



LEARN Charter School Network Bullying and Harassment Policy

Policy	Bullying and Harassment Policy	Owner	Princy Abraham
Department	Student Support	Updated	November 23, 2021

I. Bullying and Harassment Policy

LEARN Charter School Network (“LEARN”) shall use the guidance of this Bullying and Harassment Policy and in accordance with the Illinois School Code.

Anti-Bullying Policy

Recognizing that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with their ability to learn and participate in school activities, the LEARN Charter School Network is committed to maintaining a school environment free of harassment and bullying. All members of the LEARN school community have a right to be educated and work in a secure and caring environment, that are in alignment with the mission and values of the LEARN network. It is also expected that every member of the LEARN Charter School Network community has a responsibility to contribute to the protection and maintenance of a safe and nurturing environment.

The LEARN Charter School Network requests that every scholar, with the support of his/her parent(s), guardian(s) and the LEARN school community, commit to the following principles, which will apply to everyone on the school property and school-related activities:

- I will not bully others.
- I will try to help anyone I suspect is being bullied.
- I will work to include students who are left out.
- If someone is being bullied, I will tell an adult at school and an adult at home.

Bullying is contrary to Illinois law and this policy is consistent with the Illinois School Code. This policy protects LEARN Charter School Network scholars against bullying and harassment on the basis of actual and/or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity and/or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic. The LEARN Network recognizes the particular vulnerability of scholars with actual and/or perceived disabilities and those who identify as or are perceived to be lesbian, gay, bisexual or transgender. Nothing in this policy is intended to infringe upon any expression protected by the First Amendment of the United States Constitution or Section 3 of Article I of the Illinois Constitution.

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. (This list is meant to be illustrative and non-exhaustive.)

Any type of aggressive behavior by a student, including bullying and hazing, will be documented by the school staff to provide information needed to develop appropriate interventions. When significant evidence is collected to suggest the existence of repeated aggressive behavior, parents or guardians of the student will be notified. Interventions for repeated aggressive behavior shall not preclude any other type of discipline from being imposed in accord with other provisions of this policy.

Definitions

A. Aggressive Behavior.

Aggressive behavior is defined as using force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct. Aggressive behavior includes student behavior that is commonly referred to as bullying and/or hazing. School personnel will create a supportive climate that encourages reporting of such behavior. When teachers see aggressive behavior or when it is reported to them, they are to address that behavior. This can include interventions such as redirecting toward appropriate behavior, modeling positive behavior, pursuing other consequences consistent with school policy, and /or reporting the behavior to a school administrator.

B. Bullying.

"Bullying" includes "cyber-bullying" and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following: (1) Placing the student or students in reasonable fear of harm to the student's or students' person or property; (2) Causing a substantially detrimental effect on the student's or students' physical or mental health; (3) Substantially interfering with the student's or students' academic performance; or (4) Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school. Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

Bullying behaviors may also qualify as other inappropriate behaviors listed in the Student Code of Conduct. When deciding whether inappropriate behavior constitutes bullying, administrators should consider the student's intent, the frequency or recurrence of the inappropriate behavior, and whether there are power imbalances

between the students involved. While bullying is often characterized by repeated acts, sometimes a single incident constitutes bullying depending on the student's intent and power imbalances.

Cyber-bullying (additional information)

Cyber-bullying means using information and communication technologies to bully. This definition does not include cyber bullying by means of technology that is not owned, leased, or used by the Network, unless an administrator or teacher receives a report that bullying through this means has occurred. This policy does not require a Network or school to staff or monitor any non-school-related activity, function, or program. If the cyber-bullying is based on age, sex, or disability, it is also subject to the LEARN Charter School Network Non-discrimination policy.

C. Hazing.

Hazing is meant to include any activity that physically or mentally injures any student through harassment, intimidation, or wrongful act. Disciplinary action will be taken in instances of violation of this policy.

D. Peer Conflict.

Peer Conflict means disagreements and oppositional interactions that are situational, immediate and developmentally appropriate. When school employees are aware of peer conflict, they are expected to guide students in developing new skills in social competency, learning personal boundaries and peaceably resolving conflict, and to model appropriate social interactions. These interventions are designed to prevent peer conflict from escalating to bullying.

E. Retaliation.

Retaliation means any form of intimidation, reprisal or harassment directed against a student who reports bullying, provides information during an investigation, or witnesses or has reliable information about bullying or harassment.

Bullying is prohibited:

- during any school sponsored or school sanctioned program or activity; in school, on school property, on school buses or other LEARN Network provided transportation, and at designated locations for students to wait for buses and other LEARN Network provided transportation;
- through the transmission of information from a LEARN Charter School Network computer or computer network, or other electronic school equipment;
- when communicated through any electronic technology or personal electronic device while on school property, on school buses or other LEARN Network provided transportation, at bus stops, and at school sponsored or school sanctioned events or activities;
- when it is conveyed that a threat will be carried out in a school setting, including threats made outside
- school hours with intent to carry them out during any school related or sponsored

- program or activity or on LEARN Network provided transportation;
- when it is a LEARN Charter School Network Student Code of Conduct Group 5 or 6 behavior (see Section VIII) that occurs off campus but seriously disrupts any student's education.

No student who witnesses bullying may stand by or participate in the bullying but must notify an adult at school and an adult at home as quickly as practicable. Any parent or guardian who witnesses or is notified of bullying has an obligation to advise the Principal/Designee as quickly as practicable. Reports can be made to any LEARN Charter School Network employee or contractor in person, by completing the Bullying Complaint Form and submitting it to the Principal/Designee. No disciplinary action will be taken on the sole basis of an anonymous report, see page ____.

Dating Violence

Engaging in teen dating violence that takes place at school, on school property, at school-sponsored activities, or in vehicles used for school-provided transportation is prohibited. Dating violence is defined as violent, controlling, or intimidating behavior that an individual uses against a current or former dating partner. It can include emotional, physical and sexual abuse, stalking, yelling, harassing, threatening, name-calling, threats of suicide, obsessive phone calling or text messaging, extreme jealousy and possessiveness. Anyone with information about incidents of teen dating violence should report them to a LEARN Building Principal, Assistant Principal, or any school staff member.

Any school employee who is notified by a parent, guardian or student, or who reasonably suspects that a student has been the victim of dating violence shall immediately report that information to the principal or designee who will follow established procedures for the prevention, identification, investigation, and response to bullying and school violence and the Student Code of Conduct. If necessary and appropriate, the LEARN CEO or designee will notify the Office of Student Protections and Title IX.

The LEARN principal shall ensure that the student victim of dating violence receives appropriate support services.

Reporting Procedures for Violations of Non-Discrimination, Harassment or Anti-Bullying Policy

Students or their parent(s)/guardian(s), employees, or community members should notify any Network Complaint Manager (773-584-4300) if they believe that the LEARN Board, its employees, or agents or another student has violated the Non-Discrimination Policy, Harassment Policy, or the Anti-Bullying Policy, or has violated their rights guaranteed by the Illinois or U.S. Constitution, Illinois or federal statute, including:

- Title II of the Americans with Disabilities Act;
- Title IX of the Education Amendments of 1972;
- Section 504 of the Rehabilitation Act of 1973;
- Claims of sexual harassment under the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972.

A. Reporting.

Any student who believes he or she has been the victim of harassment based on race, color, national origin, disability, sex or age or other protected basis by a student, teacher, administrator or other school personnel of the LEARN Charter School Network, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the LEARN

Charter School Network, is encouraged to immediately report the alleged acts to the Non-Discrimination Coordinator, Principal, Assistant Principal, or a Complaint Manager. Students may choose to report to a person of the student's same sex.

Complaints will be kept confidential to the extent possible given the need to investigate. An allegation that one student was harassed by another student shall be referred to the Building Principal or Assistant Building Principal for appropriate action. Any teacher, administrator, or other school official who has or receives notice that a student has or may have been the victim of sexual harassment or harassment based on race, color, national origin, disability, sex or age by a student, teacher, administrator or other school personnel of the LEARN Charter School Network, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra-curricular activities, under the auspices of the LEARN Charter School Network is required to immediately report the alleged acts to an appropriate Complaint Manager or to another LEARN Charter School Network official designated by this policy.

The Complaint Manager(s) are designated from the Human Resources Department or other administrator deemed appropriate by the LEARN CEO. Nothing in this policy shall prevent any person from reporting harassment directly to the LEARN CEO.

Any other person with knowledge or belief that a student has or may have been the victim of sexual harassment or harassment based on race, color, national origin, disability, sex, or age as set forth above, is encouraged to immediately report the alleged acts to an appropriate LEARN Charter School Network official designated by this policy.

Upon receipt of a report, the Complaint Manager must notify the Non-Discrimination Coordinator without screening or investigating the report. For sex-based complaints,

the Complaint Manager shall notify the Title IX Coordinator or other LEARN Charter School Network officer who oversees sexual misconduct, abuse, or harassment; for disability-based complaints, the Complaint Manager must notify the Section 504 Coordinator or other LEARN Charter School Network officer who oversees disability harassment (as applicable).

The Complaint Manager may request but may not insist upon a written complaint. Oral reports shall be considered complaints as well. If the complaint involves the building Complaint Manager, the complaint shall be made or filed directly with the appropriately designated Non-Discrimination Coordinator by the reporting party or the complainant.

B. Designees.

The Board designates the following LEARN Charter School Network individuals with responsibility to identify, prevent, and remedy harassment. The LEARN CEO or designee shall:

- receive reports or complaints of sexual harassment and harassment based on race, color, national origin, disability, and other basis as identified by this policy;
- oversee the investigative process of harassment complaints;
- be responsible for assessing the training needs of the LEARN Charter School Network's staff and students in connection with the dissemination, comprehension, and compliance with this policy;
- arrange for necessary training required for compliance with this policy; and
- insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline and remedies when harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.
- If any complaint involves the Complaint Manager, the complaint shall be filed with the LEARN CEO. If any complaint involves the LEARN CEO, the complaint shall be filed with the LEARN Board.

Non-Discrimination Coordinator:

Director of Student Support
Services LEARN Charter School
Network
3021 West Carroll Avenue
Chicago, Illinois 60612
773-584-4300

Complaint Manager:

Susan Adams
Herro Campus

Matthew Smith
Herro Campus

LEARN Charter School Network
(773) 849-4860
sadams@learncharter.org

LEARN Charter School Network
(773) 372-4707
msmith@learncharter.org

Conflict of Interest: If prior to making a report of harassment or during the investigation and/or hearing process any individual has reason to believe a conflict of interest exists, the individual should report the conflict of interest to the Complaint Manager. If the conflict of interest involves the Complaint Manager, the individual may report the conflict to the Non-Discrimination Coordinator or the Board.

C. Publication.

The LEARN Charter School Network shall conspicuously post this policy against harassment and violence in each school that the LEARN Charter School Network maintains, in a place accessible to students, faculty, administrators, employees, parents and members of the public. This notice shall include the name, mailing address and telephone number of the Non-Discrimination Coordinator and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights (Citicorp Building, 500 W. Madison, Chicago, Illinois, 60661; 312-730-1560).

A copy of this policy shall appear in all publications including, but not limited to, the student handbook, employee handbook, LEARN Charter School Network website, and shall be made available upon request of parents, students, and other interested parties.

D. Training.

The LEARN Board (or designee) will develop a method of discussing this policy with students and employees. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to all school personnel on an annual basis, and at such other times as the LEARN Board in consultation with the Non-Discrimination Coordinator determines is necessary or appropriate. Training will also address the interventions that can be taken to address bullying as indicated below under Interim measures.

E. Annual Review.

This policy shall be reviewed at least annually for compliance with state and federal law and will assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The information developed as a result of the policy evaluation will be made available to school administrators, school board members, school personnel, parents, guardians, and students through communication mediums such as the school/network's website, email, and/or at designated meetings (i.e., Board, Leader, Parent meetings).

F. Privacy.

The LEARN Charter School Network will respect the privacy of the complainant, the

individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the LEARN Charter School Network legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Interim Measures

Upon notice of the complaint/report, the LEARN Charter School Network will promptly take steps to protect the complaining party as necessary, including interim measures before the final outcome of the LEARN Charter School Network's investigation (e.g., no contact order; increased supervision, check-in with both parties to a designee; change classes; change path to classes; provide different bus transportation (if applicable); counseling; health and mental services; escort services; academic support; retake course or withdraw without penalty. Additional measures may also include the interventions that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services; or similar measures.

Mediation

The LEARN Charter School Network will offer the parties the option to mediate the complaint and will only mediate complaints if both (all) parties mutually agree to participate. However, the LEARN Charter School Network does not require the complainant to work out an issue directly with the accused. Additionally, the parties have the right to end the informal process and begin a formal process at any time. Further, sexual violence complaints are not to be mediated even on a voluntary basis.

Investigation

The LEARN Charter School Network will act to investigate promptly and impartially, using a preponderance of the evidence standard when investigating all complaints, formal or informal, verbal, written, or electronic of prohibited harassment. LEARN Charter School will:

- Make all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.
- Involve appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
- Notify the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.
- Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

Upon receipt of a report or complaint alleging harassment consistent with policy, the Complaint Manager shall immediately notify the Nondiscrimination Coordinator and the school principal or designee, without screening or investigating the report. The Complaint Manager shall then

also immediately undertake or authorize an investigation. The investigation may be conducted by other LEARN Charter School Network officials or by a third party designated by the LEARN Charter School Network.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents which may be relevant to the particular allegations. In determining whether the conduct constitutes a violation of a LEARN policy, the LEARN Charter School Network shall consider:

- the nature of the behavior;
- how often the conduct occurred;
- whether there were past incidents or past continuing patterns of behavior;
- the relationship between the parties involved;
- the race, color, national origin, disability, sex, age or other status of the victim;
- the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment;
- the number of alleged harassers;
- the age of the harasser;
- where the harassment occurred;
- whether there have been other incidents in the school involving the same or other students;
- whether the conduct adversely affected the student's education or educational environment or the employee's work environment;
- the context in which the alleged incidents occurred.

Whether a particular action or incident constitutes a violation of this policy requires determination based on all the facts and surrounding circumstances.

Additionally, in a manner that is consistent with Federal and State laws governing student privacy rights, information about the investigation will be shared with the parents/guardians of the students who are parties to the investigation. Parents/guardians will also have the opportunity to meet with the school administrator or designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

As indicated above, interventions that can be taken to address bullying include (but are not limited to) school based social work/psychological/ counseling services, restorative measures, social emotional skill building, and community based services.

Reprisal and Retaliation against any person who reports an act of bullying is prohibited; consequences and appropriate remedial actions will be taken for a person who engages in such acts. Similarly, consequences and appropriate remedial actions will be taken for any person found to have falsely accused another of bullying as a means of retaliation or as a means of bullying.

LEARN's bullying policy aligns with other policies of the Network and its Board. The policy will be based on engagement with a range of school stakeholders, posted on the website and other areas where policies are posted, included in the student handbook, and distributed annually to

appropriate stakeholders (i.e. scholars, families, staff). The effectiveness and outcomes of LEARN's bullying policy will be assessed using factors such as frequency of victimization, stakeholder observations of safety at the school, identification of patterns of bullying including areas of schools where bullying occurs and the types of bullying that are occurring, and bystander intervention or participation. Information developed as part of the evaluation process will be provided to stakeholders.

Criminal Complaint

With regard to allegations of sexual assault, the LEARN Charter School Network will inform the complainant of the right to proceed with a criminal investigation and a Title IX complaint simultaneously. The LEARN Charter School Network is obligated to conduct its investigation whether or not there is a criminal investigation pending addressing the same or similar allegations or such investigation has concluded.

As set forth below in the police notification guidelines, LEARN administrators are required to notify the Chicago Police Department if they are made aware of a criminal act of sexual assault or misconduct and may consult with counsel or the CPS Office of Student Protections and Title IX at (773) 535-4400 to assist in assessing whether police notification will be required. In addition, when made aware of an allegation of sexual misconduct, LEARN administrators will be required to follow their mandatory reporter obligations and report to the Department of Children and Family Services (DCFS).

Confidentiality

The LEARN Charter School Network will take steps to investigate and respond to complaints, consistent with a complainant's requests for confidentiality. The privacy of the parties involved and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

Consistent with federal and State laws and rules governing student privacy rights, includes procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.

The LEARN Charter School Network notes, however, if a complaint requests anonymity and does not agree to release of information, the LEARN Charter School Network may be limited in its ability to respond to the complaint (including pursuing discipline against the accused) or the LEARN Charter School Network must override a request for confidentiality to address the complaint. The LEARN Charter School Network will evaluate a request for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, and may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), [20 U.S.C. § 1232g](#); [34 C.F.R. Part 99.15](#). The Complaint Manager is responsible for evaluating requests for confidentiality.

Retaliation

Submission of a good faith complaint or report of sexual harassment, or harassment based upon race, color, national origin, disability, sex, or other basis consistent with this policy will not affect the complainant or reporter's future employment, grades, learning or working environment or work assignments. Reprisal or retaliation against any person who reports an act of bullying is prohibited. The LEARN Charter School Network will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against a person who reports, testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

It is unlawful to retaliate against students, employees or applicants for:

- Filing or being witness in an Equal Employment Opportunity charge, complaint, investigation or lawsuit
- Communicating with a supervisor or manager about employment discrimination including harassment
- Answering questions during an investigation of alleged harassment
- Refusing to follow orders which could result in discrimination
- Resisting sexual advances, or intervening to protect others
- Requesting accommodation of disability or religious practice

Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected as long as the individual was acting on a reasonable belief something in the LEARN Charter School Network may violate Equal Employment Opportunity laws, even if he/she did not use legal terminology to describe it.

Procedures for Addressing Violations of Non-Discrimination, Harassment or Anti-Bullying Policy

- A. Upon receipt of a report that a violation has occurred, the LEARN Charter School Network will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation within seven (7) calendar days of the report of the violation. Appropriate actions may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, remediation, termination, discharge or other recourse.

Any action taken by LEARN for violation of the Non-Discrimination, Harassment, and the Anti-Bullying Policy shall be consistent with the requirements of state and federal law and LEARN Charter School Network policies for violations of a similar nature or similar degree of severity. In addition to applying the Student Code of Conduct where appropriate, in determining what is an appropriate response to a finding that violation of any one of these policies has occurred, the LEARN Charter School Network shall consider:

- what response is most likely to end any ongoing harassment;
- whether a particular response is likely to deter similar future conduct by the harasser or others;
- the amount and kind of harm suffered by the victim of the harassment;
- the identity of the party who engaged in the harassing conduct; and,
- whether the harassment was engaged in by school personnel, and if so, the LEARN Charter School Network will also consider how it can best remediate the effects of the harassment.

The LEARN Charter School Network will provide the parties written notice of range of potential remedies and sanctions (apology; written warning; written reprimand; prohibition from holding office or participating in student activities, including sports; recommended counseling; required training; termination or other remedies). This may include services separate from or in addition to interim measures offered at the time the Complainant reported the harassment even if originally declined.

In the event that the evidence suggests that the harassment at issue is also a crime that violates criminal law, LEARN will apply the Student Code of Conduct and rules for police notification and mandatory reporting.

- B. To the extent the LEARN Charter School Network can do so while respecting the privacy rights of the individuals involved, including the duty of confidentiality under FERPA and/or the Illinois School Student Records Act, the Complaint Manager shall inform the parties of any action taken in response to the complaint.
- C. Due process for a determination that a LEARN student has been engaged in unlawful harassment or bullying is governed by the Student Code of Conduct below at page ____.

If the results of the LEARN Charter School Network's evaluation of a complaint of harassment results in a conclusion that an individual has engaged in unlawful harassment in violation of this policy, or that school personnel have failed to report harassment as required herein, that individual may appeal this determination by use of established Board procedures for appealing other adverse personnel and/or education related actions.

A written appeal to the Board may be requested by either party within three (3) days from receipt of the written report. If an appeal reaches the Board, the Network hearing officer shall conduct a hearing within ten (10) days of receipt of the appeal and make a written report to the Board summarizing the evidence heard at the hearing within ten (10) days of the hearing. If the procedures allow the parties access to information used at a hearing, the LEARN Charter School Network will provide similar and timely access to both parties. With respect to the hearing, the LEARN Charter School Network will provide equal opportunity to both parties and apply equal restrictions to ability of lawyers/representatives to speak or otherwise participate (or equally permitting 3rd party expert testimony; equal cross

examination on witnesses; equally present for the entirety of a hearing).

With respect to hearings pertaining to sexual assault: the LEARN Charter School Network must not require a complainant to be present at the hearing as prerequisite to proceed. The LEARN Charter School Network does not allow parties to personally question or cross-examine each other during a hearing. However, the complainant and accused will have equal opportunity to present relevant witnesses and other evidence. The complainant and the accused will have similar and timely access to any information that will be used in a hearing. The complainant and the accused shall have the right to present witnesses, subject to the right of cross examination by the hearing officer. The LEARN Charter School Network does not allow evidence of past relationships with anyone other than the alleged perpetrator.

Upon receipt of the written report from the hearing officer, the Board may take action, as it finds appropriate. The LEARN Board will take action within thirty (30) days of receipt of the hearing officer's report.

- D. Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained by the Network for at least five (5) years. The Nondiscrimination Coordinator shall be responsible for maintaining these records in a secure location.
- E. Submission of a good faith complaint or report of harassment will not affect the complainant or reporter's future employment, grades, learning or working environment or work assignments. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Decision and Appeal

After receipt of the Complaint Manager's report, the LEARN CEO shall render a written decision which shall be provided to both parties. If the Complainant is not satisfied with the decision, the Complainant may appeal to the LEARN Board by making a written request to the Complaint Manager. The Complaint Manager shall be responsible for promptly forwarding all materials relative to the complaint and appeal to the LEARN Board. Thereafter, the LEARN Board shall render a written decision that shall be provided to the Complainant. This grievance procedure shall not be construed to create an independent right to a LEARN Board hearing.

LEGAL REFERENCES:

Title IV of the Civil Rights Act of 1964.
Section 504 of the Rehabilitation Act of 1973 (Section 504).
Title II of the American's with Disabilities Act of 1990.
Title IX of Education Amendments of 1972, 20 U.S.C. § 1681.
[34 C.F.R. Part 106.](#)
[105 ILCS 5/10-20.12](#), [10-22.5](#), [5/27-1](#), and [5/27-23.7](#).
Illinois Human Rights Act, [775 ILCS 5/1-101](#) *et seq.*,
[23 Ill. Admin. Code §1.240](#) and [Part 200](#).
[Davis v. Monroe County Board](#), 119 S.Ct. 1661 (1999).
[Franklin v. Gwinnett Co. Public Schools](#), 112 S.Ct. 1028 (1992).

Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir. 2000).