



SEX-BASED DISCRIMINATION AND HARASSMENT (TITLE IX)

Policy Statement and Purpose. Health Leadership is committed to fostering and cultivating a safe, nondiscriminatory learning and working environment that respects the dignity and value of all its members and is free of sex-based discrimination and harassment. Health Leadership will take prompt and equitable action to eliminate sex-based discrimination and harassment, prevent its recurrence, and remedy its effects. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex based harassment includes sexual harassment. Furthermore, Health Leadership does not discriminate on the basis of sex in its educational programs, activities, operations, and employment decisions consistent with Title IX of the Education Amendments of 1972 (“Title IX”) and other applicable state and federal law.

Publication of Policy. All students, parents or guardians, sources of referral of applicants for employment, applicants for employment, and employees shall be notified of this policy and the contact information of the Title IX/Nondiscrimination Coordinator. Notice shall be provided in the School’s employment application materials, new employee handbooks, online postings of student/parent handbooks, and/or by other means reasonably calculated to advise all students, parents or guardians, sources of referral of applicants for employment, applicants for employment and employees.

Application of Policy. This policy is applicable to allegations of sex-based discrimination and harassment occurring in the School’s education programs or activities on or after August 1, 2024. This includes locations, events, or circumstances over which Health Leadership exercises substantial control over both a respondent and the context in which the alleged conduct occurred, or conduct subject to the School’s disciplinary authority. Health Leadership’s ability to take corrective action against third parties will be determined by the nature of the relationship of the third party to the School. Incidents outside the scope of this policy shall be addressed as appropriate in accordance with applicable law and School Policy.

Allegations of sexual harassment occurring prior to August 1, 2024 shall be addressed consistent with the School’s policy applicable at the time of the alleged incident.

Definitions.

“Complainant” means a person (student, employee, etc.) who is the subject of alleged conduct

that could constitute sex-based discrimination or harassment as defined by this policy while participating or attempting to participate in the School's programs or activities.

1. Complaints of sex-based discrimination may be submitted by the subject of the alleged discrimination, a person legally authorized to act on their behalf, or a third party.
2. Complaints of sexual harassment may be submitted by the subject of the alleged sexual harassment or a person legally authorized to act on the subject's behalf.

“Designated Administrator” means a staff member at Health Leadership to whom the Title IX/Nondiscrimination Coordinator may delegate certain responsibilities to receive and respond to Complaints and Reports of harassment and discrimination.

“Report” means an allegation of harassment or discrimination that is submitted by a person who is not the subject of alleged sexual harassment. Reports should contain a detailed description of the alleged event(s) such as date(s), names of persons involved, witnesses, what occurred, and location(s). A Report may obligate the School to provide supportive measures as appropriate.

“Staff member” means all Health Leadership employees and persons serving as authorized volunteers.

“Discrimination on the basis of sex” includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, sex-based harassment and sexual harassment.

Sexual Harassment:

“Quid Pro Quo” means an employee, agent or other person authorized by the School to provide an aid, benefit, or service under the School's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome conduct.

“Hostile Environment” means unwelcome sex-based conduct that based on the totality of the circumstances is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the School's education program or activity.

Sexual Assault

“Rape” is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

“Fondling” means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

“Private Body Parts.” An individual's genitalia, breasts, or buttocks.

“Incest” is the non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

“Statutory Rape” is the non-forcible sexual intercourse with a person who is under the statutory age of consent.

“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.

“Domestic Violence” felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim, or by a person who commits acts against a youth or adult victim who is protected from those acts under family or domestic violence laws.

“Stalking” means engaging in a course of conduct directed at a specific person based on their sex that would cause a reasonable person to a) fear for their safety or the safety of others, or b) suffer substantial emotional distress.

“Relevant” means related to the allegations of harassment or discrimination under investigation as part of this policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged harassment or discrimination occurred, and evidence is relevant when it may aid in determining whether the alleged harassment or discrimination occurred.

“Report” means an allegation of harassment or discrimination that is submitted by a person who is not the subject of the alleged event(s). Reports should contain a detailed description of the alleged event(s) such as date(s), names of persons involved, witnesses, what occurred, and location(s). A Report may also be submitted by the subject of alleged harassment or discrimination, or a person legally authorized to act on the subject’s behalf. In this instance, the submission is a Report rather than a Complaint if a staff member does not objectively understand the submission as a request for investigation by the School. A Report does not relieve the obligation to provide supportive measures as appropriate.

“Respondent” means a person who is alleged to have violated the recipient’s prohibition on harassment and discrimination as defined by this policy.

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by the school, a student, an employee, or other person authorized by the school to provide aid, benefit, or service under education program or activity.

“Consent” for sexual activity means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship is not sufficient to constitute consent. Submission under the influence of fear shall not be sufficient to constitute consent. A determination regarding the existence of consent is made based on the totality of the circumstances. Any conduct of a sexual nature directed toward a student by a

School employee shall be presumed to be unwelcome and nonconsensual and is strictly prohibited by School Policy

Title IX/Nondiscrimination Coordinator. The Title IX/Nondiscrimination Coordinator shall be responsible for coordinating, monitoring, and documenting Health Leadership's compliance with this policy and with Title IX. The Title IX/Nondiscrimination Coordinator is to be informed of all reports or formal complaints of violations of this policy. The Title IX/Nondiscrimination Coordinator may delegate certain responsibilities under this policy to designees who have received appropriate training. The School's Title IX/Nondiscrimination Coordinator is:

Leticia Archuleta
6401 Jefferson Street NE
Albuquerque, NM 87109
leticia@healthleadershiphighschool.org

Compliance Requirements.

The Title IX/Nondiscrimination Coordinator shall provide guidance and training to School staff as appropriate to inform students and staff regarding the School's policy of nondiscrimination in all School programs, activities, and employment practices.

All students, parents or guardians, sources of referral of applicants for employment, applicants for employment, and employees of the School shall be notified of the Title IX/Nondiscrimination Coordinator's, address, and telephone number by inclusion in the School's employment application materials, new employee handbooks, online postings of student/parent handbooks, and/or by other means reasonably calculated to advise all students, parents or guardians, sources of referral of applicants for employment, applicants for employment, and employees.

Removal. For reports of sex-based discrimination and harassment, the School may remove a student Respondent from the School's education programs or activities, or place an employee on administrative leave pursuant to the process described below.

Student Emergency Removal. Following the receipt of a report of sex-based discrimination against a student, the School may remove a student respondent from its educational programs or activities on an emergency, temporary basis. Removal may occur if the student poses and imminent or serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination.

1. The Title IX/Nondiscrimination Coordinator or Designated Administrator may submit an inquiry for emergency removal to the School's Threat Assessment Coordinator or their designee. The Threat Assessment Coordinator shall conduct an individualized safety and risk analysis that accounts for the specific allegations of sex-based discrimination.
2. If the Threat Assessment Coordinator determines temporary removal is appropriate, they shall notify the School's Title IX/Nondiscrimination Coordinator, the school's Designated Administrator, and the school's Executive Director. The School's Designated Administrator may enact a removal for up to five (5) school days. Any removal more

than three (3) school days requires written approval from the school's Executive Director. The School's Designated Administrator shall provide the student respondent with written notice and an opportunity to challenge the temporary removal.

The Respondent may submit a challenge to the temporary removal shall be submitted to the School's Title IX/Nondiscrimination Coordinator or their designee who shall provide a response to the challenge in writing within a reasonable amount of time.

Staff Administrative Leave. Following a report of alleged sex-based discrimination, the School may place an employee respondent on administrative leave or take other action during the pendency of the grievance process, in accordance with applicable law, master agreements and other School policies. This process shall be completed by the School's Human Resources Department.

Complaint and Reporting Process.

1. Any student, staff member, parent/guardian, or community member who believes s/he/they has/have been discriminated against or harassed shall promptly make a Complaint. Complaints may be submitted to the School's Title IX/Nondiscrimination Coordinator on the Complaint form linked on the School's webpage. Complaints concerning the Title IX/Nondiscrimination Coordinator shall be submitted to the Executive Director and Complaints concerning the Executive Director shall be submitted to the President of the Governing Council. Any student, staff member, parent/guardian or community member who witnesses or receives credible information about alleged discrimination or harassment shall submit a Report.
2. Complaints or Reports of harassment or discrimination are accepted in writing, in-person, by phone, email, or through the School's online form. Individuals requiring accommodations for purposes of making a Complaint or Report due to disability or other reasons shall contact the Title IX/Nondiscrimination Coordinator.
3. The designated administrator and/or Title IX/Nondiscrimination Coordinator shall conduct a preliminary inquiry of all Complaints and Reports to determine whether to proceed to an investigation under this policy or to take other appropriate steps.
4. A Complaint shall be submitted to one of the people identified in Paragraph 1 above as soon as possible from the date of the Complainant's knowledge of the alleged discrimination. Complaints filed more than 180 days after the alleged discrimination occurred shall not be accepted for investigation, except extensions may be granted upon a determination by the Title IX/Nondiscrimination Coordinator that the aggrieved individual was prevented from filing as a result of circumstances beyond the individual's control. Reports shall be submitted as soon as practical after the information is received.
5. Complaints and Reports shall be kept confidential to the extent practical except as provided by law.
6. The School shall not use a student Complaint of harassment or discrimination, whether verbal or in writing, or information revealed in any investigation or disciplinary proceedings of the Complaint, as the basis for, or a consideration in, investigating or exacting any disciplinary response for a school violation by the complaining student or Complainant related to the alleged incident for any of the following: engaging in

reasonable self-defense against the respondent, consensual sexual activity, drug use, alcohol use, late arrival, truancy, unauthorized access to facilities, talking publicly about the alleged harassment or discrimination, or expressing a trauma symptom; except that nothing in this section prohibits a school or local education provider from disciplining a student who knowingly makes a false Complaint of harassment or discrimination, or disciplining a student when necessary to ensure the safety of any student or employee. A finding of no harassment or discrimination does not itself constitute a false Complaint.

7. Dismissal of Certain Complaints. Upon receipt of a Complaint, the Designated Administrator and/or Title IX/Nondiscrimination Coordinator shall conduct a preliminary inquiry to determine whether it falls under the jurisdiction of this policy. If it does not, the Designated Administrator or Title IX/Nondiscrimination Coordinator may dismiss the Complaint. A Complaint may also be dismissed at the request of the Complainant, when the preliminary inquiry reveals that the Complaint would not constitute harassment or discrimination as defined by this policy even if the allegations are proven true, the Designated Administrator or Title IX/Nondiscrimination Coordinator is unable to identify the Respondent, or the Respondent is not participating in a School program or activity. Written notice of a dismissal shall be promptly submitted to the Complainant, and to both the Complainant and Respondent if the Respondent was given notice of the complaint.
8. Availability of Other Processes. Dismissal of a Complaint does not prevent the School from taking action to remedy the complained-of behavior consistent with other applicable School policies.

Supportive Measures.

1. The Designated Administrator shall offer accommodations and supportive measures to a student experiencing sex-based discrimination or harassment that are designed to protect the safety of all students and that preserve and restore equal access to education for the student. The Designated Administrator shall not disclose information about any supportive measures to persons other than staff necessary to implement the supportive measures and the person to whom the supportive measures apply. The Designated Administrator shall not share one party's supportive measure with another party.
2. Students may make a request for supportive measures to their designated administrator, or to the School's Title IX/Nondiscrimination Coordinator.
3. A school shall not require a Complaint or finding of harassment or discrimination before providing supportive measures.
4. A Designated Administrator may modify or terminate supportive measures at the conclusion of formal or informal resolution, at the conclusion of the school year, at any time, or based on a change in circumstances involving the parties.
5. As a supportive measure, a school shall grant an excused absence to a student who has experienced harassment or discrimination for any time the student is out of school because of a therapy, medical, legal, or victim services appointment related to the harassment or discrimination. Other accommodations and supportive measures may include, but are not limited to:
 1. Counseling;
 2. Extensions of deadlines or other course-related adjustments;
 3. Extra time for homework or tests;

4. The opportunity to resubmit homework or retake a test;
 5. Remedying an impacted grade;
 6. The opportunity for home instruction;
 7. Modifications to class schedules; and,
 8. Restrictions on contact between the parties to a Complaint of harassment or discrimination.
6. If the student in receipt of supportive measures is a student with a disability

receiving services through an Individualized Education Plan or a Section 504 Plan, the Designated Administrator must consult with a member of the appropriate team to develop a supportive measures plan. Additional accommodations are available for students with disabilities depending on their disability-related need for an accommodation or supportive measure in response to discrimination or harassment. Accommodations are determined on an individual basis. Accommodations may include, but are not limited to: visual supports with pictorial reminders of how to request support, pressure pass, or a check in/check out with a school mental health provider.

A party may challenge a supportive measure applicable to them, or the modification or termination of supportive measures, by contacting the School's Title IX/Nondiscrimination Coordinator. The Title IX/Nondiscrimination Coordinator may respond directly to the inquiry or may delegate the authority to respond to another staff member.

Informal Resolution. If both parties agree and the Title IX/Nondiscrimination Coordinator deems it appropriate, an informal resolution process, which does not involve an investigation and may involve mediation or other alternative dispute resolution models, may be instituted.

Formal Resolution.

1. If informal resolution is inappropriate, unavailable, not completed within a reasonable amount of time, or unsuccessful, the Complaint or Report shall be resolved through a formal investigation.
2. The designated administrator shall inform the Title IX/Nondiscrimination Coordinator of their intent to initiate an investigation under this policy. The designated administrator shall conduct the investigation and make determinations of a potential policy violation except where:
 1. The Complaint or Report involves staff, parents or third-parties;
 2. There are instances of investigator bias or unavailability;
 3. There are complex allegations; or
 4. The Title IX/Coordinator appoints a separate decision maker
0. Upon the institution of an investigation, the investigator shall provide the parties with written notice of the Complaint or Report. The written notice shall include the specific section of the policy allegedly violated, the identities of the Complainant and Respondent, the dates the conduct allegedly occurred, and the conduct constituting the

alleged violation. All questions related to the investigation shall be directed to the individual conducting the investigation, or the individual's designee.

0. Both parties shall have an equal opportunity to be heard and to provide evidence obtained through the course of the investigation. The investigator shall interview the parties and any witnesses, review any available relevant evidence, and consider patterns of misconduct as relevant evidence. Both parties shall have the same opportunity to have an advisor or other person present during any part of the investigative process. During interviews and meetings, the advisor may not speak for the party and must limit their role to consulting with and advising the party. The School retains the right to establish restrictions regarding the extent to which the advisor(s) may participate in the proceedings. Any restrictions on advisor(s) shall apply equally to both parties.
0. The investigator shall not rely solely on a criminal investigation by a law enforcement agency, and may delay the School's investigation for a reasonable amount of time, at the request of law enforcement, to avoid jeopardizing a pending criminal investigation.
0. The investigator shall make a good faith effort to complete an investigation that is fair, impartial, and prompt and make any findings within sixty days after the Complaint or Report is made, without infringing upon the rights enshrined in federal and state law of the complainant or the respondent. The investigator may extend the sixty-day deadline for up to thirty additional days for good cause, with written approval from the Title IX/Nondiscrimination Coordinator, and with prior written notice to the complainant and to the respondent of the delay and the reason for the delay or may extend the deadline at the request of a law enforcement agency.
0. The Investigator shall provide written updates about the status of an investigation or proceeding to the parties and the parties' parents or legal guardians, and to the Title IX/Nondiscrimination Coordinator at each stage of the investigation or proceeding, but at least every fifteen business days.
0. The investigator shall also determine the relevance of evidence, what evidence is impermissible, and what evidence shall be included in the investigator's findings of fact. Impermissible evidence is evidence that is protected under privilege consistent with state and federal law unless that privilege has been waived, a party or witness's records that are maintained by a physician, psychologist, or other recognized professional in connection with treatment unless with written authorization.
0. Investigations will be conducted using preponderance of the evidence as the evidentiary standard. This means the investigator shall determine whether it is more likely than not that a policy violation occurred.
0. Prior to determining whether the allegations amount to a policy violation, the investigator shall provide the parties with a written summary relevant and not otherwise impermissible evidence. The investigator shall make relevant and not otherwise impermissible evidence available for the parties' viewing upon their request and consistent with School policy and practice regarding sharing confidential information.
0. The investigator shall provide concurrent notification to the parties of the outcome of the investigation and any findings.
0. If either party is not satisfied with the investigator's findings, the party may appeal to the Title IX/Nondiscrimination Coordinator or an official designee(s) within five workdays following the notification of the findings. If no appeal is filed, the findings shall become final after five work days. Both parties shall receive written notice of any appeal and both

shall have the opportunity to submit written statements either in support of or challenging the written determination. The Title IX/Nondiscrimination Coordinator shall have up to ten workdays to arrange for and hold a meeting with each party. Following the meeting, the Title IX/Nondiscrimination Coordinator shall have ten workdays to provide a written decision to the parties. The Title IX/Nondiscrimination Coordinator may 1) affirm the written determination; 2) overturn the written determination; or 3) send the Report back to the investigator for additional investigation. The Title IX/Nondiscrimination Coordinator's decision to affirm or overturn the Report is final.

1. Grounds for appeal. There are three grounds for appeal set forth below and other asserted grounds shall not be considered. A party's appeal must state the grounds for appeal and facts supporting those grounds in order to be considered.
 1. Procedural irregularity that affected the outcome of the grievance process;
 2. New evidence that was not reasonably available at the time of the determination regarding the existence of a policy violation that could affect the outcome of the grievance process; and/or,
 3. The Title IX/Nondiscrimination Coordinator, the investigator, or the decision-maker had a conflict of interest or bias that affected the outcome of the grievance process.

Consequences.

1. If the investigating official concludes that this policy has been violated, appropriate consequences shall be imposed, including but not limited to warning, exclusion, progressive discipline, suspension, expulsion, transfer, remediation or termination. Consequences to third parties include imposing conditions or a total ban upon the individual's future presence on School property, cancellation of a contract, or other appropriate measures.
2. Nothing in this policy shall be construed to prohibit discipline of a student or staff member for conduct which, although it does not rise to the level of discrimination or harassment as defined here, otherwise violates one or more of the School's policies or an applicable collective bargaining agreement.

Student Pregnancy and Related Conditions.

Any staff member that receives notice from a student, or person with a legal right to act on behalf of the student, that the student is pregnant or has a related condition, the staff member must provide the Title IX/Nondiscrimination Coordinator's contact information and share that the Title IX/Nondiscrimination Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the School's education program or activity.

Record Keeping.

The School shall provide the Title IX/Nondiscrimination Coordinator with all records of a harassment or discrimination Complaint or Report. Health Leadership shall retain the records for a minimum of seven years. The record of a Complaint or Report includes any accommodations or supportive measures taken in response to a Complaint, Report, or the Complaint or Report of harassment or discrimination and documentation of the basis for the School's action and response.

Engaging in Retaliation or Making a False Complaint or Report.

1. It shall be a violation of this policy for any person to retaliate against a person who alleges discrimination/harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to discrimination/harassment allegations. A violation of this anti-retaliation provision may exist regardless of whether the underlying Complaint or Report of discrimination is substantiated.
2. Allegations of retaliation shall be subject to the Complaint, Report, investigation, and enforcement procedures set forth in this policy or other applicable policy.
3. Any person who knowingly makes a false Complaint, or false Report of discrimination/harassment shall be subject to disciplinary action in accordance with School policies. The outcome of an investigation, standing alone, shall be insufficient to support a finding of a false Complaint or false Report.

Reporting to Federal. In addition to, or as an alternative to, filing a discrimination/harassment Complaint pursuant to this policy, a person may file a Complaint with the U.S. Department of Education, Office for Civil Rights at the address below:

Office for Civil Rights
U.S. Department of Education
Federal Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695
FAX: 303-844-4303; TDD: 303-844-3417 Email: OCR_Denver@ed.gov

Approved by HLHS Governing Council on August 28, 2024