

TITLE IX – SEX DISCRIMINATION POLICY AND GRIEVANCE PROCEDURES

Title IX of the Education Amendments of 1972 and the Title IX Regulations prohibit discrimination on the basis of sex. The School has adopted the grievance procedures below to provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the School's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. This Policy is effective as of Board Approved June 27, 2025.

1. Nondiscrimination Policy Statement and Notifications. The School does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.

The School will provide notice of this nondiscrimination policy to students; parents, guardians, or other authorized legal representative of School students; employees; and applicants for employment. In addition to any other means of notification, the contact information for the Title IX Coordinator (indicated below) and the School's nondiscrimination policy will be prominently posted on the School's website and in any student or employee handbooks. The required notification may be accomplished in any way that the School deems appropriate and effective.

2. Title IX Coordinator. The School's designated and authorized Title IX Coordinator can be reached as follows:

Nancy Carbajal, Director Of Business & Financial Services, Title IX Coordinator, 6515 W Indian School RD, Phoenix, AZ 85033, 623-249-3900, HR@wsst.school

The Title IX Coordinator is designated and authorized to coordinate the School's compliance with Title IX and this Policy.

3. Complaints of Sex Discrimination. The following individuals may make a complaint of sex discrimination and request that the School investigate and make a determination about alleged discrimination under Title IX:

- A student or employee of the School who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX;
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating in or attempting to participate in the School's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant;
- The School's Title IX Coordinator.

Complaints of sexual harassment (defined below), which is a subset of sex discrimination, may be made only by a person who is alleged to have been subjected to the sexual harassment, a person who has the right to act on behalf of such person, or the Title IX Coordinator.

The School may consolidate complaints of sex discrimination/sexual harassment against more than one Respondent, or by more than one Complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination/sexual harassment arise out of the same facts or circumstances, except when such consolidation would violate FERPA.

Complaints of conduct that is not alleged to constitute sex discrimination pursuant to Title IX will be handled pursuant to the School's regular procedures for resolving student or employee grievances promptly and equitably. Complaints of conduct that could constitute sex discrimination will be handled using the grievance procedures set forth below.

4. Definition of "Sexual Harassment." For purposes of this policy, "sexual harassment" means conduct on the basis of sex that satisfies any one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291 (a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).



The School's "educational programs or activities" include events and circumstances that are subject to the School's disciplinary authority. All other terms relevant to a Title IX complaint shall be construed in accordance with the current Title IX regulations and any relevant case law.

5. Required Reporting of Sex Discrimination. The School will notify all employees that they must report any information about conduct that reasonably may constitute sex discrimination, including sexual harassment, immediately to the Title IX Coordinator.

6. Response to Complaints. Upon notification of conduct that reasonably may constitute sex discrimination or receiving a complaint of sex discrimination, the Title IX Coordinator shall:

- Treat the Complainant and Respondent equitably,
- Offer and coordinate supportive measures as appropriate,
- Notify the Complainant and Respondent of the grievance procedures and any available informal resolution process,
- Initiate the grievance procedures, as appropriate,

- If the grievance procedures are initiated, notify the parties in writing a) of sufficient information to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s); b) that the information provided to the parties will be updated if additional allegations are raised during the grievance procedure, c) that retaliation is prohibited, d) that the parties are entitled to an equal opportunity to an accurate description of the relevant and not otherwise impermissible evidence, and that the parties are entitled to access the evidence upon the request of either party after receiving the description, e) that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process, f) that parties may have an advisor of their choice, who may be but is not required to be, an attorney, and g) includes any provision of the code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- Determine whether a complaint may be dismissed under Section 9, below, and
- Determine whether to initiate a complaint if one is not otherwise filed.

For purposes of this Policy, the term “formal complaint” means any document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegations of sexual harassment.

7. Supportive Measures. The Title IX Coordinator shall offer supportive measures as appropriate to both the Complainant and alleged Respondent to restore or preserve access to the School’s educational program and activities, without unreasonably burdening the other party or being imposed for punitive or disciplinary reasons and shall be offered without charge. Supportive measures may include counseling, extension of class deadlines, class modifications or class schedule changes, no-contact orders, and/or increased monitoring and supervision, as deemed appropriate by the Title IX Coordinator. The Title IX Coordinator may modify or terminate supportive measures for either or both parties at the conclusion of the grievance process or an informal resolution.

If the Complainant or Respondent is a student with a disability, the Title IX Coordinator will consult with one or more members of the student’s IEP Team or the School’s Section 504 Coordinator to determine how to comply with the student’s IEP or Section 504 Plan in implementing any supportive measures.

Either the Complainant or Respondent may appeal the supportive measures to the School’s Superintendent if they are dissatisfied with the supportive measures offered. There is no additional right of appeal from the Superintendent’s decision on appeal.

8. Emergency Removal/Administrative Leave. The School may remove a student who is a Respondent from the School’s educational program or activity on an emergency basis, provided that the school undertakes an individualized safety and risk analysis and determines that removal is necessary because there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment and justifies removal. If a student has an IEP or a Section 504 Plan, the decision to remove the student on an emergency

basis must be coordinated with one or more members of the student's IEP Team or the Section 504 Coordinator to ensure compliance with relevant IDEA or Section 504 requirements. A Respondent must be notified of the decision for emergency removal and provided an opportunity to challenge the decision immediately following the removal through an appeal of the emergency removal decision to the School's Superintendent. There is no additional right of appeal from the Superintendent's decision on appeal.

The School may place an employee who is a Respondent on administrative leave while allegations are investigated and resolved in accordance with this Policy.

9. Dismissal of Complaint.

A. Permissive Dismissal. The Title IX Coordinator *may* dismiss a complaint if:

- The Complainant voluntarily requests withdrawal of the complaint or any of the allegations of the complaint in writing,
- The School is unable to identify the Respondent after taking reasonable steps to do so;

- The Respondent withdraws from the School or terminates their employment with the School; or
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

B. Mandatory Dismissal. The Title IX Coordinator *must* dismiss a complaint if:

- The School determines that the conduct alleged in the complaint, even if proven, would not constitute sexual harassment under Title IX, and before dismissing the complaint for this reason, the School will make reasonable efforts to clarify the allegations with the Complainant.
- The conduct alleged, even if proven, did not occur against a person in the United States;
- The conduct alleged, even if proven, did not occur in the School's education program or activity.

Upon dismissal of a complaint or any allegations contained in a complaint, the Title IX Coordinator or investigator will promptly and simultaneously provide written notice of the dismissal and the reason(s) for the dismissal to the Complainant and Respondent. The Title IX Coordinator or investigator will also notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator or investigator will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed only based on a) a procedural irregularity that would change the outcome, b) new evidence that would change the outcome and was not reasonably available when the dismissal decision was made, or c) the Title IX Coordinator, the investigator or the Decision Maker had a conflict of interest that would change the outcome. If a dismissal is

appealed, the appeal procedures will comply with the Title IX Regulations, and the appeal will be decided by the Superintendent.

If a complaint is summarily dismissed, the School may nevertheless take whatever additional disciplinary action it deems appropriate against the Respondent under its Student Code of Conduct and procedures related thereto. The School will also offer supportive measures to the parties, as appropriate, and take other prompt and effective steps, as appropriate to ensure that sex discrimination does not continue or recur, assuming that it did occur.

10. General Principles Governing Grievance Process. Following the receipt of a complaint, the Title IX Coordinator or an assigned investigator who has had training in Title IX investigations will conduct an investigation of the allegations, unless they are summarily dismissed in accordance with Section 9. The investigation will include an objective evaluation of all relevant available evidence that is not otherwise impermissible, and may include witness interviews, review of relevant documents, and consultation with other staff members as necessary. Categories of impermissible evidence that will not be considered or accessed during the investigation are set forth in the Title IX Regulations. Any credibility determinations made by the Title IX Coordinator or investigator will not be based on a person's status as a Complainant, Respondent, or witness.

The Title IX Coordinator or investigator must be free from any conflicts of interest or bias.

The School will attempt to resolve all complaints alleging a violation of this Policy within 65 business days, not including any time for an appeal of the Determination (as defined below). The School will follow reasonably prompt timeframes for the major stages of the grievance procedures, including the following: evaluation of a complaint (the decision whether to dismiss or investigate a complaint) within 15 business days of the receipt of a complaint; investigation to be completed within 30 business days of the determination to investigate a complaint; and a determination within 20 business days of the completion of the investigation of a complaint. Those time frames may be extended on a case-by-case basis for good cause, including as required by the circumstances of the investigation and equity to the parties, with written notice to the parties of the new deadlines and the reason for the delay. The Title IX Coordinator or investigator will not wait for the conclusion of any law enforcement investigation or criminal proceeding to begin the Title IX investigation, but the Title IX Coordinator or investigator may consider such investigations or proceedings in determining an appropriate timeline in which to resolve a complaint. The School's decision to extend these timeframes is not subject to appeal.

The Title IX Coordinator or investigator will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, consulting with family members or an advisor, or otherwise preparing for or participating in the grievance process. Again, retaliation is prohibited against anyone involved in the grievance process by either party.

If a Complainant or a Respondent has an IEP or a Section 504 Plan, the Title IX Coordinator or investigator will consult with one or more members of the student's IEP Team or the Section 504 Coordinator to ensure compliance with relevant IDEA or Section 504 requirements during the grievance process.

11. Investigation. The investigation will be premised on a presumption that the Respondent is not responsible for the alleged sex discrimination. The burden of proof is on the School to prove a violation of this Policy by a preponderance of the evidence, which means that it is more likely than not that the Respondent engaged in the prohibited behavior.

The School will determine whether the Title IX Coordinator will investigate the allegations or whether a separate individual who is trained in Title IX requirements will investigate the allegations. The School will also determine the Decision Maker, who must be different from the Title IX Coordinator and Investigator, and make the final determination. These role determinations will be made on a case-by-case basis.

Both the Complainant and the Respondent will have a reasonable opportunity to present witnesses and other evidence to the Title IX Coordinator or investigator. The Title IX Coordinator or investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Before the Investigator completes a final investigation report

on the complaint, each party will have an equal opportunity to access the relevant and not impermissible evidence in the following manner:

- The Title IX Coordinator or investigator will provide an accurate description of the evidence, along with an opportunity to access the evidence upon request of either party.
- The Title IX Coordinator or investigator will allow the parties a reasonable opportunity to respond to the description of the evidence, a minimum of at least 10 days to submit a written response.
- Except as allowed by law, the Title IX Coordinator or investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance process.

In addition, if the Decision Maker needs to assess a party's or witness's credibility – if it is in dispute and is necessary to evaluate one or more of the allegations in the complaint – the Decision Maker will provide the parties with written, advance notice that the Decision Maker will question one or more of the parties and/or witnesses. Although the parties may not participate in or attend such questioning, the Decision Maker will provide the parties with an accurate description of the credibility determination made based on the questioning prior to making a Determination on the complaint.

Before the Decision Maker makes a determination of responsibility, the Investigator will prepare an investigation report that fairly summarizes the relevant evidence and provide the

report simultaneously to the Parties, their advisor(s) if any, and the Decision Maker, at least 10 days prior to the Decision Maker's determination of responsibility.

12. Determination of Responsibility. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Decision Maker will make the determination regarding responsibility (the "Determination"). Prior to the written determination, the Decision Maker will permit each party the opportunity to submit written, relevant questions that a party wants asked of any party or a witness and facilitate such questions and answers. The Decisionmaker will:

- Provide notice to the parties of their ability to submit written, relevant questions that they want asked of any party or witness;
- Provide each party the answers to those questions;
- Permit additional, limited-follow up questions from each party.

The Decision Maker will issue a written Determination that includes:

- A statement of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearing held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the recipient's code of conduct to the facts;
- A determination of responsibility for each allegation;
- The rationale for the Determination;
- Any disciplinary sanction the recipient imposes on the Respondent;
- Any ongoing remedies or supportive measures offered to either Party; and
- A description of the right to an appeal, how to request and appeal, and the permitted bases for an appeal.

The Complainant and the Respondent will be notified concurrently of the Determination.

If the Decision Maker determines that sex discrimination occurred, the Title IX Coordinator will, as appropriate, a) coordinate the provision and implementation of remedies to the Complainant and any other people identified as having had equal access to the School's education program or activity limited or denied by sex discrimination, b) coordinate the imposition of any disciplinary sanctions on the Respondent, including notifying the Complainant of any disciplinary consequences, and c) take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.

Students or employees found to have violated Title IX will be subject to disciplinary sanctions. Such disciplinary sanctions include, but are not limited to:

- For a Respondent student, participation in counseling services; revocation of privileges related to extra-curricular programs including sports; no-contact orders; schedule changes; short-term or long-term suspension; or expulsion.
- For a Respondent employee, participation in counseling services; no-contact orders; reassignment; suspension without pay; or termination of employment.

This Policy prohibits the Complainant, the Respondent and any witnesses from knowingly making a false statement or providing false evidence in connection with a Title IX investigation. The School may take disciplinary action under the Student Code of Conduct or employee handbook against individuals who make such false statements, provided that there is evidence of such falsehoods independent of the Determination regarding whether sex discrimination occurred.

13. Informal Resolution. In lieu of resolving a complaint using these grievance procedures, the parties may instead elect to participate in an informal resolution process. Allegations may be resolved informally only if the complaint does not allege that a School employee engaged in sex-based harassment of a student. The Title IX Coordinator or investigator will consider the age of the students involved, if any, and the nature of the alleged conduct into account when determining whether to offer an informal resolution, understanding that for younger students, informal resolution may be more appropriate to resolve complaints than the use of the grievance procedures.

Both parties to a formal complaint must voluntarily agree to participate in an informal resolution, after being provided with notice of the allegations, the requirements of the informal resolution process, the right to withdraw from the process, the fact that agreeing to a resolution will be binding and final, and what information might be used in the grievance process, should a party withdraw from informal resolution. As part of the informal resolution process, the Title IX Coordinator or investigator may engage in interviews and other fact finding. Available methods of informal resolution include arbitration, mediation, and restorative justice procedures, and will be led by a qualified facilitator, who may be the Title IX Coordinator. Either party may withdraw from informal resolution at any time before agreeing to a resolution and resume the grievance process. If a party withdraws and elects to process with the grievance process, the facilitator of the informal resolution process will not be involved in the grievance process as either the investigator or the Decision Maker. Once an informal resolution is agreed to by the parties, it becomes binding and final on them. The Title IX Coordinator or the investigator has the discretion to decline informal resolution for some complaints, including complaints of sexual violence, and instead require compliance with these grievance procedures.

14. Retaliation. Title IX prohibits retaliation for reporting or participating in an investigation of a report regarding sex discrimination. No person shall be retaliated against by the School in any way or subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having participated in any proceeding under this Policy. In addition, it shall be a violation of this Policy for any person to retaliate against another individual, including against other students, for the purposes of interfering with that individual's Title IX rights or because an individual has participated or refused to participate in proceedings under this Policy. Individuals may be subject to actions under this Policy and/or under the Student Code of Conduct or the employee handbook for retaliation in violation of this Policy.

15. Recordkeeping. The School will maintain all documents related to allegations of sex discrimination for at least seven years. The records maintained by the School will include at least information regarding actions taken to respond to information about conduct that may

constitute sex discrimination, informal resolutions, and complaint resolutions using the grievance procedures.

16. Training. The School will provide annual training on the requirements of this Policy, including employee reporting requirements, and other relevant Title IX information to all employees, including those involved in implementing this Policy. Such training will also be provided at the time of hire.

Any documents used for such training will be publicly available upon request.

17. Appeal of Determination. Either the Complainant or the Respondent may appeal from the Determination by submitting a notice of appeal that includes the bases of the appeal to the Decision Maker within 10 business days of the date of the Determination. Written notice of the appeal will be provided to both parties by the School. Either party may file a written response in support of or challenging the Determination and the bases for the appeal within 5 business days of the date on which written notice of the appeal was provided to all parties.

An appeal may be filed on the following bases only:

- A procedural irregularity affected the outcome of the matter,
- There is newly discovered evidence that could affect the outcome of the matter and that was not available at the time the Determination was made, and/or
- The Title IX Coordinator, the investigator or the Decision Maker had a conflict of interest or bias that affected the outcome of the matter.

The appeal will be decided by the School Governing Board on written submissions from the parties only. No hearing will be held for an appeal.

The School Governing Board will simultaneously provide the parties with a written decision regarding the appeal, which will describe the result of the appeal and the rationale for the decision.