



## **Title IX Grievance Procedure**

Cardinal McCloskey Community Charter School (“CMCCS”) has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity by the Title IX Coordinator alleging any action that would be prohibited by Title IX or the Title IX regulations.

Under federal regulations implementing Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A CMCCS employee conditioning the provision of an aid, benefit, or service of CMCCS on an individual’s participation in unwelcome sexual conduct;
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 the CMCCS’s education 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)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Federal Title IX regulations only address reports of complaints of discrimination or harassment occurring against a person in the United States.

## **Grievance Procedure**

### **Reports or Complaints of Discrimination on the Basis of Sex or Sexual Harassment**

Any person may report sex discrimination, including sexual harassment, at any time and through any means, including in person, by mail, telephone, email or other electronic means, to CMCCS’s Title IX Coordinator.

If any CMCCS employee is notified of or observed alleged sexual harassment or discrimination on the basis of sex, they must inform the Title IX Coordinator.

If notified of conduct potentially constituting sexual harassment under Title IX, the Title IX Coordinator will contact the individual alleged to have experienced sexual harassment to explain the process for filing a formal complaint, which initiates an investigation into the Title IX sexual harassment allegations under these grievance procedures, and to discuss the availability of supportive measures. CMCCS may not take disciplinary or other action that is not a supportive measure against an individual alleged to have engaged in sexual harassment in violation of Title IX without a formal complaint and without first following CMCCS’s grievance procedures outlined below.

Allegations that are the subject of formal complaints of sexual harassment under these procedures may also be addressed under CMCCS’s other applicable policies, either in tandem



with or subsequent to these procedures. Complaints or reports of discrimination on the basis of sex under federal Title IX regulations, other than sexual harassment under this policy, may be addressed in a manner provided by CMCCS's Non-Discrimination and Equal Opportunity policy. If alleged discrimination or sexual harassment is not covered by the Title IX regulations, it may be covered by state laws, addressed in the following policies: CMCCS's Non-Discrimination, Sexual Harassment in the Workplace, DASA, and Code of Conduct policies

Allegations of sexual harassment that do not result in a formal complaint under these procedures will be addressed by CMCCS under these or other applicable policies in a manner not inconsistent with the requirements of the Title IX regulations.

### Supportive Measures

Once CMCCS has notice of sexual harassment or allegations of sexual harassment, the Title IX Coordinator will promptly contact the complainant of sexual harassment under Title IX and discuss the availability of supportive measures regardless of whether the complainant chooses to file a formal complaint under Title IX or not. Potential supportive measures offered to both complainants and respondents may include:

- Counseling,
- Extensions of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Campus escort services,
- Mutual restrictions on contact between the parties,
- Change in work locations,
- Leaves of absence, and/or
- Increased security and monitoring of certain areas.

The Title IX Coordinator will discuss and determine the complainant's wishes with respect to supportive measures.

### Formal Complaints

A formal complaint is a document filed by a complainant, a minor complainant's parent or legal guardian, or signed by the Title IX Coordinator alleging sexual harassment under Title IX against an individual and requesting that CMCCS investigate the allegation of sexual harassment under Title IX. The formal complaint must be a written document but need not be in any specific form, so long as it clearly indicates by signature or otherwise that the complainant, or the parent/guardian of a minor complainant, is the person filing the formal complaint.

At the time a formal complaint is filed, the complainant (or the complainant's child) must be participating or attempting to participate in CMCCS's education program or activity. For purposes of this policy, CMCCS's "education program or activity" includes locations, events, or circumstances over which the CMCCS exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

If the Title IX Coordinator becomes aware of a complaint of sexual harassment, the Title IX



Coordinator will discuss the Formal Title IX complaint and grievance process with the complainant so the complainant can make an informed decision whether to file a Formal Title IX Complaint. A complainant's wishes with respect to whether CMCCS will investigate will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. In instances where the allegations are of a serious nature and the complainant declines to file a formal complaint, the Title IX Coordinator retains the ability to sign a formal complaint based on such allegations.

The formal complaint investigation and grievance process will only be triggered when the complainant files a formal complaint of sexual harassment under Title IX.

CMCCS or a designee will investigate the complaint and make determinations regarding the complainant's allegations using a preponderance of the evidence standard.

The Title IX Coordinator, investigator, decision-maker or facilitator of an informal resolution process, if applicable, must not have a conflict of interest or bias for or against complainants or respondents. All individuals with conflicts of interest or bias must recuse themselves.

### Consolidation of Formal Complaints

CMCCS may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

### CMCCS's Responsibilities

Throughout the Title IX process, CMCCS will, among other things:

- Treat complainants and respondents equitably.
- Perform an objective evaluation of all available evidence.
- Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Provide reasonably prompt time frames for the conclusion of the grievance process, appeals, and informal resolution process, if available.
- Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that CMCCS may implement.
- Ensure that no information protected by a legal privilege such as the attorney-client privilege may be used for any purpose or be sought through disclosure unless the person holding the privilege has waived such privilege.

### Timeframes

CMCCS has established reasonable prompt approximate time frames for the conclusion of the



grievance process, unless delayed or extended. The time frames for appears are set forth in the section below on Appeals.

- The initial evaluation (i.e., whether to dismiss or investigate a complaint) will be completed within five (5) business days following the receipt of the complaint.
- The investigation and decision-making phase will be completed within sixty (60) calendar days of receipt of the formal complaint.

CMCCS has also established a process that allows for a temporary delay or limited extension of timeframes for “good cause” with notice to the parties that includes the reason for delay.

- 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.
- The Title IX Coordinator will evaluate the request for an extension of timeframes and make a prompt determination to either extend the timeframes, or take or recommend other action to be able to meet the timeframes.
- If an extension is granted, the Title IX Coordinator will notify the parties in writing of the reason(s) for the delay, and the estimated date the stages in the timeframe will be complete.

### Notice

Upon receipt of a formal complaint of sexual harassment under Title IX, CMCCS will provide written notice to the complainant and respondent(s) in sufficient time to allow the parties who are known to prepare a response before an initial interview.

The notice to the complainant and respondent will include, among other items:

- Information regarding the grievance process and the informal resolution process.
- The conduct allegedly constituting sexual harassment under Title IX, and if known, the identities of the parties involved in the incident, as well as the date and location of the alleged incident.
- A statement to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Notification that the parties may inspect and review evidence.
- Policies regarding knowingly making false statements or submitting false information during the grievance process.
- Notification that after commencing an investigation of a formal complaint, CMCCS may decide to also investigate allegations that were not included in the initial notice to the parties. In that case, CMCCS will provide notice of the additional allegations to the parties.



### Informal Resolution

In lieu of resolving a formal complaint through CMCCS's Title IX grievance procedures, at any time prior to reaching a determination of responsibility, the parties may instead elect to participate in a CMCCS-facilitated informal resolution process such as mediation, which does not involve a full investigation and determination. CMCCS will obtain the parties' voluntary, informed, written consent to the informal resolution process. Informal resolution is not available to resolve a complaint that includes allegations that an employee engaged in sexual harassment of a school student, or when such a process would conflict with Federal, State, or local law.

CMCCS will provide the parties with a written notice of:

- The allegations.
- The requirements of the informal resolution process.
- 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 formal complaint grievance process.
- Any consequences that result from participation in informal resolution, including records that will be maintained or could be shared.

### Emergency Removal Pending an Investigation

No discipline will be imposed upon students prior to the completion of the investigation or decision-making processes outlined below. However, CMCCS may remove an accused student from the CMCCS's education program or activity on an emergency basis, provided that CMCCS undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of a student or other individual arising from the allegations of sexual harassment justifies removal, and provides the accused with notice and an opportunity to challenge the decision immediately following the removal.

Further, CMCCS may place an accused employee on administrative leave during the pendency of the investigation and decision-making process.

### Dismissal of Formal Complaint

CMCCS must dismiss a formal complaint when the alleged conduct in the formal complaint of sexual harassment under Title IX:

- Would not constitute sexual harassment under Title IX even if proved;
- Did not occur in CMCCS's education program or activity; or
- Did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of CMCCS's code of conduct, or another policy pursuant to state law.

CMCCS may dismiss the formal complaint when:



- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any of its allegations;
- The respondent is no longer enrolled or employed by CMCCS; or
- Specific circumstances prevent CMCCS from gathering enough evidence to reach a determination on the formal complaint or its allegations.

If a complaint is dismissed, the decision-maker will send written notice of the dismissal and reason(s) thereof simultaneously to the parties.

### Investigations

Upon receipt of a formal complaint of sexual harassment under Title IX, the Title IX Coordinator will assign an investigator. Any investigation into a formal Title IX complaint must comply with the following rules and procedures:

- The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on CMCC and not on the parties.
- Investigations must be conducted by an investigator who is trained and does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.
- CMCC cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless CMCCS obtains that party's voluntary, written consent to do so.
- Produce a written report that contains the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not make a finding or recommended finding of responsibility. The investigator's report will include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.
- The investigator's written report will be provided to both parties and their representatives, if any.
- The investigator's credibility determinations may not be based on a person's status as a complainant, respondent, or witness.



During the formal complaints process, the parties will have an equal opportunity to:

- Present witnesses and to gather and present relevant evidence.
- Have others present during any grievance proceeding, including the representative of their choice who may be, but is not required to be, an attorney.
- Inspect and review all evidence obtained as part of the investigation that is directly related to the allegations in the complaint, and respond to the evidence prior to the conclusion of the investigation. Parties must be given at least ten (10) calendar days to submit a written response that the investigator will consider prior to completing the investigative report.
- CMCCS cannot restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

### Questions

Prior to the decision-maker issuing a written determination, each party will have 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. Questions and evidence about the complainant's sexual predisposition or 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 concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

### Determinations

Following receipt of the investigative report and subsequent question-and-answer process, the decision-maker will issue a written determination. The decision-maker's written determination will address:

- The allegations,
- The procedural steps taken in the case at hand,
- The findings of fact,
- The applicability of the code of conduct, and local rules to the facts,
- The result with corresponding rationale for each addressed allegation, including a determination of responsibility, disciplinary sanctions, and whether remedies to restore or preserve access will be provided, and
- The procedures and permissible bases for the complainant and respondent to appeal.



## Disciplinary Sanctions and Remedies

If CMCCS determines responsibility for sexual harassment, if the decision is not appealed, or if the appeal is dismissed, CMCCS will impose disciplinary sanctions, which may include:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of CMCCS access.

Vendors: Penalties may range from a warning up to and including loss of CMCC business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

The Title IX Coordinator will facilitate the transfer of information and determinations from the Title IX complaint process to the appropriate administrator, to aid in the imposition of disciplinary consequences.

CMCCS may also provide or facilitate remedies, which may include:

- Training of entire departments, classes, or groups;
- Peer support groups;
- Letters of apology;
- Separation of the parties;
- No-contact orders;
- Safety plans;
- Letters of counsel;
- Additional supervision or mentoring for the respondent; and
- Restitution and restoration.



## Appeals

Following a decision-maker's written determination, either party may appeal the written determination or dismissal of the complaint.

An appeal must be submitted to the Title IX Coordinator within ten (10) calendar days of receipt of the determination or dismissal (as applicable) and must identify all information a party wishes to have considered on appeal. Any appeal statement will be shared with the other party, who will have two (2) calendar days to submit a response to the Title IX Coordinator. The appeal and any response will be considered by a decision-maker other than the decision-maker who issued the determination or dismissal that is being appealed.

Grounds for an appeal are limited to the following:

- Procedural irregularity that affected the outcome of the matter; and/or
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or any decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and/or
- The sanction is inappropriate.

A decision responding to the written appeal describing the result of the appeal and the rationale for the result will be issued to the parties and the Title IX Coordinator within thirty (30) calendar days. The written decision will be provided to both parties simultaneously.

## Retaliation

Neither CMCCS nor any person may intimidate, threaten, coerce, or discriminate 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 under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation.



CMCCS will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, except as authorized under the Family Educational Rights and Privacy Act (“FERPA”), required by law, or to carry out the purposes of Title IX, including the conduct of any investigation or judicial proceeding arising under Title IX, including:

- any individual who has made a report or filed a formal complaint of sexual harassment,
- any complainant,
- any individual who has been reported to be the perpetrator of sex discrimination,
- any respondent, and
- any witness.

Complaints alleging retaliation may be filed according to the procedures outlined in this Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation. Additionally, charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### Recordkeeping

CMCCS will maintain for at least seven years:

- All records documenting the informal resolution or grievance procedures for all complaints of sexual harassment and the resulting outcome;
- All sexual harassment investigations 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 recipient’s education program or activity;
- All materials used to provide training under Title IX, which must be made available to members of the public upon request.



**Points of Contact**

For questions, concerns, or reports related to this policy, including matters involving prohibited discrimination, harassment, or Title IX, please contact one of the following school representatives:

Jerry Sgambati  
Phone: 917-335-0467  
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Christian Adamkiewicz  
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**Ref:** 20 USC §§1681 et seq.  
34 CFR Part 106

**ADOPTED: 5/6/26**