Supportive Measures, then SMS must document the reasons why.

#### Timelines

SMS has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The

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grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In

the event the grievance process is temporarily delayed for good cause, SMS will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Upon the filing of the Complaint, the Respondent will have ten (10) calendar days to respond and provide the Title IX Coordinator with such other supporting documentation and evidence as the Respondent may deem appropriate. Following the completion of these submissions, the Title IX Coordinator or such other person as may be appointed or selected and will investigate the allegations and the responses thereto and within ten (10) calendar days thereof provide the parties with such evidence or further questions as may be necessary for the investigation and the evidence review. The parties will have five (5) calendar days to respond to the Investigator's evidence review. Following the completion of the investigation and within ten (10) calendar days thereof, a Written Investigative Report will be prepared and circulated to the Parties. The Parties will have ten (10) calendar days to submit a written response to the Title IX Coordinator. Within five (5) calendar days of the receipt of the Written Investigative Report by the Parties, each may submit such written questions to the Title IX Coordinator to be included by the Decision-Maker in rendering the Determination. Upon submission by the Complainant and the Respondent of their respective responses to the Written Investigative Report, The Decision-Maker shall render the Determination no later than fifteen (15) calendar days thereafter.

#### Action Time Allotted

Complaint Day 1

Response 10 days to respond

Investigation and Follow-up Submissions 10 days to investigate

Evidence Review and Investigative Discovery 5 days to respond

Written Investigative Report 10 days after completion of Discovery

Parties' Written Questions to Decision-Maker 5 days from Written Investigative Report

Parties' Responses to Investigative Report 10 days from Written Investigative Report

Final Determination 15 days from Parties' Responses

Appeal 7 days from Final Determination

Appeal Determination 10 days

For the purposes of calculating calendar days, should the last day of the prescribed period end on

a weekend or an SMS holiday, such period will be deemed to end on the next calendar day when SMS is in session.

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#### Response to a Complaint

A Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by SMS. SMS must follow the Complaint process before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures. However, nothing in this policy precludes SMS from removing a Respondent from the its Education Program or Activity on an emergency basis, provided that SMS undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex-based harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Nor does it preclude SMS from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Upon receipt of a Complaint, SMS must provide written notice to the known parties including:

1. Notice of the allegations of sex-based harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sex-based harassment, the date and location of any alleged incident(s), and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of SMS Title IX grievance procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the Decision-Maker at the conclusion of the investigation;
4. Notice that Retaliation is prohibited;
5. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and the advisor may inspect and review any evidence;



6. Notice to the parties of any provision in the SMS code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information; and

7. Notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If SMS

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provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, SMS decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

#### Investigation of a Complaint

When investigating a Complaint and throughout the grievance process, SMS will:

1. Provide for adequate, reliable, and impartial investigations of Complaints;
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on SMS and not the parties;
3. Provide an equal opportunity for the parties to present fact witnesses and other evidence that is relevant and not otherwise impermissible;
4. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
5. Allow the parties to be accompanied by an advisor of the party's choice who may be, but is not required to be, an attorney. SMS may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
6. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
7. Provide the parties equal access to review all the relevant evidence that is not otherwise impermissible and comply with the review periods outlined in this process;
8. Objectively evaluate all relevant evidence without relying on sex stereotypes;
9. Ensure that Title IX Coordinators, Investigators, Decision-Makers and individuals who

facilitate an informal resolution process, do not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent;

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10. Not make creditability determinations based on the individual's status as Complainant, Respondent or witness;

11. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

#### Dismissal of Complaint

The Title IX Coordinator may dismiss the Complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. SMS is unable to identify the Respondent after taking reasonable steps to do so;
2. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a complaint, and SMS determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven;
3. SMS determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, SMS will make reasonable efforts to clarify the allegations with the Complainant; or
4. The Respondent is no longer enrolled or employed by SMS.

Upon dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the reasons for dismissal to Complainant. If dismissal occurs after Respondent has been notified of the allegations, then SMS will notify the Respondent in writing of the dismissal and the reasons for dismissal simultaneously when notice is provided to Complainant.

If the dismissal is appealed, SMS will:

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
2. Implement appeal procedures equally for both parties;
3. Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;

4. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging the outcome; and

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5. Notify the parties of the result of the appeal and the rationale for the result.

When a Complaint is dismissed, SMS will, at a minimum:

1. Offer Supportive Measures to the Complainant, as appropriate;
2. If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within SMS's Education Program or Activity.

Evidence Review – Discovery Period

SMS provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation..

1. SMS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If SMS provides a description of the evidence, SMS will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence at the request of either party.
2. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have ten (10) calendar days to submit a written response to the Title IX Coordinator, which the Investigator will consider prior to completion of the investigative report.
3. SMS will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance process. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e.,

will not be accessed or considered, except by SMS to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by Federal or State law;
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2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a party or witness, unless SMS obtains that party's or witness's voluntary, written consent for use in its grievance process; and
  3. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### Investigative Report

The Investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have ten (10) calendar days to submit a written response to the Title IX Coordinator.

#### Decision-Maker's Determination

The investigative report is submitted to the Decision-Maker. The Decision-Maker cannot be the same person(s) as the Title IX Coordinator or the Investigator. The Decision-Maker cannot make a determination regarding responsibility until ten (10) calendar days from the date the Complainant and Respondent submit their respective responses to the investigative report.

SMS will provide a process that enables the Decision-Maker to question the parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and

relevant to evaluating one or more allegations of sex discrimination. The Decision-Maker must provide five (5) calendar days' notice to any party or witness the Decision-Maker wishes to question. The notice shall contain the date, time, location and purpose for the questioning. Prior to reaching a determination regarding responsibility, the Decision-Maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party ("cross examination"). Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence

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concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within five (5) calendar days from the date the Complainant and Respondent receive the Investigator's report.

Following the investigation, cross-examination and evaluation of all relevant and not otherwise impermissible evidence, the Decision-Maker must issue a written determination regarding whether sex discrimination occurred based on a preponderance of the evidence standard. The standard of proof requires the Decision-Maker to evaluate the relevant and not otherwise impermissible evidence for its persuasiveness. If the Decision-Maker is not persuaded under the preponderance of the evidence standard that sex discrimination occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex discrimination occurred.

The Decision-Maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any SMS policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the Complaint including a determination

regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the Educational Program or Activity will be provided by SMS to the Complainant; and 6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within sixty (60) calendar days from SMS's receipt of a Complaint.

The determination regarding responsibility becomes final either on the date that SMS provides the parties with the written determination of the result of the appeal, if an appeal is filed ; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

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Where a determination of responsibility for sex-based harassment has been made against the Respondent, SMS will provide remedies to the Complainant that are designed to restore or preserve equal access to SMS's Education Program or Activity. Such remedies may include Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following the determination of responsibility, that sex discrimination occurred, SMS may impose disciplinary sanctions on Respondent in accordance with State or Federal law and or/the negotiated agreement. For students, the sanctions may include disciplinary action, up to and including permanent exclusion. For employees, the sanctions may include any form of responsive discipline, up to and including termination. The Title IX Coordinator must also take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within SMS's Education Program or Activity.

SMS may not discipline a party, witness or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeals

Either the Complainant or Respondent may appeal the Decision-Maker's determination regarding responsibility or a dismissal of a Complaint, on any of the following bases:

1. Procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time that could affect the outcome;  
or

3. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within seven (7) calendar days after the date of the written determination. The appeal Decision-Maker must not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the Investigator, or the Decision-Maker from the original determination.

The appeal Decision-Maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal Decision-Maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision  
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must be provided to both parties simultaneously, and generally will be provided within ten (10) calendar days from the date the appeal is filed.

#### Informal Resolution Process

Except when concerning allegations that an employee sexually harassed a student, at any time during the grievance process and prior to reaching a determination regarding responsibility, SMS may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that the SMS:

1. Provides to the parties a written notice disclosing:
  - a. The allegations;
  - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX grievance process with respect to the Complaint; and
  - c. Any consequences resulting from participating in the informal resolution process,

including the records that will be maintained or could be shared.

2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within thirty (30) calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the grievance process, including timelines for resolution, at the point they left off.

#### Recordkeeping

SMS must maintain for a period of seven (7) years records of:

1. Each sex-based harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the SMS's Education Program or Activity;

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2. Any appeal and the result therefrom;

3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process. SMS must make these training materials publicly available on its website.

SMS must create, and maintain for a period of seven (7) years, records of any actions, including any Supportive Measures, taken in response to a report or Complaint of sex-based harassment. In each instance, SMS must document the basis for its conclusion that its response was prompt and effective, and document that it has taken measures designed to restore or preserve equal access to SMS's Education Program or Activity.