**SOUTHERN ILLINOIS UNIVERSITY – EDWARDSVILLE**

Office of Equal Opportunity, Access, and Title IX Coordination

(Revised Version August 28, 2026)

## Title IX Sexual Harassment Policy

East St. Louis Charter High School

Title IX Grievance Procedure

(modified from District 189 Title IX Policy)

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important school goal. East St. Louis Charter High School ("CHS") does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in CHS education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

Sex based discrimination and discriminatory harassment prohibited include discrimination against any person or group of persons on the basis of sex, sexual orientation, gender expression, and gender identity.

CHS operates under the auspices of Southern Illinois University – Edwardsville ("University"). As such, CHS works closely with appropriate University partners including but not limited to the Director of the Office of Equal Opportunity, Access and Title IX Coordination/Title IX Coordinator ("EOA", "Title IX Coordinator") to ensure that issues pertaining to allegations of sexual harassment are addressed in a manner that is consistent with this policy, as well as align with the University's commitment to providing an educational environment that is free from discrimination and harassment to all.

In recent years, "Title IX" cases have become a shorthand for any school disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. Under the Final Rule (2020 Title IX Regulations), CHS is required to narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and resolution process. Only incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate,

resolved through the Title IX Grievance Policy set out below.

When reported allegations of sexual misconduct do not fall under the Title IX Sexual Harassment Policy, consideration of whether other policies may apply (including, but not limited to the Student Code of Conduct and CHS Non-Discrimination Policy) will be promptly undertaken by the Title IX Coordinator, in collaboration with the CHS Principal, and East St. Louis Campus Deputy Title IX Coordinator, to determine what policy, if any, applies as well as plan who will undertake appropriate next steps

CHS will respond to reports or formal complaints of conduct prohibited under this Policy with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in CHS- related programs or activities.

Allegations of sexual harassment by employees will be addressed utilizing the appropriate University, including but not limited to the following:

- Title IX Policy & Title IX Sexual Harassment Complaint Procedures - 2C9 & 3C8
- Non-Discrimination and Non-Harassment Policy and Complaint Procedures - 2C7 & 3C6

An East St. Louis Campus Deputy Title IX Coordinator will be appointed by the University to work with CHS and other programs based at the East St. Louis campus. The ESL Deputy Title IX Coordinator will work in close collaboration with the Title IX Coordinator to support the effective implementation of this policy.

Title IX Sexual Harassment Prohibited

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any person, including a CHS employee, agent, or student, engages in Title IX Sexual Harassment when that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:

1. A CHS employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a CHS educational program or activity; or

3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(11), *domestic violence* as defined in 34 U.S.C. §12291(a)(12), or *stalking* as defined in 34 U.S.C. §12291(a)(36).

Examples of sexual harassment include, but are not limited to, sexual touching without consent, rape, sexual battery, sexual abuse, sexual coercion, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Definitions from 34 C.F.R. §106.30

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Education program or activity* includes locations, events, or circumstances where CHS has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.

*Formal Title IX Sexual Harassment Complaint* means a document filed by a *Complainant* or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that CHS investigate the allegation.

*Respondent* means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

*Supportive measures* mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no Formal Title IX Sexual Harassment Complaint has been filed.

Title IX Sexual Harassment Prevention and Response

The CHS Principal will ensure that CHS prevents and responds to allegations of Title IX Sexual Harassment as follows:

1. Ensures that CHS comprehensive health education program in age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 9-12. This includes incorporating student social and emotional development into CHS educational programs as required by State law and in alignment with Board policy.

2. Incorporates education and training for school staff as recommended by the University's Title IX Coordinator.

3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the CHS Deputy Title IX Coordinator and University Title IX Coordinator by, at a minimum, prominently displaying them on the CHS website, if any, and in each handbook made available to such persons. CHS shall also make publicly available on its website, or upon request if no website exists, the training materials used to train Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators, as required by 34 C.F.R. §106.45(b)(10)(i)(D).

Making a Report

A person who wishes to make a report under this Title IX grievance procedure may make a report to the ESL Deputy Title IX Coordinator, Principal, Assistant Principal, Title IX Coordinator, or any employee with whom the person is comfortable speaking. Electronic reporting forms are available on the SIUE website.

All CHS School employees shall respond to allegations and/or incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. Electronic Reporting forms are available on the SIUE website. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge, pursuant to applicable procedures.

The Principal shall insert into this policy and keep current the name, office address, email address, and telephone number of the ESL Deputy Title IX Coordinator and the University Title IX Coordinator. Nothing in this policy shall be construed to substitute for or delay any mandated report of suspected child abuse or neglect.

Illinois law requires school personnel who have reasonable cause to believe a child known to them in their professional or official capacity may be an abused or neglected child to immediately report to the Illinois Department of Children and Family Services (DCFS) under the Abused and Neglected Child Reporting Act (325 ILCS 5/4). A Title IX report does not replace or delay a mandated DCFS report. The CHS Principal (or designee) is responsible for ensuring that mandated DCFS reports are made when required.

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Processing and Reviewing a Report

Upon receipt of a report made under this Title IX grievance procedure, the Title IX Coordinator or their designee will promptly contact the Complainant and their parent/guardian to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the Complainant of the availability of supportive measures with or without the filing of a Formal Title IX Sexual Harassment Complaint, and (4) explain to the Complainant the process for filing a Formal Title IX Sexual Harassment Complaint.

Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to CHS' duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

Formal Title IX Sexual Harassment Complaint Resolution Process

When a Formal Title IX Sexual Harassment Complaint is filed, the University Title IX Coordinator will appoint a qualified person to undertake the investigation.

The Title IX Coordinator, in collaboration with the ESL Deputy Title IX Coordinator shall implement procedures to ensure that all Formal Title IX Sexual Harassment Complaints are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45. The CHS grievance process shall, at a minimum:

1. Treat *Complainants* and *Respondents* equitably by:
    a. Providing information regarding the availability of supportive resources to both parties.
    b. Consider remedies for the *Complainant* in matters where the *Respondent* is determined to be responsible for sexual harassment.
    c. Follow a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent*.

2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a *Complainant, Respondent,* or witness.

3. Require that any individual designated by the University as a Title IX Coordinator, Deputy Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process:

    a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.

b. Receive training on the definition of sexual harassment, the scope of CHS education program or activity, how to conduct an investigation and grievance process (including but not limited to informal resolutions processes, assessing credibility, determination of responsibility, and appeals, as applicable), and how to serve impartially.

4. Require that any individual designated as an investigator receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

5. Require that any individual designated as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant.

6. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

7. Include reasonably prompt timeframes for conclusion of the resolution process.

8. At the discretion of the Title IX Coordinator, and upon agreement by both parties, undertake an informal resolution process that fully complies with 34 C.F.R. §106.45. Should the parties fail to reach an outcome on which they both agree, or should a party change their mind and seek to return the complaint to the formal complaint process, the matter will be withdrawn from informal resolution process and returned to the formal complaint procedures.

9 Describe the range of possible disciplinary sanctions and remedies CHS may implement following any determination of responsibility.

10. Base all decisions upon the *preponderance of evidence* standard.

11. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.

12. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.

13. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Enforcement

Any CHS or other University employee who is determined, at the conclusion of the appropriate University grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed as appropriate depending upon the relationship of such party to CHS and/or the University.

Any CHS student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion, consistent with student behavior policies. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of CHS or the parties to exercise any other rights under existing law.

Retaliation Prohibited

CHS prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using online reporting forms available on the University's EOA website

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Legal References

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681
34 C.F.R. Part 106 (Title IX Regulations)
Illinois Human Rights Act, 775 ILCS 5/
Abused and Neglected Child Reporting Act, 325 ILCS 5/4

Erin's Law / Sexual Abuse Prevention Education, 105 ILCS 5/10-23.13
Bullying Prevention Policy, 105 ILCS 5/27-23.7
Teen Dating Violence Policy, 105 ILCS 5/27-240

Cross References

Adopted

[Date of CHS Board adoption]