DRAFT POLICY B

TITLE IX SEX DISCRIMINATION AND SEXUAL-HARASSMENT GRIEVANCE PROCEDURE

Proposed effective date: [date] | Replaces: Title IX policy effective November 10, 2021

1. Purpose and policy

Walden School of Liberal Arts ("Walden") does not discriminate on the basis of sex in its education program or activity, including admission and employment, as required by Title IX of the Education Amendments of 1972 and its implementing regulations. Walden will respond promptly and in a manner that is not deliberately indifferent to actual knowledge of sexual harassment within its education program or activity. This policy establishes the process for formal complaints of sexual harassment that fall within the jurisdiction and definitions of the Title IX regulations. Other sex discrimination and conduct outside that jurisdiction may still be addressed under other applicable laws and policies.

2. Title IX Coordinator and reporting

Walden designates the following employee as Title IX Coordinator: Sharon Beecroft. Contact: 4230 N University Avenue, Provo, Utah 84604 sharon@waldenschool.us, 801 327-1545 Alternate contact if the Coordinator is implicated, unavailable, or has a conflict: Lois Bobo, lois@waldenschool.us.

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to have been harmed. A report may be made in person, by mail, by telephone, by email, or by any other means that results in the Title IX Coordinator receiving the report. A report may be made at any time, including outside business hours. A person does not have to submit a formal complaint to receive information about supportive measures or to make a report. Employees must promptly report information about sexual harassment in accordance with applicable law and Walden procedures.

3. Definitions and scope

For purposes of this policy, the terms complainant, respondent, formal complaint, actual knowledge, education program or activity, supportive measures, and sexual harassment have the meanings provided in the Title IX regulations in effect

at the time the matter is processed. Under the current 2020 regulatory framework, sexual harassment for this procedure includes: (a) a Walden employee conditioning an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (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 Walden's education program or activity; or (c) sexual assault, dating violence, domestic violence, or stalking as defined by the applicable regulations.

This policy applies only when the alleged conduct meets the applicable Title IX definition and jurisdictional requirements. If the alleged conduct does not meet those requirements, Walden will assess whether it should be addressed under the general Grievance Policy, bullying/harassment policy, employment procedures, or another applicable law or policy. A Title IX dismissal does not prevent action under another policy.

4. Initial response and supportive measures

When Walden has actual knowledge of alleged sexual harassment, the Title IX Coordinator or trained designee will promptly contact the complainant, discuss the availability of supportive measures with or without a formal complaint, consider the complainant's wishes, explain the process for filing a formal complaint, and assess any immediate safety concerns. Supportive measures are individualized, non-disciplinary, non-punitive services offered as appropriate and reasonably available without fee or charge, designed to restore or preserve equal access to Walden's education program or activity without unreasonably burdening another party.

Supportive measures may include counseling, academic adjustments, schedule changes, extensions, mutual no-contact directives, increased monitoring, or other appropriate supports. Walden will keep supportive measures confidential to the extent that maintaining confidentiality does not impair Walden's ability to provide them. If a complainant does not wish to file a formal complaint, the Coordinator will consider whether the known circumstances require the Coordinator to sign a formal complaint to initiate the grievance process. The Coordinator's decision must be documented and must be free from conflict of interest or bias.

5. Safety measures and emergency removal

Walden may remove a student respondent on an emergency basis only after an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of a student or other individual arising from the allegations justifies removal, and Walden provides the respondent notice and an opportunity to challenge the decision immediately following removal. This provision does not modify rights under IDEA, Section 504, or the ADA. Walden may place a non-student employee respondent on administrative leave during the

grievance process as permitted by law. Supportive measures must not be used as a substitute for the required grievance process or as a punitive measure against a respondent.

6. Formal complaint and notice

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Walden investigate. At the time of filing, the complainant must be participating in or attempting to participate in Walden's education program or activity. The Title IX Coordinator may sign a formal complaint when appropriate based on the known circumstances. A third party may make a report and request that Walden respond, but a third party's report alone is not necessarily a formal complaint under the regulations.

Upon receipt of a formal complaint, Walden will provide known parties written notice of the allegations with sufficient time to prepare before an initial interview. The notice will include the identities of known parties, alleged conduct, dates and locations if known, applicable policy provisions, the presumption that the respondent is not responsible until a determination is made, the parties' right to an advisor of their choice, the right to inspect and review relevant evidence, the prohibition on knowingly making false statements or submitting false information, available supportive measures, possible sanctions, the anticipated timeframe, and the availability of voluntary informal resolution where legally permitted. If additional allegations will be investigated, Walden will provide notice of them to the parties whose identities are known.

7. Informal resolution

After a formal complaint is filed and the required notice is provided, Walden may offer a voluntary informal resolution process only when permitted by the Title IX regulations and when the Title IX Coordinator determines it is appropriate. The parties must receive written information about the process and voluntarily provide written consent. Informal resolution may not be used to resolve allegations that an employee sexually harassed a student. Any party may withdraw from informal resolution before agreeing to a resolution and resume the grievance process. The parties will be informed in writing of the effect of a completed resolution as required by law. Restorative practices may be considered only when lawful, voluntary, and appropriate; they do not replace required safeguards.

8. Investigation

Walden will investigate each formal complaint unless it is dismissed under the regulations or the parties voluntarily agree to an eligible informal resolution. The investigator must be impartial and free of conflicts or bias. The parties will

receive written notice of investigative interviews or meetings with sufficient time to prepare, including date, time, location, participants, and purpose. Walden is responsible for gathering evidence sufficient to reach a determination, including relevant inculpatory and exculpatory evidence. The parties will have equal opportunity to present witnesses and evidence and to have an advisor of their choice present as permitted by the regulations.

Before the investigation is completed, Walden will provide each party and the party's advisor, if any, evidence directly related to the allegations for inspection and review in an electronic or hard-copy format, with at least ten (10) days to submit a written response. The investigator will consider the responses before completing an investigative report that fairly summarizes relevant evidence. The report will be provided simultaneously to the parties and their advisors, if any, for review and written response as required by the regulations.

9. Dismissal

Walden will dismiss a formal complaint for purposes of Title IX when the alleged conduct, even if proved, would not constitute sexual harassment under the applicable Title IX regulations, did not occur in Walden's education program or activity, or did not occur against a person in the United States, as required by the regulations. Walden may dismiss a complaint or allegations when the complainant notifies the Coordinator in writing of a desire to withdraw, the respondent is no longer enrolled or employed, or specific circumstances prevent Walden from gathering evidence sufficient to reach a determination, as allowed by law. Upon dismissal, Walden will promptly send simultaneous written notice to the parties stating the reasons and explaining appeal rights. Dismissal under Title IX does not preclude action under another School policy.

10. Determination regarding responsibility

The decision-maker must be impartial, trained, and different from the Title IX Coordinator and investigator. The decision-maker will objectively evaluate relevant evidence and may not base credibility determinations on a person's status as complainant, respondent, or witness. For a K–12 school, the decision-maker will provide each party an opportunity to submit relevant written questions to any party or witness, provide answers to the parties, and permit limited follow-up questions, subject to the regulations' relevance rules and protections. The decision-maker will explain any decision to exclude a question as not relevant.

Walden will apply the preponderance-of-the-evidence standard unless a different standard is lawfully required and consistently applied to comparable proceedings. The decision-maker will issue a written determination that includes the allegations potentially constituting sexual harassment; the procedural steps taken; findings of fact; conclusions about application of Walden policy to the

facts; the rationale for each conclusion; any disciplinary sanctions imposed; whether remedies designed to restore or preserve equal access will be provided to the complainant; and the procedures and permissible bases for appeal. The written determination will be provided to the parties simultaneously.

11. Remedies, sanctions, and educational access

If responsibility is found, Walden will provide remedies designed to restore or preserve the complainant's equal access to the education program or activity. Remedies may include the supportive measures described above and need not be non-disciplinary or non-punitive. Sanctions may include measures authorized by School policy and applicable law, up to and including suspension, removal from activities, termination of employment, or other appropriate action. Any action must comply with applicable student, employee, disability, and due-process protections.

12. Appeals

Either party may appeal a dismissal or determination regarding responsibility on the grounds permitted by the Title IX regulations: (1) a procedural irregularity that affected the outcome; (2) new evidence not reasonably available when the determination or dismissal was made that could affect the outcome; or (3) the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or individually that affected the outcome. Walden may identify additional appeal grounds if permitted by law and applied equally.

An appeal must be submitted in writing within [10] calendar days after the party receives the written dismissal or determination. Counsel should confirm that the selected deadline is reasonable under the applicable regulations and consistent with school practice before adoption. The appeal decision-maker must not be the original decision-maker, investigator, or Title IX Coordinator and must be free of conflict or bias. Walden will notify the other party in writing of the appeal, provide both parties a reasonably equal opportunity to submit a written statement, and issue a simultaneous written decision describing the result and rationale. If the Board is the appeal body, conflicted trustees must recuse; an independent appeal officer must be used when needed to ensure impartiality.

13. Retaliation, privacy, and false statements

Retaliation is prohibited against any person for reporting sex discrimination or sexual harassment, making a complaint, participating or refusing to participate in a Title IX process, or exercising a right protected by Title IX. Walden will respond to allegations of retaliation and take appropriate steps to prevent or address it. A report that is unsubstantiated does not, by itself, establish that it was knowingly

false. Knowingly making materially false statements or submitting knowingly false information may be addressed under applicable law and policy.

Walden will protect the privacy of parties and witnesses to the extent possible and permitted by law, while providing required notices, evidence access, and procedural rights. Walden cannot guarantee absolute anonymity. Information may be shared when necessary to investigate, provide supportive measures, comply with law, or conduct a fair process.

14. Records and training

Walden will maintain for at least seven (7) years the records required by 34 C.F.R. § 106.45, including records of each Title IX investigation and determination, any appeal and result, any informal resolution and result, supportive measures or actions taken in response to a report or formal complaint, and materials used to train the Title IX Coordinator, investigators, decision-makers, and informal-resolution facilitators. Walden will also maintain documentation of its response to each report of sex discrimination, including the basis for concluding that its response was not deliberately indifferent and measures taken to restore or preserve access. Records will be maintained securely under applicable privacy, records-retention, and legal-hold requirements.

Walden will ensure that Title IX Coordinators, investigators, decision-makers, and informal-resolution facilitators receive training required by the regulations, including on the definition of sexual harassment, the scope of the education program or activity, investigation and grievance procedures, relevance, impartiality, and avoidance of conflicts of interest and bias. Required training materials will be retained and made available as required by law.

15. External reports and other policies

Nothing in this policy prevents a person from contacting the U.S. Department of Education's Office for Civil Rights or another appropriate agency, or from making a report to law enforcement or child-protection authorities where required or appropriate. Walden will comply with mandatory-reporting laws. Conduct dismissed or not covered by this Title IX procedure may be addressed under the general Grievance Policy, bullying/harassment policy, employee procedures, or other applicable law. The Title IX Coordinator will coordinate referrals while protecting privacy to the extent permitted by law.

16. Publication and review

Walden will prominently display the Title IX Coordinator's current contact information and its Title IX nondiscrimination notice on its website and in relevant handbooks/catalogs. The policy will be provided in accessible formats upon

request. The Executive Director and Title IX Coordinator will review this policy at least annually and whenever applicable law or regulations change.

References

- Title IX: 20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106, including §§ 106.8 and 106.45. The federal rule was recodified in September 2026 to restore the pre-2024 regulatory text after the 2024 rule was vacated.
- Utah Administrative Rule R277-613: LEA policies and training regarding bullying, cyberbullying, hazing, retaliation, and abusive conduct.
- Utah Administrative Rule R277-328: Equal Opportunity in Education.
- Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; ADA Title II; IDEA and Utah Special Education Rules; applicable employment nondiscrimination laws; Utah mandatory-reporting laws.