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## Agora Cyber Charter School

### Board of Trustees Policy

#### ANTI-DISCRIMINATION AND COMPLAINT POLICY

The Board of Trustees ("Board") of the Agora Cyber Charter School ("Charter School") declares that the Charter School shall not discriminate against any person on the basis of race, sex, color, creed, religion, sexual orientation, ancestry, national origin, disability, marital status, pregnancy, genetic information or any other classification otherwise protected by applicable state and/or federal laws. The Charter School's Board recognizes school administrators' and employees' obligations to comply with all applicable federal, state, and local laws in providing equal opportunity for all Charter School students, including 22 Pa. Code §12.4 and consistent with the Pennsylvania Human Relations Act (43 P.S. §§ 951 - 963); Title IX of the Education Amendments of 1972, and implementing federal regulations at 34 CFR Part 106; Section 504 of the Rehabilitation Act of 1973, and implementing federal regulations at 34 CFR Part 104; Title II of Americans with Disabilities Amendments Act of 2008 and federal implementing regulations at 34 CFR §104.4(b) and 28 CFR §35.130(b).

The Charter School does not discriminate on the basis of race, sex, color, creed, religion, sexual orientation, ancestry, national origin, disability, marital status, pregnancy, genetic information or any other classification otherwise protected by law in the administration of its educational policies, admission policies, hiring policies, scholarship and aid programs, and all other policies and operations, nor may a student be subject to disciplinary action on account of race, sex, color, creed, religion, sexual orientation, ancestry, national origin, disability, marital status, pregnancy, genetic information, or any other classification.

The Charter School's Board encourages students and third parties who have been subject to discrimination to promptly report such incidents. The Board directs that complaints of discrimination shall be investigated promptly. Confidentiality of all parties shall be maintained,

consistent with Charter School's legal and investigative obligations. Neither reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates a Title IX Compliance Officer for the Charter School. The Title IX Compliance Officer shall publish and disseminate this Policy and complaint procedure at least annually to students, parents/guardians, employees, and the public. Nondiscrimination statements shall include the position, office address, and telephone number of the Title IX Compliance Officer.

The Title IX Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

- Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
- Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
- Student Access - Review of programs, activities and services to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
- Support - Assurance that like aspects of the educational program receive like support as to staffing and compensation, facilities, equipment, and related matters.
- Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
  - Charter School Website Accessibility – Compliance to enable individuals, including current and prospective students and Parents/Guardians of students and other members of general public, with vision and print disabilities and/or other physical impairments to access any/all website content. Actions to ensure accessibility include, but are not limited to: Selection of a website auditor with requisite knowledge and experience to audit content and functionality and to identify barriers to access on the existing website for persons with disabilities;
  - Conducting a thorough audit of existing online content and functionality;
  - Adoption of policies and procedures to ensure that all new, newly added, or modified online content and functionality will be accessible for persons with disabilities;
  - Posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
  - Providing website accessibility training to all appropriate personnel.

The Building Principal or other Administrator shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.

2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Title IX Compliance Officer if the Building Principal or other Administrator is the subject of the complaint. Refer the complainant to the Board of Trustees if the CEO is the subject of the complaint.
5. Guidelines Complaint Procedure – Student/Third Party

#### Step 1 – Reporting.

A Charter School student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Title IX Compliance Officer, Building Principal, or other Administrator. While oral complaints are acceptable, the Title IX Compliance Officer, Principal, or other Administrator shall have the student or third party complete a written complaint form which sets forth the following:

- (a) the specific nature of the complaint and a brief statement of the facts giving rise to it;
- (b) the manner in which and the extent to which the student believes s/he has been adversely affected;
- (c) the relief sought by the student;
- (d) the reasons why the student feels s/he is entitled to the relief sought.

A Charter School employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Compliance Officer, Building Principal, or other Administrator. In either instance, if the Principal or Administrator is the subject of a complaint, the student, third party, or employee shall report the incident directly to the Title IX Compliance Officer. If the subject of the complaint is the Title IX Compliance Officer and this position is not filled by the CEO, the student, third party, or employee shall report the incident directly to the CEO. If the CEO is the subject of the complaint, the student, third party, or employee shall report the incident directly to the Board.

#### Step 2 – Investigation upon receiving a complaint of discrimination.

The Building Principal or other Administrator shall immediately notify the Title IX Compliance Officer. The Title IX Compliance Officer shall authorize the Building Principal or other Administrator to investigate the complaint, unless the Principal or Administrator is the subject of the complaint or is unable to conduct the investigation. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

#### Step 3 – Investigative Report.

The person conducting the investigation, whether the Building Principal, other Administrator or Title IX Compliance Officer, shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. Findings of the investigation shall be provided to the complainant, the accused, and the Title IX Compliance Officer, if the investigation and report were completed by the Building Principal or other Administrator.

#### Step 4 – Charter School Action.

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the Charter School shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies, Charter School administrative procedures, and state and federal laws.

#### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Title IX Compliance Officer within fifteen (15) days or to the Board if the CEO and/or Title IX Compliance Officer was the subject of the initial complaint.

2. The Title IX Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.

3. The Title IX Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused, and the Building Principal or other Administrator who conducted the initial investigation or to the CEO, if s/he is not the Title IX Compliance Officer.

4. If the initial complaint concerned the CEO and/or Title IX Compliance Officer, or if the complaint is not settled to the student's satisfaction by the Title IX Compliance Officer, the student may appeal, in writing, to the Board, which will call a special meeting within five (5) school days of receipt of written notice of appeal.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**