

Learning Lodge Academy Equity Policy

Section: 5000 - Students

Policy Title: Anti-Harassment – Students

Policy Number: _____

Adopted: September 17, 2024

Equity Policy: Anti-Harassment

Students

I. General Policy Statement

It is the policy of the Board of Learning Lodge Academy (“LLA Board”) to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the LLA Board, and specifically to students enrolled at Learning Lodge Academy.

The LLA Board will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") (hereinafter referred to as unlawful harassment), and encourages those within the School community as well as third parties who feel aggrieved to seek assistance to rectify such problems. The LLA Board will investigate all allegations of unlawful harassment and, if substantiated, will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Nothing in this policy will be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. Other Violations of the Anti-Harassment Policy

The LLA Board and the principal will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

D. Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

1. teasing;
2. threats;
3. intimidation;
4. stalking;
5. cyberstalking;
6. cyberbullying;
7. physical violence;
8. theft;
9. sexual, religious, or racial harassment;
10. public humiliation; or
11. destruction of property

E. Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or

computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

F. Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered under policy, *Nondiscrimination on the Basis of Sex in Education Programs or Activities*, is not included in this policy. Allegations of such conduct must be addressed solely by *Nondiscrimination on the Basis of Sex in Education Programs or Activities*.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Physical and/or sexual assault.

3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions

of employment or education may be adversely affected by not submitting to sexual advances.

4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.
10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
11. Pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
12. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
13. Inappropriate boundary invasions by a School employee or other adult member of the School community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

G. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable

expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

H. Race/Color Harassment (including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

I. Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the

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characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

J. National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of

interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

K. Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

L. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

III. Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

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Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School community means students and employees of Learning Lodge Academy (i.e., administrators, and professional and classified staff), as well as LLA Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the LLA Board.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the School community at school-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means school day(s) (i.e., a day(s) that the School office is open for normal operating hours, Monday – Friday, excluding recognized holidays, dates as posted on the School calendar, and closures due to emergency situations).

IV. Reports and Complaints of Harassing Conduct

School employees must report incidents of unlawful harassment immediately to the Learning Lodge Academy administration or Anti-Harassment Compliance Officer so the behavior can be addressed before it becomes severe, pervasive, or persistent.

Members of the School community and third parties are encouraged to promptly report incidents of unlawful harassing conduct to an administrator or the Anti-Harassment Compliance Officer promptly.

A student enrolled in Learning Lodge Academy who believes s/he has been unlawfully harassed is entitled to utilize the Board's complaint process as set forth below. The student, or parent/guardian representing the student, should make every effort to file a complaint as soon as possible after the harassment occurs while the facts are known, and potential witnesses are available.

Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment status unless the individual makes the complaint maliciously or with the knowledge that it is false.

If, during an investigation of a reported act of harassment in accordance with this policy the principal or designee believes the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race (including anti-Semitism), color, national origin, religion, or disability, the principal or designee will report the act of harassment to the Anti-Harassment Compliance Officer, if not yet notified, who will investigate the allegation in accordance with this policy.

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If the alleged harassment involves Sexual Harassment as defined by the LLA Board policy, *Nondiscrimination on the Basis of Sex in Education Programs and Activities* (Title IX), the matter will be handled by the Learning Lodge Academy Title IX Coordinator in accordance with the grievance process and procedures outlined in *Nondiscrimination on the Basis of Sex in Education Programs and Activities*.

A. Learning Lodge Academy Anti-Harassment Compliance Officer

The following person is designated as the School Anti-Harassment Compliance Officer:

Janet Blossfield
Anti-Harassment Compliance Officer
Learning Lodge Academy
10534 Little Road
New Port Richey, FL 34654
(727) 868-0067
jblossfield@learninglodgeacademy.com

The School Anti-Harassment Compliance Officer will be responsible for compliance with Federal and State regulations and ensure that any inquiries or complaints are dealt with promptly in accordance with law.

The name, title, and contact information of the Learning Lodge Academy Anti-Harassment Compliance Officer will be published annually on the School's website. The individual presently serving as the Anti-Harassment Compliance Officer may change from time to time, and such changes will be deemed technical corrections.

The Learning Lodge Academy Anti-Harassment Compliance Officer is also designated as the Compliance Officer, Equity Officer, ADA Coordinator, Title IX Coordinator, and Section 504 Compliance Officer. Should it be determined that additional individuals are necessary to ensure compliance with Federal and State regulations, the LLA Board will authorize the principal to appoint one or more qualified individuals to serve in any of these capacities.

The LLA Board requires proper notice of nondiscrimination under Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act to all school staff, students, school community and third parties.

B. Duties and Responsibilities of Learning Lodge Academy Anti-Harassment Compliance Officer

As it relates to this policy, the School Anti-Harassment Compliance Officer will be available during regular school hours to discuss concerns related to unlawful harassment, to assist students, School employees, other members of the School community, and third parties who

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seek support or advice regarding "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of an informal complaint and where parties are in agreement to participate in an informal process.

The School Anti-Harassment Compliance Officer will accept complaints of unlawful harassment directly from a student, employee, other member of the School community, or third party. Upon receipt of a complaint, the Anti-Harassment Compliance Officer will begin either an informal or formal process, depending on the request of the individual alleging harassment or the nature of the alleged harassment) or designate a specific individual to conduct such a process.

When the complainant is a student enrolled in Learning Lodge Academy, the School Anti-Harassment Compliance Officer or designee must contact the Complainant's parent/guardian within two (2) school days to advise them of the LLA Board's intent to investigate the alleged misconduct, including the obligation of the School Anti-Harassment Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

In the case of a formal complaint, the School Anti-Harassment Compliance Officer will prepare

recommendations for the principal or oversee the preparation of such recommendations by a designee.

V. Investigation and Complaint Procedure

Except for Sexual Harassment covered by the policy, *Nondiscrimination on the Basis of Sex in Education Program or Activities*, any student who believes that s/he has been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known, and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment with the United States Department of Education Office for Civil Rights and/or the Florida Department of Education Office of Equal Education Opportunity.

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and

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to facilitate resolution through an informal means, whenever possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, school staff, other members of the School community, and third parties who believe they have been unlawfully harassed or retaliated against, may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process. Individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints of harassment involving a School employee or any other adult member of the School community against a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as

soon after it occurs as possible. The School Anti-Harassment Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. With regard to certain types of unlawful harassment, such as sexual harassment, the School Anti-Harassment Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing to a teacher, other school employee, the principal, or directly to the School Anti-Harassment Compliance Officer.

All informal complaints must be reported to the School Anti-Harassment Compliance Officer who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

Learning Lodge Academy's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with options designed to resolve their concerns.

Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

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1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
2. Reviewing the anti-harassment policy with students and school staff.
3. If both parties agree, the School Anti-Harassment Compliance Officer may arrange and facilitate a meeting or a mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the School Anti-Harassment Compliance Officer or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. As stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the Anti-Harassment Compliance Officer determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below will be implemented.

The formal complaint process is not intended to interfere with the rights of an individual to pursue a complaint of unlawful harassment with the United States Department of Education Office for Civil Rights or the Florida Department of Education Office of Equal Education Opportunity.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal, school employee, or School Anti-Harassment Compliance Officer. Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known, and potential witnesses are available. If a Complainant informs a teacher, principal, or other school employee, either orally or in writing, about any complaint of harassment, that employee must report the information to the Anti-Harassment Compliance Officer or designee within two (2) school days.

Throughout the course of the process as described herein, the Anti-Harassment Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

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All formal complaints must include the following information to the extent known:

1. The identity of the Respondent;
2. A detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); and
3. A list of potential witnesses and the resolution sought by the complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the School Anti-Harassment Compliance Officer will ask for such details in an oral interview. The Anti-Harassment Compliance Officer will prepare a written summary of the oral interview, and the complainant will verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the School Anti-Harassment Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation. This may include a change of class schedule for the Complainant and/or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the School Anti-Harassment Compliance Officer should consult the Complainant, and his or her parent/guardian, to assess whether the individual agrees to any action deemed appropriate. If the Complainant, or the Complaint's parent/guardian, is unwilling to consent to any change that is deemed appropriate by the Anti-Harassment Compliance Officer, the Anti-Harassment Compliance Officer may still take whatever actions deemed appropriate in consultation with the principal, legal counsel, and under certain situations, Pasco County Schools.

Within two (2) school days of receiving a formal complaint, the School Anti-Harassment Officer will inform the Respondent (and his/her parent/guardian if the Respondent is a student) that a formal complaint has been received. The Respondent (and his/her parent/guardian if the

Respondent is a student) will be informed about the nature of the allegations and provided a copy of any relevant policies and/or administrative procedures and the LLA Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) days.

Within two (2) school days of receiving the complaint, the School Anti-Harassment Compliance Officer or designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment.

Although certain cases may require additional time, the School Anti-Harassment Compliance Officer or designee will attempt to complete an investigation into the allegations of harassment within fifteen (15) days of receiving the formal complaint. The investigation will include:

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1. Interviews with the Complainant.
2. Interviews with the Respondent.
3. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations.
4. Consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the School Anti-Harassment Compliance Officer or designee will prepare and deliver a written report to the principal. The report will summarize the evidence gathered during the investigation and provide recommendations based on the evidence and the definition of unlawful harassment per State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant.

In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The School Anti-Harassment Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Anti-Harassment Compliance Officer may consult with legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report and recommendations, the principal or designee will either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the principal's final decision will be delivered to both the complainant and the respondent and their parents/guardians.

If the principal requests additional investigation, s/he must specify the additional information that is to be gathered, and such additional investigation will be completed within five (5) school days, absent extenuating circumstances. At the conclusion of the additional

investigation, the principal will issue a final written decision as described above. The decision of the principal will be final.

The principal reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the student or other member of the School community or third party alleging the unlawful harassment pursues the complaint. The LLA Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the LLA Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meeting or hearing.

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The right of a person to a prompt and equitable resolution of the complaint will not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or other related state or federal entities, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. Privacy/Confidentiality

Learning Lodge Academy will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses to the extent possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures will be maintained as confidential to the extent permitted by law. However, confidentiality cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Anti-Harassment Compliance Officer or designee will instruct all members of the School community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the School Anti-Harassment Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

VII. Sanctions and Monitoring

The LLA Board and principal will vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee, the suspension of a student or a recommendation to the Pasco County School Board for expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the

principal will consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the LLA Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other LLA Board policies and the Pasco County School's Student Code of Conduct, as adopted by the LLA Board.

Where the LLA Board becomes aware that a prior remedial action has been taken against a student or other member of the School community, all subsequent sanctions imposed by the LLA Board and/or

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principal will be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

IX. Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher, administrator, or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) without a disability is a victim of child abuse or neglect to immediately report the information to the Department of Children and Family Services. If, during the course of a harassment investigation, the Anti-Harassment Compliance Officer or designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report must be made in accordance with State law.

If the School Anti-Harassment Compliance Officer or designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under Florida law, local law enforcement will be notified.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Anti-Harassment Compliance Officer's obligation and responsibility to continue to investigate a complaint of harassment. While the Anti-Harassment Compliance Officer or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event will the

harassment investigation be inhibited by the involvement of outside agencies without good cause and after consultation with the principal and legal counsel.

X. Mandatory Reporting of Misconduct by Certificated Employees

The principal is required by State law to report alleged misconduct by certificated employees of Learning Lodge Academy that affects the health, safety, or welfare of a student. The principal will investigate

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each allegation of such conduct and, if confirmed, will report such misconduct to the Office of Professional Practices.

XI. Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory and harassment practices. The principal, Anti-Harassment Compliance Officer, or designee will provide appropriate information to members of the School community related to the implementation of this policy and appropriate training for students and staff. All training and information provided regarding this policy and harassment, in general, will be age and content appropriate.

XII. Retention of Investigatory Records and Materials

The School Anti-Harassment Compliance Officer is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy will retain all information, documents, electronically stored information ("ESI"), and electronic media created and received as part of an investigation.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media created or received as part of an investigation will be retained for not less than three (3) years or in accordance with the State of Florida records retention schedule, whichever is longer.

Legal Reference

F.S. 110.1221

F.S. 784.049

F.S. 1000.05

F.S. 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973
29 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 20 U.S.C. 1681 et seq.
42 U.S.C. 1983

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

Atlanta Office
61 Forsyth St. S.W., Suite 19T70
Atlanta, GA 30303-3104
Phone: 1-800-421-3481
Fax: 404-562-6455
E-mail: OCR.Atlanta@ed.gov

Office of Equal Educational Opportunity (OEEO)

Florida Department of Education
644 Turlington Building
325 West Gaines Street
Tallahassee, Florida 32399-0400
Phone: 850-245-0511
Email: OEEO@fldoe.org

The OEEO provides consultative services to Florida public school personnel, students, parents and other groups to assist them in addressing concerns regarding discrimination or harassment.

Florida Commission on Human Relations

2009 Apalachee Parkway, Oakland Building, Suite 100
Tallahassee, FL 32301-4857
Phone: 850-488-7082
Fax: 850-488-5291
Website: <http://fchr.state.fl.us>
E-mail: fchrinfo@fchr.myflorida.com

Complaints concerning retaliation may be filed with the Florida Commission on Human Relations (FCHR).

Learning Lodge Academy Equity Policy

Section: 5000 Students

Title: ANTI-BULLYING (Students)

Policy Number: _____

Adopted: Amended January 28, 2024

Equity Policy: ANTI-BULLYING
Students

The Student Code of Conduct provides an extensive list of disruptive, dangerous, and/or violent behaviors that are considered violations of school rules. Violation of these rules will result in a disciplinary referral and subsequent disciplinary action. In addition to the discipline referral, reported acts of unlawful harassment and/or bullying that rise to the level of unlawful harassment, may be subject to the additional investigation and reporting. Acts of bullying that do not rise to the level of unlawful harassment will be investigated pursuant to this policy.

This policy conforms with the Florida Department of Education (FLDOE) Revised Model Policy, dated June 2022.

I. General Policy Statement

It is the policy of the Learning Lodge Academy Board that all its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The School will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

The School will investigate all allegations of bullying and, in those cases where findings are substantiated, take immediate steps to end such activity and prevent its recurrence. Individuals who are found to have engaged in bullying will be subject to appropriate disciplinary action. In addition, the School will take any necessary interim measures to protect victims and the school community at large during the investigation and advise the parent/guardian of those measures if the alleged victim is under eighteen (18).

For purposes of this policy, "School Community" means students, administrators, teachers, staff, and all

other school personnel including LLA Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parent(s), vendors doing business with or seeking to do business with, the LLA Board, and other individuals who come in contact with members of the School community at school-related events/activities (whether on or off School property)).

The School will develop a comprehensive plan intended to prevent bullying and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying as they may occur on school grounds, at school-sponsored events, and through electronic means.

Implementation of the plan will be ongoing throughout the school year and will be integrated with the school curriculum, disciplinary policies, and violence prevention efforts.

The plan may be updated and revised based upon amended statute and/or Florida Administrative Rule, Florida Department of Education policy or procedural recommendations, and school administration decisions aligned with lawful practice.

II. DEFINITIONS

Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

1. teasing
2. social exclusion
3. threats
4. intimidation
5. stalking
6. cyberstalking
7. physical violence
8. theft
9. sexual, religious, or racial harassment
10. public or private humiliation
11. destruction of property

"Bullying" may also encompass:

- A. Retaliation against a student by another student or school employee for asserting or alleging an act of bullying. Reporting an act of bullying that is not made in good faith is considered retaliation.
- B. Perpetuation of conduct listed in the definition of bullying by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student by:
 1. incitement or coercion;
 2. accessing or knowingly and willingly causing or providing access to data or computer software within the scope of the School; or acting in a manner that has an effect substantially similar to the effect of bullying.
 3. acting in a manner that has an effect substantially similar to the effect of bullying.

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Cyberstalking, as defined in F.S. 784.048(1)(d), means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

III. Sanctions and Monitoring

The LLA Board will vigorously enforce its prohibitions against bullying by taking appropriate action reasonably calculated to stop the behavior and prevent further such behavior. Violations of this policy

shall result in disciplinary actions(s) in accordance with the Pasco County Schools Student Code of Conduct, as adopted by Learning Lodge Academy. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the principal or designee will consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where allegations of bullying are not substantiated, the principal or designee may consider whether the alleged conduct nevertheless warrants discipline in accordance with other LLA Board policies or Student Code of Conduct.

Where the LLA Board becomes aware that a prior remedial action has been taken against a member of the School community, all subsequent sanctions imposed by the LLA Board or principal shall be reasonably calculated to eliminate such conduct in the future.

IV. Expected Behavior

Learning Lodge Academy expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high-quality education in a uniform, safe, secure, efficient, and high-quality system of education.

The standards for student behavior will be set cooperatively through interaction among students, parents/guardians, and staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for School and community property on the part of students, staff, and community members. School administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying.

Students are expected to conform to reasonable standards of socially acceptable behavior, respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority. Learning Lodge Academy will provide appropriate recognition and positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

The LLA Board will not tolerate bullying of any type. Conduct that constitutes bullying, as defined herein, is prohibited:

- A. During any education program or activity conducted by the School.
 - B. During any school-related or school-sponsored program or activity, including school-sponsored transportation.
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- C. Through any electronic means.
 - D. The above section (C) does not require a school to staff or monitor any non-school-related activity, function or program; or

- E. In any other location or through any other means that results in bullying that substantially interferes with or limits the target's ability to participate in or benefit from the services, activities or opportunities offered by the School or substantially disrupts the educational process or orderly operation of the School.

V. Consequences

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. The physical location or time of the access of a computer-related incident cannot be raised as a defense in any disciplinary action. Consequences and appropriate remedial action for students, who commit acts of bullying or found to have wrongfully and intentionally accuse another as a means of bullying will result in disciplinary actions(s) in accordance with the Student Code of Conduct.

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or found to have wrongfully and intentionally accused another as a means of bullying will be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with school policies, procedures, and agreements. Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the *Principles of Professional Conduct of the Education Profession in Florida* - Rule 6A-10.081, F.A.C.)

VI. Reports and Complaints of Bullying

Students and all other members of the School community, as well as third parties, are encouraged to promptly report incidents of bullying conduct, either orally or in writing, to a School employee so that conduct can be addressed. The Learning Lodge Academy Board designates the principal, or the principal's designee, as the person responsible for receiving all complaints of bullying. Any student or student's parent/guardian who believes s/he is the victim of bullying should immediately report the situation anonymously or in-person.

A complaint against the principal should be filed with the LLA Board president. Initiating a complaint will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

All school employees are required to report alleged violations of this policy and alleged acts of bullying to the principal or as described above. The alleged violations and acts must be reported by school employees to the principal within twenty-four (24) hours.

The principal shall prominently publicize to students, staff, volunteers, and parents the established School procedure for reporting bullying, including anonymous reporting, and how such a report will be acted upon. A victim of bullying, anyone who witnessed the act, and anyone who has credible information that an act of bullying has taken place may file a report. Written and oral reports shall be considered official reports. Reports may be made anonymously, but anonymous reports may not be the sole basis of a formal disciplinary action.

VII. Anti-Bullying Compliance Officer

The Learning Lodge Academy Equity Officer also serves as the School's "Anti-Bullying Compliance Officer" for students and employees.

Janet Blossfield
Compliance Officer
Learning Lodge Academy
10534 Little Road
New Port Richey, FL 34654
(727) 868-0067
jblossfield@learninglodgeacademy.com

The name, title, and contact information of this individual will be published annually on the Learning Lodge Academy website and available to staff members and the general public. From time to time, the individual serving as the compliance officer

The name, title, and/or contact information of the individual presently serving as the Compliance Officer may change from time to time, and such changes will be a deemed technical correction.

The Compliance Officer will be available to discuss concerns related to bullying, to assist students, other members of the School community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any School employee who directly observes bullying of a student is obligated, in accordance with this policy, to report such observations to the school-based administrator within one (1) business days. Thereafter, the school-based administrator or his designee must contact the student, or the student's parents if the student is under the age of eighteen (18), within two business days, to advise them of the School's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined.

School administrators will accept complaints of bullying directly from any member of the School community or visitor. Upon receipt of a complaint, the school administrator or designee will begin an investigation. As an initial course of action, if a student believes s/he is being bullied and he is able and feels safe doing so, the student should tell or otherwise inform the offending person that the conduct is unwelcome and must stop. The complaining student should address the alleged bullying as soon after it occurs as possible. The Compliance Officer will be available to support and counsel individuals when

taking this initial step or to intervene on behalf of the individual if requested to do so. A student who is uncomfortable or unwilling to inform the offending person of his complaint can file a complaint.

VIII. Anti-Retaliation

A student who believes s/he has been bullied is entitled to utilize Learning Lodge Academy's complaint process. Initiating a complaint will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

IX. Procedure for Investigation

Learning Lodge Academy will promptly and equitably address all complaints, written or oral, of bullying, including sex-based bullying.

The investigation of a reported act of bullying is deemed to be a school-related activity and will begin with a report. All complaints about bullying that may violate this policy will be promptly investigated by an individual, designated by the principal, who is trained in investigative procedures.

Interviews with the target, accused perpetrator, and witnesses will be documented and conducted privately and confidentially to the extent permitted by this policy.

The investigator may not be the accused perpetrator or alleged target.

The accused perpetrator and the alleged target will not be interviewed together.

The investigator will collect and evaluate the facts including, but not limited to, the following:

- A. A description of the incident, the nature of the behavior, and the context in which the incident occurred.
- B. How often the conduct occurred.
- C. Whether there were past incidents or past continuing patterns of behavior.
- D. The relationship between the parties involved.
- E. Any legally protected characteristics of the parties involved.

- F. The identity of the alleged bully, including whether the individual was in a position of power over the individual allegedly targeted for bullying.
- G. The age of the alleged bully.
- H. Where the bullying occurred.
- I. Whether there have been other incidents in the school involving the same or other students.

- J. Whether the conduct adversely affected the student's education or educational environment.
- K. The context in which the alleged incidents occurred, date, time, and method in which the parent(s) of all parties involved were contacted.

Throughout the investigation, the investigator will maintain ongoing contact with the alleged victim and with the parent/guardian if the alleged victim is under the age of eighteen (18). In accordance with State law, school staff may monitor, as part of any bullying investigation, any non-school-related activity, function, or program.

A maximum of fifteen (15) school days should be the limit for the completion of the investigative procedural steps and submission of the incident report. Depending upon the nature of the investigation and the circumstances affecting the investigation, more time may be needed.

The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated pursuant to this policy. The investigation will include:

- A. Interviews with the complainant.
- B. Interviews with the respondent.
- C. Interviews with any other witnesses who may reasonable be expected to have any information relevant to the allegations (please note that both parties have the right to present witnesses).
- D. Consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the anti-bullying policy, the designated individual who has conducted the investigation will make a determination based on all the facts and surrounding circumstances. The written determination will include:

- A. A recommendation of remedial steps necessary to stop the bullying behavior.
- B. Investigation documentation.
- C. Disciplinary action taken.

Within two (2) business days of the determination, a written notice of the outcome of the investigation, whether the incident report or another document, will be provided to the complainant and respondent. If, during an investigation of reported acts of bullying, the principal or his designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discrimination or harassment based on age, sex/gender, race, color, national origin, religion, disability or marital status the principal or his designee will report the act of bullying to the School Equity Officer who serves at the School Compliance Officer.

The Compliance Officer will be available to discuss concerns related to unlawful harassment, to assist students, other members of the School community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

X. Appeal

A. School Level

Students or parents who wish to appeal the findings of the investigation may do so by submitting a written request to the principal within three (3) business days of being notified of the outcome of the investigation. The written or emailed request will initiate a review of all investigation documentation and related information.

This appeal process is available to the alleged victims of bullying or the alleged perpetrator of bullying and/or harassment. As stated herein, "complainant" applies to either an alleged victim or an alleged perpetrator who seeks to appeal the initial findings.

Absent extenuating circumstances, a school-level appeal review will be conducted by the school principal or designee, and a written decision will be provided to the parent/guardian within five (5) business days of the receipt of the appeal request. At the conclusion of the school-level appeal review, the principal will prepare and deliver a written report to the parent/guardian within five (5) business days which summarizes the relevant evidence and information and provides recommendations based on the evidence and the definition of bullying as provided in this policy and State and Federal law. The report will indicate whether the complainant has been subject to bullying, or whether the complainant's claim was unsubstantiated. The principal's recommendations must be based on the totality of the circumstances, including the ages and maturity levels of those involved. The principal may consult with the school district staff before finalizing the report and submitting it to the parent. The principal is to collect, review, and consider newly discovered or presented evidence during the school-level appeal when such is material, relevant, and impactful on the merits of the matter. If the principal, or designee, is the subject of a bullying complaint, as either the alleged victim or alleged bully, then the school-level appeal will be assigned to an independent administrator at a separate school or qualified individual of the LLA's Board's choosing.

If the parent/guardian is not satisfied with the school-level appeal decision, the complainant may choose to make an appeal to the School District.

B. District Level Appeal

Within three (3) business days of receiving the School Level Appeal decision, a parent/guardian has the right to appeal the principal's decision in writing to the school district. The written or emailed request must describe the nature of the concern and the reason the charter school administrator's proposed resolution failed to address their concern.

The school district must respond to the request for appeal. The LLA principal will fully cooperate with the district's resolution procedures and comply with the district's decision for resolution of the complaint.

If the dispute is not resolved at the school district level within 30 business days, the parent/guardian of a student enrolled in a charter school may submit the designated form to the Florida Department of Education requesting the appointment of a Special Magistrate to resolve the complaint. If the request is granted, a Special Magistrate will hold a hearing and provide a recommended decision to the State Board of Education on the dispute between a parent and the school district. The State Board of Education will either approve or reject the recommended decision within 30 business days. (Reference: Section 1001.42(8)(c), F.S. and Rule 6A-6.0791, F.A.C., Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools)

The complainant may also elect to file a complaint with the United States Department of Education Office of Civil Rights (OCR) or the Florida Office of Equal Educational Opportunity (OEEO).

Learning Lodge Academy reserves the right to investigate and resolve a complaint or report of bullying regardless of whether the member of the School community or third party alleging the bullying pursues the complaint. Additionally, the School reserves the right to have the formal complaint investigated by an external person in accordance with this policy or in such other manner as deemed appropriate.

XI. Mandatory Reporting

Any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a bullying or harassment investigation, the principal or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law.

If the principal or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

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Any reports made to the local child protection service or to local law enforcement shall not terminate the principal's or a designee's obligation and responsibility to continue to investigate a complaint of bullying. While the principal or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event will the bullying investigation be inhibited by the involvement of outside agencies without good cause.

XII. Scope of School's Authority

The principal or designee must first determine if an act of bullying or harassment falls within the scope of the school's authority. Computers without web-filtering software or computers with web-filtering software that is disabled will be used when complaints of cyberbullying are investigated. If the action is within the scope of the school, appropriate procedures for investigating either bullying and/or unlawful discriminatory harassment will be followed. If the action is outside the scope of the school, and believed

to be a criminal act, the allegation will be referred to the appropriate law enforcement agency. If the action is outside the scope of the school and believed not a criminal act, the principal or designee will inform parents/guardians of all minor parties.

XIII. Parent Notification

If the bullying incident results in the perpetrator being charged with a crime, the principal will notify the parent/guardian of the identified victim of the bullying incident by first class mail or by telephone about the Unsafe Schools Choice Option (No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 932) that states, in pertinent part, as follows:

"...[A] student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

XIV. Counseling Referral

The School will provide a referral procedure for intervening when bullying is suspected or when a bullying incident is reported. The procedure includes:

- A. A process by which the teacher or parent may request informal consultation with school staff to determine the severity of concern and appropriate steps to address the concern;

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- B. A referral process to provide professional assistance or services that may include a system by which school personnel or parent/guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) to consider appropriate services (parent/guardian involvement required);
- C. A school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
 - 1. counseling and support to address the needs of the bullying targets;
 - 2. interventions to address the behavior of students who bully others (e.g. empathy training, anger management, etc.);
 - 3. intervention which includes assistance and support for parents, as may be deemed necessary or appropriate.

XV. Data Report

The School will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying (including cyberbullying) incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, the School will include each alleged incident of bullying that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

The School will provide bullying incident, discipline, and referral data to the District or the Florida Department of Education in the format requested and at designated dates requested. Data reporting on bullying, unsubstantiated bullying, as well as any bullying-related incidents that have as a basis age, sex/gender, race, color, national origin, disability, or marital status should be included. Victims of these offenses should also have the incident basis (age, sex/gender, race, color, national origin, disability or marital status) noted in their student record if relevant.

XVI. Training and Instruction

Students, parents, teachers, school administrators, counseling staff, and school volunteers will be provided training and instruction, at least annually, on the policy and administrative procedures regarding bullying. The instruction will include evidence-based methods of preventing bullying, as well as information about how to effectively identify and respond to bullying in schools. Instruction regarding bullying, harassment, and violence prevention and school safety efforts will be integrated into the school's curriculum at the appropriate grade levels. The training and instruction will include recognizing behaviors that lead to bullying and taking appropriate preventative action based on those observations.

XVII. Policy Publication

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Annually, at the beginning of each school year, the principal will, in writing, inform school staff, parents/guardians/other persons responsible for the welfare of a student of the School's student safety and violence prevention policy.

Notice will be provided to students and staff in the Parent-Student Handbook, employee handbook, the student code of conduct, and on the School's website. Notification will also be provided to School contractor.

Annually, the principal will review the policy on bullying and harassment with students in a student assembly or in individual classrooms or by grade level. Reminders of the policy and bullying or harassment prevention messages such as posters and signs will be displayed throughout the school.

XVIII. Immunity

A school employee, student, parent/guardian, school volunteer, or other person who promptly reports in good faith an act of bullying to a school official and who makes this report in compliance with the

procedures set forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. However, this immunity from liability shall not apply to any employee, school volunteer, student, parent/guardian, or volunteer other person determined to have made an intentionally false report about harassment.

XIX. Privacy/Confidentiality

Learning Lodge Academy will make all reasonable efforts to protect the rights of the complainant and the respondent. The School will respect the privacy of the complainant, the respondent, and all witnesses. If the complainant requests confidentiality or asks that the complaint not be pursued, the School will take all reasonable steps to investigate and respond to the complaint consistent with either of these requests.

In the event that the complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the School should inform the complainant that its ability to respond may be limited. In such instances, the School will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students and inform the complainant if it cannot ensure confidentiality. Even if disciplinary action is not taken against the alleged bully because the complainant insists on confidentiality, the School should pursue other steps to limit the effects of the alleged bullying behavior and prevent its recurrence.

During the course of an investigation, the principal or designee will instruct all members of the School community and third parties who are interviewed about the importance of maintaining confidentiality.

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Any individual who is interviewed as part of a bullying investigation is expected not to disclose any information that he learns or that he provides during the course of the investigation. Any records that are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal and State law.

XX. Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a bullying investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report must be made in accordance with State law.

If the Principal or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, notification to local law enforcement is required.

Any reports made to the local child protection service or to local law enforcement does not terminate the obligation and responsibility of the principal, Compliance Officer or designee to continue to investigate a complaint of bullying. While concurrent investigations with outside agencies may be

conducted, designated school personnel are responsible for continuing to conduct a school-related bullying investigation unless otherwise advised by legal counsel or officials.

Legal reference

F.S. 110.1221

F.S. 784.048

F.S. 1002.20

F.S. 1006.13

F.S. 1006.147

Florida Department of Education Revised Model Policy (June 2022)

Elementary and Secondary Education Act

Learning Lodge Academy Equity Policy

Section: 2000 - Programs

Policy Title: Nondiscrimination and Access to Equal Educational Opportunity (Students)

Policy Number: _____

Adopted: September 17, 2024

**Equity Policy: Nondiscrimination and Access to Equal Educational Opportunity
(Students)**

I. General Statement

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationships and/or personal sense of self-worth. As such, the Governing Board of Learning Lodge Academy ("LLA Board") will not discriminate nor tolerate harassment in its educational programs or activities on the basis of race (including anti-Semitism), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait),

pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, 'protected classes').

The LLA Board does not, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, subject individuals to training, instruction or any other required activity that is prohibited under F.S. 760.10 and F.S. 1000.05. Prohibited discrimination also occurs when any student or employee is subjected to training or instruction that is unlawful under F.S. 1000.05. This should not be construed to exclude discussion of the concepts listed therein as part of a larger course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.

Moreover, the LLA Board also does not discriminate on the basis of protected classes in its employment policies and practices as they relate to students.

Equal educational opportunities will be available to all students, without regard to the protected classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the academic curriculum offered by Learning Lodge Academy. The School's educational program is designed to meet the varying needs of all students.

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Further, nothing in this policy will be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

In order to achieve the aforementioned goal, Learning Lodge Academy will:

- A.** Ensure curriculum, textbooks, and supplemental materials are not bias based upon the protected classes; fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society.
- B.** Provide on-going staff training for school personnel designed to identify and solve problems of bias based upon the protected classes in all aspects of the program.

C. Student Access

Review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the protected classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations.

D. School Support

Verify that like aspects of the School's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such

facilities and equipment, and related matters;

E. **Student Assessment**

Verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated, or stereotyped on the basis of the protected classes.

II. **DEFINITIONS**

Words used in this policy will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

A. **Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

B. **Respondent** is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint

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or is seeking an informal resolution to the alleged discrimination/retaliation.

C. **School Community** means students and employees (i.e., administrators, and professional and classified staff), as well as Learning Lodge Academy Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Learning Lodge Academy governing board.

D. **Third Parties** include, but are not limited to, guests and/or visitors on School property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the School, and other individuals who come in contact with members of the School community at school-related events/activities (whether on or off School property).

E. **Day(s)**: Unless expressly stated otherwise, the term “day” or “days” as used in this policy means school day(s) (i.e., a day(s) that the School office is open for normal operating hours, Monday – Friday, excluding recognized holidays, dates as posted on the School calendar, and closures due to emergency situations).

III. **Learning Lodge Academy School Compliance Officer**

A. **Compliance Officer.** The title of ‘Compliance Officer’ will represent the Compliance Officer, Equity Officer, Americans with Disabilities Act of 1990 (ADA) Coordinator, Title IX Coordinator, Section 504 of the Rehabilitation Act of 1973 Compliance Officer, and Anti-Harassment Compliance Officer. The following person has been designated:

Janet Blossfield
Compliance Officer
Learning Lodge Academy
10534 Little Road
New Port Richey, FL 34654
(727) 868-0067
jblossfield@learninglodgeacademy.com

- B.** The name, title, and contact information of this individual will be published annually on the Learning Lodge Academy website and available to staff members and the general public. From time to time, the individual serving as the compliance officer

The name, title, and/or contact information of the individual presently serving as the Compliance Officer(s) may change from time to time, and such changes will be a deemed technical correction.

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C. Duties and Responsibilities

The Compliance Officer is responsible for coordinating Learning Lodge Academy's efforts to comply with applicable Federal and State laws and regulations, including the School's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer will also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination Act of 1975, the Florida Civil Rights Act of 1992, the Florida Educational Equity Act, and/or their implementing regulations is provided to students, their parents, staff members, and the general public.

A copy of each of the acts and regulations on which each notice is based will be available from the Compliance Officer.

IV. Students with Disabilities, Limited English Proficiency, or Others Needing Additional Services

Learning Lodge Academy will establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in the School's programs, and develop and administer a program that meets the English language and academic needs of these students. This program will include procedures for student placement, services, evaluation, and exit procedures and will be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, Learning Lodge Academy will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis.

The LLA Board is committed to educating each qualified person with a disability with persons who are not disabled to the maximum extent appropriate.

The School will place a student with a disability in the regular educational environment unless it is demonstrated that the education of the student in the regular environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily.

If Learning Lodge Academy and the District School Board of Pasco County, through its representative(s), determine that Learning Lodge Academy cannot adequately address the needs of a student, as determined by the IEP team, the student will be referred to an appropriate placement within the Pasco County School system.

If the LLA Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

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V. Reports and Complaints of Unlawful Discrimination and Retaliation

Students and all other members of the School community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, teacher, or staff member so the conduct can be addressed. Any reports or complaints received must be filed by the person receiving the complaint to the Compliance Officer within two (2) school days.

Any member of the School community who believes s/he has been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's participation in the School's educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with the LLA Board's policy on Bullying and Harassment, the principal believes that the reported misconduct may constitute unlawful discrimination based on a protected class, the principal will report the act to the Compliance Officer who will investigate the allegation in accordance with this policy. The Compliance Officer will keep the principal informed of the status of the investigation and provide the principal with a copy of the resulting written report.

The Compliance Officer will be available during regular school hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer will accept reports of unlawful discrimination/retaliation directly from any member of the School community or a third party or receive reports that are initially filed with another Learning Lodge Academy employee.

Any employee of Learning Lodge Academy who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) school days. Additionally, any employee of Learning Lodge Academy who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make an intervention dangerous, in which case the employee should immediately notify

other employees, the school guardian, and/or local law enforcement, as necessary, to stop the misconduct. Thereafter, the Compliance Officer or designee must contact the student's parent/guardian within two (2) school days to advise s/he/them of the School's intent to investigate the alleged wrongdoing.

VI. Investigation and Complaint Procedure

Except for sex discrimination and/or Sexual Harassment that is covered by the policy, *Nondiscrimination on the Basis of Sex in Education Programs or Activities*, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures

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described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) school days of the complaint being received).

A. Informal Complaint Process

The goal of the informal complaint process is to promptly stop inappropriate behavior and facilitate a resolution through informal means, if possible. The informal complaint process is a less formal option for a student who alleges unlawful discrimination or retaliation. Please note: this informal complaint process is not required as a precursor to filing a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

A student who believes s/he has been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process. Individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a School employee or any other adult member of the School community against a student will be formally investigated.

As an initial course of action, if a student believes that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible.

The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the Compliance Officer may advise against the use of the informal complaint process.

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A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing to a teacher, other School employee, the principal, or directly to the Compliance Officer.

All informal complaints must be reported to the Compliance Officer who will either facilitate an informal resolution as described herein or appoint another individual to facilitate an informal resolution.

The School's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one (1) or more of the following:

1. Advising the Complainant about how to communicate concerns to the Respondent.
2. Distributing a copy of this policy, *Nondiscrimination and Access to Equal Educational Opportunity*, to employees.
3. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee is directed to attempt to resolve all informal complaints within fifteen (15) school days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may file a formal complaint. As stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requests that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the

Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process will be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, principal, other school employee, or the Compliance Officer. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint

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within thirty (30) school days after the conduct occurs. If a Complainant informs a teacher, principal, or other school employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the Compliance Officer within two (2) school days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known:

- the identity of the Respondent;
- a detailed description of the facts upon which the complaint is based (i.e., when where, and what occurred);
- a list of potential witnesses; and
- the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer will ask for the details in an oral interview. The Compliance Officer will then prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further discrimination or retaliation, including, but not limited to, a change of classroom, a change of schedule, or a change in school placement for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant, and parent/guardian, to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions may be deemed appropriate and in the best interest of the students. This will be done in consultation with the principal. When necessary, the Board's legal counsel and/or Pasco County Schools may be consulted.

Within two (2) school days of receiving the complaint, the Compliance Officer or designee will initiate a formal investigation to determine whether the complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer will inform the Respondent and parent/guardian that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided a copy of the complaint and a copy of any relevant policies and/or administrative guidelines, including this policy. The Respondent will be afforded the opportunity to submit a written response to the complaint within five (5) school days.

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Although certain cases may require additional time, the Compliance Officer or designee should attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) school days of receiving the formal complaint. The investigation will include:

1. Interviews with the Complainant
2. Interviews with the Respondent
3. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegation
4. Consideration of any documentation or other information presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or designee will prepare and deliver a written report to the principal that summarizes the evidence gathered during the investigation. The report will include recommendations based on the evidence and the definition of unlawful discrimination/retaliation as stated in State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with LLA's legal counsel before finalizing the report to the principal.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or designee, the principal must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the principal's final decision will be delivered to both the Complainant and the Respondent.

If the principal requests additional investigation, s/he must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days, absent extenuating circumstances. At the conclusion of the additional investigation, the principal will issue a final written decision as described above.

If the principal determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the principal must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective

action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

C. Appeal

If the complaint is not resolved, the LLA Board will meet with the concerned parties, parents/guardians and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal will be sent to each concerned party within ten (10) business days of this meeting. The decision of the LLA Board will be final.

The LLA Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The LLA Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the LLA Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint will not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

D. Impartial Hearing Procedure for Students with Qualifying Handicap Under Section 504 of the Rehabilitation Act of 1973

This process is only for matters relating to the identification, evaluation, or educational placement of a student with a qualifying handicap, or the provision of a free and appropriate public education (FAPE) for a student with a qualifying handicap under Section 504 of the Rehabilitation Act of 1973, parents or guardians have the right to voluntarily request an impartial due process hearing. For questions, contact the LLA Section 504 Compliance Officer.

VII. Privacy/Confidentiality

Learning Lodge Academy will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with its legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy will be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct each person

who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the Compliance Officer in accordance with the Florida Department of State's Records Retention Schedule. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Florida's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.

VIII. Sanctions and Monitoring

The LLA Board will vigorously enforce its prohibitions against unlawful discrimination and/or retaliation by taking appropriate and reasonable action to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the principal will consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination and/or retaliation is not substantiated, the LLA Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies or Student Code of Conduct.

Where the LLA Board becomes aware that a prior remedial action has been taken against a member of the School community, all subsequent sanctions imposed by the LLA Board and/or principal will be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

IX. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination and/or retaliation or participates as a witness in an investigation is prohibited. Neither the LLA Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

X. Education and Training

In support of this policy, the LLA Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The principal, Equity Officer, or designee will provide appropriate information to members of the School community related to the implementation of this policy and will provide training for school staff and students as appropriate. All training, as well as all information provided regarding the LLA Board's policy and discrimination in general, will be age and content appropriate.

XI. Retention of Investigatory Records and Materials

The Compliance Officer is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy will retain all information, documents, electronically stored information ('ESI'), and electronic media created and received as part of an investigation.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media created or received as part of an investigation will be retained for not less than three (3) years or in accordance with State of Florida records retention schedule, whichever is longer.

Legal Reference

F.S. 553.501 et seq., Florida Americans with Disabilities Accessibility Implementation Act
F.S. 553.014, 760.08, 760.10, 760.021
F.S. 1000.05, Florida Educational Equity Act - Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.
F.A.C. 6A-19.001
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services,
Department of Education, Office of Civil Rights, March 1979
Title III of the No Child Left Behind Act of 2001

Learning Lodge Academy Equity Policy

Section: 2000 Programs

Title: Nondiscrimination on the Basis of Sex in Education Programs and Activities (Students)

Policy Number: _____

Adopted: September 17, 2024

**Equity Policy: Nondiscrimination on the Basis of Sex in Education Programs
and Activities
(Students)**

I. Introduction

Sexual harassment of students is illegal. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.

The Learning Lodge Academy Board (LLA Board) is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment, in its education programs and activities. The implementation of Title IX regulations extends to admissions and employment.

When the School has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the LLA Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Learning Lodge Academy employees, students, third-party vendors and contractors, guests, and other members of the School community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The LLA Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the School's education programs and activities.

II. Coverage

This policy applies to Sexual Harassment that occurs within the School's education programs and activities and that is committed by a member of the School community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the School's education programs and activities. Such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board

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policies and administrative procedures, and/or applicable State and/or Federal laws if committed by an employee of the School.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States.

III. Definitions

Words used in this policy will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

Sexual Harassment: “Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- A. A LLA Board employee conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct (often called “*quid pro quo*” harassment);
- B. 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 School’s education program or activity; or
- C. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)A(v), or “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).

“Sexual assault” means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

- 1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An
- 4. genitalia.

- 5. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 6. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

7. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
 8. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
 9. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
 2. a person with whom the victim shares a child in common;
 3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
 5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the School investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the School, a Complainant must be participating in or attempting to participate in the School's education

program or activity. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: “Actual knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the Schools Title IX Coordinator, or any School official who has authority to institute corrective measures on behalf of the LLA Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has the authority to institute corrective measures on behalf of the School. “Notice” includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only School official with actual knowledge is the Respondent.

Supportive Measures: “Supportive measures” means 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 Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School’s educational environment or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures.

Education Program or Activity: “Education program or activity” refers to all operations of the School including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term

applies to all activity that occurs on school grounds or on other property owned or occupied by the LLA Board. It also includes locations, events, and circumstances that take place off-school property/grounds over which the School exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

School community: “School community” refers to students and employees (i.e., administrators, and professional and classified staff), as well as LLA Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the LLA Board.

Third Parties: “Third Parties” include, but are not limited to, guests and/or visitors on School property, including parents, vendors doing business with Learning Lodge Academy, and other individuals who come in contact with members of the School community at school-related events/activities (whether on or off School property).

Inculpatory Evidence: “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

Exculpatory Evidence: “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means school day(s) (i.e., a day(s) that the School office is open for normal operating hours, Monday – Friday, excluding recognized holidays, dates posted on the School calendar, and closures due to emergency situations).

Eligible Student: “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

School Title IX Coordinator: The LLA Board designates and authorizes the following individual to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Janet Blossfield
Title IX Coordinator and Compliance Officer
Learning Lodge Academy
10534 Little Road
New Port Richey, FL 34654
(727) 868-0067
jblossfield@learninglodgeacademy.com

The name, title, and contact information of this individual will be published annually on the School website.

The names, titles, and/or contact information of the person presently serving as Compliance Officer may change from time to time, and such changes shall be deemed technical corrections.

The Title IX Coordinator will report directly to the principal except when the principal is a Respondent. In such matters, the Title IX Coordinator report directly to the LLA Board’s legal counsel. Questions about this policy should be directed to the Title IX Coordinator.

The principal will provide notice of the following information on the School website for students, employees, applicants for student admission and employment, parents and legal guardians:

Learning Lodge Academy does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The School's Title IX Coordinator is:

Janet Blossfield
Title IX Coordinator and Compliance Officer
Learning Lodge Academy
10534 Little Road
New Port Richey, FL 34654
(727) 868-0067
jblossfield@learninglodgeacademy.com

IV.

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Any inquiries about the application of Title IX and its implementing regulations to the School may be referred to the Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

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, how to report or file a formal complaint of Sexual Harassment, and how the School will respond. The process is outlined in this policy and will be made available to students, applicants for admission, employees, applicants for employment, and parents and legal guardians by posting the process on the School website.

The School's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate,

and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the LLA Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the School's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

V. **Report of Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report.

Reports made in person or by telephone should be made during normal School hours.

Students, employees, and LLA Board members are required, and other members of the School community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the School Title IX Coordinator or to any employee, who will in turn notify the School Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the principal or assistant principal. The LLA Board will appoint a suitably qualified person to serve as the Title IX Coordinator for the purposes of addressing the report of Sexual Harassment.

The LLA Board does business with various vendors, contractors, and other third parties who are not students or employees. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the LLA Board retains the right to limit any vendor, contractor, or third-party access to school grounds for any reason. The LLA Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third party irrespective of

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any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in the Student Code of Conduct, Employee Handbook, LLA Board policies, and/or administrative procedures.

Because the LLA Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any employee has such knowledge, and because the LLA Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, an employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment, or neglect of a child pursuant to F.S. 39.201, as applicable. If the employee's knowledge is based on another individual bringing the information to the employee's attention and the reporting individual submitted a written complaint to the employee, the employee must provide the written complaint to the Title IX Coordinator.

If a LLA Board employee fails to report an incident of Sexual Harassment of which the employee is aware, the employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) 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 Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the School to provide the supportive measures.

VI. Emergency Removal

Subject to limitations and/or procedures imposed by State and/or Federal law, the School may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the principal determines the student Respondent poses such a threat, the student

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Respondent and parent/guardian will be notified, and the student Respondent will have an opportunity to challenge the decision immediately following the removal.

If the Respondent is an employee, the School may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the School community and third parties, the LLA Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

VII. Formal Complaint of Sexual Harassment

When the Title IX Coordinator receives a Formal Complaint, the School will follow its Grievance Process, as set forth herein and undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The Respondent is presumed not responsible for the alleged contact until a determination regarding responsibility is made at the conclusion of the grievance process.

VIII. False Report

A person who knowingly makes false statements, knowingly submits false information, or knowingly submits a false report of sexual harassment or submits a false Formal Complaint may be subject to disciplinary action. The term "false report" refers only to those made in bad faith and does not include a

complaint that could not be corroborated, or which did not rise to the level of discrimination or harassment as defined by this policy.

Timeline

The School will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers an informal resolution process, the informal resolution process may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities.

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The School will provide written notice to a party whose participation is invited or expected, the date, time, location, participants, and purpose of all investigative interviews, or other meetings, allowing sufficient time for the party to prepare to participate.

The parent/legal guardian of a victim and perpetrator who have received notification may participate at each stage of the investigation and resolution procedures. The frequency of notification and follow-up reports to parents/legal guardians will be dependent on the seriousness of the complaint. All notifications shall be consistent with student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the LLA Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 2. inform 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.

3. inform the parties of any provision in the code of student conduct and this policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator, and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

IX. Dismissal of a Formal Complaint

The School will investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

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- A. Would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. Did not occur in the School's education program or activity; or
- C. Did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the School may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct or Board policy.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

- A. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. The Respondent is no longer enrolled in the School or employed by the LLA Board; or
- C. Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

X. Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party will be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator will designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator proposes an informal resolution process, s/he will provide the parties with 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 Formal Complaint arising from the same allegations.

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- C. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations.
- D. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator will obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed, and all related deadlines will be suspended.

The informal resolution process is not available to resolve allegations that a LLA Board employee, another adult member of the School community, or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

XI. Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the School, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The School is not permitted to 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 the party provides the School with voluntary, written consent to do so; if a student party is not an Eligible Student, the School must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may 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 in writing.

As part of the investigation, the parties have the right to:

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- A. Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. Have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The School may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Neither party will be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, Title IX Coordinator will 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 will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator will create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

XII. Determination of Responsibility

The Title IX Coordinator will appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

The LLA Board may, at its discretion, appoint suitably qualified persons who are not employees of the School to act in the capacity of decision-maker(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will 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. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

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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 concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

XIII. Determination Regarding Responsibility

The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy.
- B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence.
- C. Findings of fact supporting the determination.
- D. Conclusions regarding the application of the applicable code of conduct to the facts.
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the School impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the School's education program or activity should be provided by the School to the Complainant(s).
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

XIV. Student Respondent – Disciplinary Consequences

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Informal Discipline
- B. Formal Discipline

1. Suspension of bus riding/transportation privileges.
2. Removal from co-curricular and/or extra-curricular activity(ies), including athletics.
3. Emergency removal.

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4. Suspension for up to ten (10) school days.
5. Expulsion not to exceed the remainder of the term or school year and one (1) additional year of attendance.
6. Any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the principal of the recommended remedies who will consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with LLA Board policies, student code of conduct, and due process rights.

The LLA Board reserves the right to confer with school district personnel regarding disciplinary consequences of a student respondent.

Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

XV. Employee Respondent – Disciplinary Consequences

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Oral or written warning.
- B. Written reprimands.
- C. Required counseling.
- D. Required training or education.
- E. Change in assignment and/or demotion.
- F. Suspension with pay.
- G. Suspension without pay.
- H. Termination, and any other sanctions deemed appropriate.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies,

including disciplinary sanctions/consequences. The Title IX Coordinator will notify the principal, who will notify the LLA Board, of the recommended remedies, who will consider the recommendation(s) and

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implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law and LLA Board policy.

XVI. Third Party Respondent - Disciplinary Consequences

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Oral or written warning.
- B. Suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor.
- C. Mandatory monitoring of the third-party while on school property and/or while working/interacting with students.
- D. Restriction/prohibition on the third-party's ability to be on school property.
- E. Any combination of the same.

If the decision-maker(s) determines the third party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the principal of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the principal will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

At any point in the grievance process, the Title IX Coordinator may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

Learning Lodge Academy's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

The Title IX Coordinator is responsible for effective implementation of any remedies.

XVII. Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures).
- B. 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.
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein must submit a written notice of appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The nonappealing party will have up to five (5) days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility.

Nothing herein shall prevent the principal from implementing appropriate remedies, excluding disciplinary sanction, while the appeal is pending.

The decision-maker(s) for the appeal cannot be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

The appeal decision-maker(s) will issue a written decision describing the result of the appeal and the rationale for the result within five (5) days of when the parties' written statements are submitted.

The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties.

The determination of responsibility of the original decision-maker(s) will stand if the appeal request is

not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

XVIII. Expectation of Professionalism and Decorum

All individuals participating in the complaint process will conduct themselves in a manner that is professional, respectful, ethical, and appropriate. At no time will any individual behave in a manner that is unprofessional, rude, or hostile, such as using abusive language, interrupting frequently, making personal attacks, or refusing to engage in a constructive dialogue, potentially undermining the integrity of the process.

XIX. Qualified Persons

The LLA Board may seek the counsel of qualified persons who are not employees of the School to advise the Title IX Coordinator, investigator, or decision-maker(s) during the process.

Further, the LLA Board may appoint suitably qualified persons who are not employees of the School to fulfill any function under this policy, including, but not limited to, a facilitator of the informal resolution process, investigator, advisor, decision-maker(s), and/or decision-maker(s) for appeals.

XX. Retaliation

Neither the LLA Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. 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, to interfere with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation.

Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process.

XXI. Application of the First Amendment

In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment. The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

XXII. Confidentiality

The School will respect the privacy of all parties and witnesses to complaints and grievances. To the extent possible, the School will not release the details of a complaint or the identity of the Complainant or the respondent(s) to any third parties except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, F.S. 1002.22-1002.222, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding.

The School Compliance Officer will discuss confidentiality standards and concerns with all claimants, respondents, and witnesses.

XXIII. Training

The School's Title IX Coordinator, and any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, will receive training on:

- A. The definition of Sexual Harassment (as that term is used in this policy).
- B. The scope of the School's education program or activity.
- C. How to conduct an investigation and implement the grievance process appeals and informal resolution processes, as applicable.
- D. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

XXIV. Recordkeeping

As part of its response to alleged violations of this policy, the School will create and maintain, for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the School will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity. If the School does not provide a Complainant with supportive measures, the School will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

The School will maintain the following records for a period of seven (7) calendar years:

- Each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the School's education program or activity.
- Any appeal and the result therefrom.
- Any informal resolution and the result therefrom.
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

XXV. Outside Appointments, Dual Appointments, and Delegations

The LLA Board retains, at its discretion, the right to appoint suitably qualified persons who are not LLA employees to fulfill any function under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The principal may delegate functions assigned to a specific employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded at any time.

XXVI. Discretion in Application

The LLA Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the LLA Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the LLA Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the LLA Board retains discretion to revise this policy at any time, and for any reason, and may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Legal Reference

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEA)
 42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)
F.S. 1000.05
OCR's Revised Sexual Harassment Guidance (2001)
F.S. § 110.1221 – Sexual Harassment Policy
F.S. § 119.071 – General Exemptions from Inspection or Copying of Public Records
F.S. § 784.049 – Sexual Cyberharassment
F.S. § 1002.22 – Education Records and Reports of K-12 Students
F.S. § 1002.221 – K-12 Education Records
F.S. § 1002.206 – Religious Expression in Public Schools
F.S. § 1003.04 – Student Conduct and Parental Involvement
F.S. § 1003.31 – Students Subject to Control of School
F.S. § 1006.09 – Duties of School Principal Relating to Student Discipline and School Safety
F.S. § 1012.31 – Personnel Files
F.S. § 1012.796 – Complaints Against Teachers and Administrators