



## **TITLE IX POLICY and PROCEDURES**

<b>BFHS Title IX Personnel</b>	<b>2</b>
<b>Definition of Sexual Harassment</b>	<b>3</b>
<b>No Retaliation</b>	<b>3</b>
<b>Process for Reporting Violations</b>	<b>4</b>
<b>Discipline/Consequences</b>	<b>5</b>
<b>Enforcement</b>	<b>5</b>
<b>Appeal of Title IX Finding</b>	<b>6</b>

Benjamin Franklin High School (BFHS) does not discriminate on the basis of sex in its education programs and activities and, accordingly, requires its employees and students to abide by the requirements of Title IX of the Educational Amendments of 1972 and its implementing regulations. Sexual harassment is a form of sex discrimination and is explicitly prohibited, whether such conduct occurs on or off campus during or after school hours, during or directly related to school-sponsored activities, or at a time and/or place directly related to school functions or an employee's school-related duties. It is the intent of BFHS to maintain an environment free from sexual assault and sexual harassment of any kind; therefore, this policy commands that no student shall be subjected to sexual misconduct, sexual assault or sexual harassment by other students or BFHS employees. This policy shall be enforced and the accompanying procedures shall be implemented regardless of whether a complaint has been filed with or an investigation has been instituted by any law enforcement agency.

Sexual harassment occurs when: education benefits are conditioned upon participation in unwelcome sexual conduct (i.e., Quid Pro Quo); unwelcome conduct occurs that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; and/or sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Title IX requires BFHS to take steps to prevent and remedy two forms of sex-based harassment: sexual harassment (including sexual violence) and gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of

Civil Rights uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Title IX also prohibits gender-based harassment, which is unwelcome conduct based on a student's sex, or harassing conduct based on a student's failure to conform to sex stereotypes.

Sex-based harassment can be carried out by school employees, other students, and third parties. All students can experience sex-based harassment, including male and female students, LGBT students, students with disabilities, and students of different races, national origins, and ages. Title IX protects all students from sex-based harassment, regardless of the sex of the parties, including when they are members of the same sex.

Sex-based harassment creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program. When a school knows or reasonably should know of possible sex-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the school must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Questions regarding Title IX may be referred to the U. S. Department of Education, Office of Civil of Civil Rights (OCR) or to Benjamin Franklin High School's Title IX Coordinator, Mr. Donald Jackson at phone number: 504.359.7932; or email: [djackson@bfhsla.org](mailto:djackson@bfhsla.org)

## BFHS Title IX Personnel

The Title IX Coordinator: Mr. Donald Jackson; [djackson@bfhsla.org](mailto:djackson@bfhsla.org)

The Title IX Investigators: Ms. Kim Owens-Heath; [kowens-heath@bfhsla.org](mailto:kowens-heath@bfhsla.org) or Ms. Michele Beloney; [mbeloney@bfhsla.org](mailto:mbeloney@bfhsla.org)

The Title IX Decision Panel: Mr. David Ferris, Ms. Allison Bent, Ms Amanda Morehouse

The Title IX Appeal: Dr. Patrick Widhalm; [pwidhalm@bfhsla.org](mailto:pwidhalm@bfhsla.org)

NOTE: If a complaint is brought against Mr. Jackson, Ms. Owens-Heath, Ms. Beloney, Mr. Ferris, Ms. Bent, or Ms. Morehouse, Ms. Chrissa Hailey will substitute for that role, having participated in the Title IX personnel training. If a complaint is brought against Dr. Widhalm, the president of the school's board, or their designee shall substitute.

## Definition of Sexual Harassment

- 1) Sexual assault or sexual harassment is unwelcome conduct of a sexual nature.
- 2) Sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when at least one (1) of the following occurs:
  - a) Submission to such conduct is made, either implicitly or explicitly, a term or condition of the student's grades, academic status, or progress or is used to deprive the student of access to the educational opportunities and benefits provided by the BFHS.
  - b) Submission to or rejection of such conduct is used as the basis for academic or other school-related decisions affecting the student.
  - c) Such conduct of a sexual nature is sufficiently severe, persistent, or pervasive and has the purpose or effect of unreasonably interfering with the student's academic performance or of creating an intimidating, hostile, or offensive educational environment for the student.
- 3) Extended Definition of Sexual Harassment which may include but is not limited to:
  - Verbal harassment or abuse;
  - Uninvited letters, telephone calls, or materials of sexual nature;
  - Uninvited or inappropriate leaning over, cornering, patting or pinching;
  - Uninvited sexually suggestive looks or gestures;
  - Intentional brushing against a student's or school employee's body;
  - Uninvited pressure for dates;
  - Uninvited sexual teasing, jokes, remarks or questions;
  - Any sexually motivated unwelcome touching;
  - Any conduct resulting in an intimidating, hostile or offensive educational environment; or
  - Attempted or actual rape or sexual assault or sexual battery.

## No Retaliation

Retaliation of any nature against any student or employee who makes a report or complaint or who participates in any investigation under this policy is a serious violation of Benjamin Franklin High School's sexual harassment policy. Such retaliation is considered an act of sexual discrimination itself; therefore, reports and complaints of such retaliation are handled in the same manner as those of sexual harassment. A reference to "sexual harassment" in this policy and the related procedures shall also include retaliation. As such, retaliation against any employee or student who brings sexual harassment charges or who assists in investigating

such charges shall be prohibited. Any employee or student bringing a sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected, discriminated against or punished because of the complaint.

## Process for Reporting Violations

- 1) Students and employees are encouraged and expected to report incidences of alleged sexual discrimination or harassment and/or retaliation in accordance with these regulations and procedures. Typically, this is within 24 hours of the incident, although extenuating circumstances will be considered, such as occurring during a school holiday, or lack of access to file a report via email..
- 2) A report or complaint – written or verbal – of an alleged violation of this policy must be sufficiently clear and explicit so that it can be recognized as a legitimate report of sexual discrimination or harassment or retaliation. This means that a report or complaint must, at a minimum, include: (1) a description of an alleged act of sexual discrimination or harassment or retaliatory conduct, including the date, time, and place it allegedly occurred; (2) identity of the alleged victim; (3) identity of the alleged harasser; and (4) identity of the reporting person.
- 3) The report is made to the Title IX Coordinator, Mr. Donald Jackson. If Mr. Jackson determines that a policy violation may have occurred, he will coordinate with the Title IX Investigators to gather facts and information that will be presented to the Title IX Decision Panel. Written reports may be submitted via email to [djackson@bfhsla.org](mailto:djackson@bfhsla.org) . Verbal reports may be made in Mr. Jackson’s office or via video conferencing. If the report is being made verbally by a student, the student may ask for a parent or faculty member to accompany them.  

NOTE: Reporting to Mr. Jackson does not relieve a Mandatory Reporter of their responsibility to report potential sexual abuse or harassment to Child Protective Services. Both must be done.
- 4) Ms. Owens-Heath or Ms. Beloney will gather a file of written information, including testimony of witnesses and statements from the alleged victim and the alleged violator. Ms. Owens-Heath will investigate complaints against employees, and Ms. Beloney will investigate complaints against students.
- 5) Investigations typically require three to five school days. Once the investigation is completed, the written information will be given to the Decision Panel, which will meet within three school days to review the written evidence and make a determination.

- 6) The violator may appeal the decision of the panel within five calendar days of receiving their determination to Dr. Widhalm. He will review the written information from the investigation and the ruling of the Decision Panel, and respond to the appeal within five calendar days of receiving it.

## **Discipline/Consequences**

Any student who is determined to have engaged in a sexual assault, sexual discrimination or harassment or retaliation against another individual in violation of this policy may be subject to disciplinary action, up to and including expulsion.

Any employee who is determined to have permitted, engaged in, or who after become aware, failed to report sexual assault, sexual harassment or retaliation in violation of this policy and the related procedures may be subject to disciplinary action, up to and including termination.

## **Enforcement**

Each administrator, staff member, and teacher has the responsibility of taking such reasonable steps necessary and practicable to maintain a work environment and educational environment free of sexual assault and sexual discrimination or harassment. Such steps shall include implementation of the following:

- 1) All employees shall cooperate, as needed, in any formal and informal investigations instituted under this policy. The Title IX Investigator is responsible to investigate any report of sexual discrimination or harassment involving student on student in coordination with the Title IX Coordinator. Reports involving an employee shall also be within 24 hours after becoming aware, to the Title IX Coordinator.
- 2) All administrators and staff in charge of discipline of students shall, in accordance with policy and law, take such disciplinary action against any student found to be in violation of the sexual harassment policy as provided in the student Code of Conduct.
- 3) Within the first week of school each school year, the Title IX Coordinator shall ensure that an in-service program addressing the sexual harassment policy and procedures is provided for all employees.
- 4) During orientation at the beginning of each school year or at the time of a new student's enrollment, the Title IX Coordinator shall ensure that instruction about sexual harassment, BFHS policy, and its procedures are provided to students.

- 5) Teachers, counselors, and administrators shall instruct students on the sexual assault, dating violence, or sexual harassment report and complaint procedures within the educational setting on an as-needed basis.
- 6) The Title IX Coordinator shall ensure that the sexual assault, dating violence, or sexual harassment policy and procedures are provided to all students, parents, and employees by:
  - a) Including a restatement of the policy and procedures in the student handbook;
  - b) Posting an age-appropriate restatement of the policy against sexual assault and sexual harassment, the report and complaint procedures, and notice of the Title IX Coordinator at visible and accessible sites for students, for parents, and for employees;
  - c) Making a copy the complete policy and procedures available on request for students, parents, and employees at the school office and the central office; and
  - d) Maintaining the policy and procedures on BFHS School website.

**The Title IX Coordinator for Benjamin Franklin High School is:**

Mr. Donald Jackson, Operations Assistant Principal. 504.359.7932,  
[djackson@bfhsla.org](mailto:djackson@bfhsla.org)

## **Appeal of Title IX Finding**

Any appeal or grievance related to a Title IX Investigation shall be sent in writing to Benjamin Franklin High School Head of School, Dr. Patrick Widhalm, at the following address: 2001 Leon C Simon, New Orleans, 70122 and emailed to: [pwidhalm@bfhsla.org](mailto:pwidhalm@bfhsla.org)

In reviewing the decision, the Head of School may uphold, modify, or reverse the decision of the Title IX Coordinator; however, the Head of School's review of the Title IX Investigation findings is final.