

# STUDENT/PARENT HANDBOOK

## *Addendum*

### 2019-2020



## **Introduction**

Garden of the Sahaba Academy (GSA) has applied for and received funding pursuant to the Small Business Administration's Payroll Protection Program (PPP). The funding is considered to be federal assistance and GSA will be required to comply with certain federal requirements for the duration of the indebtedness under the PPP.

This notice is to advise that the following information related to the applicable federal requirements is available to all students and/or parents and employees of GSA for the duration of the applicability of the federal requirements.

GSA is issuing this information as an *addendum* to its existing policies and notices based on the anticipated temporary nature of the requirements. Students and/or parents may review this information on the website for GSA or may review the hard copy versions of this information in the Administration Office. Copies will be made available upon request at no charge.

GSA will provide notification to all students and/or parents and employees regarding any changes to the applicability of the above information to the School.

A. Notification (All Applicable Laws)

*Garden of the Sahaba Academy (GSA) does not discriminate on the basis of race, color, national origin, sex, disability, or age in the administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs. Furthermore, sexual harassment and violence are explicitly prohibited with regard to all activities of GSA.*

*The following person(s) has been designated to handle inquiries regarding the non-discrimination policies of GSA:*

1. *Name: Natasha Haroon  
Address: 3100 NW 5<sup>th</sup> Ave, Boca Raton, FL 33431  
Telephone No. 561-395-3011*
2. *Name and/or Title: Sheila De'Metayar  
Address: 3100 NW 5<sup>th</sup> Ave, Boca Raton, FL 33431  
Telephone No. 561-395-3011*

B. Policies

1. **Section 504**

*Policy*

*Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits educational institutions receiving federal assistance from discriminating against disabled individuals. It is the intent of Garden of the Sahaba Academy (GSA) to comply with all requirements of Section 504 applicable to private educational institutions during the period that GSA is a recipient of any form of federal assistance. GSA does not discriminate and will not permit discrimination on the basis of disability in the administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.*

*Grievance Procedure*

*Garden of the Sahaba Academy (GSA) adopts and publishes the following procedures (“Grievance Procedures”) for the prompt, fair, impartial, and equitable investigation, and resolution of complaints disability discrimination, including an alleged failure to accommodate a student with disabilities.*

*All complaints involving one or more students shall be processed in accordance with these Grievance Procedures. Complaints involving only employees shall be processed through Human Resources in accordance with the School’s anti-discrimination and harassment policies. GSA shall in all instances and in its sole discretion make the decision of whether the complaint will be processed in accordance with the Grievance Procedures or in accordance with the University’s anti-discrimination and harassment policies. GSA will attempt to complete the procedures set forth herein within thirty (30) days of receiving a complaint, unless multiple complainants or incidents are involved, or the facts and circumstances of a particular complaint, merit additional time, as GSA may determine in its sole discretion and which determination shall be promptly communicated via email to the parties. GSA may, in its sole discretion, implement remotely any or all portions of these Grievance Procedures using telephonic, electronic, and other remote means.*

### *1. Complaint*

*Any student or parent of a student who believes that he or she has been the victim of disability discrimination may file a written complaint with the School Representative identified in the Policy. Complainants have the right to concurrently file similar complaints with appropriate agencies. The complaint filed with GSA shall specify the alleged discriminatory action, the name of the individual(s) who engaged in the alleged action, if known, and such other information as may assist the School in promptly investigating the complaint. The complainant may request confidential treatment and the School Representative shall evaluate all such requests to determine if such requests can be accommodated based on the necessary actions.*

### *2. Informal Resolution Process*

*The School Representative shall informally discuss possible remedies with the complainant to determine if a satisfactory resolution can be reached. If resolution can be reached, the remedies to which the parties agree shall be documented and apply to the matter. If resolution cannot be reached, the School Representative shall proceed with the investigative process described in Section 3. A complainant has the right at any time to end the informal resolution process and begin the formal investigative process described in Section 3.*

### *3. Investigative Process*

*The School Representative or qualified designee shall promptly investigate the alleged discriminatory actions. It is the School’s goal to provide for an adequate, reliable, and impartial investigation and resolution of each institutional complaint. Retaliation against the complainant, witnesses, or any other participant involved in an investigation is prohibited. In the event the School is unable to conduct a full investigation, the School shall take steps to provide remedies for the complainant and the broader student and employee populations, as appropriate.*

*When the investigation is complete, the School Representative will determine whether the preponderance of the evidence demonstrates that the alleged discriminatory action occurred. If the School Representative does not determine an alleged discriminatory act occurred, then the complaint shall be dismissed, and the School Representative shall notify the complainant in writing of the determination. If, however, the School Representative determines that the preponderance of the evidence demonstrates that the alleged discriminatory action occurred, then the School Representative shall notify the complainant in writing of such determination and proceed with the decision-making process set forth in Section 4.*

#### *4. Decision-Making Process*

*If the School Representative determines by the preponderance of the evidence that the alleged discriminatory action occurred, the School Representative shall prepare findings of fact and recommend remedies, accommodations, and sanctions, if appropriate. Within five (5) days of preparing the Findings, the School Representative shall use the Findings to determine what, if any, remedies, accommodations, and sanctions for the complainant, and additional remedies for the School community, shall be imposed (Ruling). If the Ruling includes a determination that discrimination or retaliation has occurred, then the School shall provide for the continued protection of the complainant and others, as appropriate.*

*Within five (5) days of the Ruling, the School shall concurrently send notice via email of the Ruling and of the right to appeal pursuant to Section 5. The school shall notify the involved parties whether there was a determination a discriminatory action occurred, any sanctions that relate to the complainant, and other steps.*

#### *5. Appeals*

*Any involved party may appeal the Complaint Dismissal or Ruling by submitting a written statement of appeal to Fathi Khalfi. The appeal must be received within seven (7) days following the date on which the parties received notice of the Complaint Dismissal or Ruling. Fathi Khalfi shall have an additional seven (7) days from receipt of the appeal request to grant or deny the appeal or request additional information from the appealing party and the School Representative that Fathi Khalfi deems necessary to decide the appeal request. If the appeal is granted, Fathi Khalfi shall make such instructions to the School Representative as may be appropriate.*

*Fathi Khalfi's decision on the appeal shall constitute the final action by the School. The School shall provide written notice of the appeal decision and its finality via email concurrently to the involved parties. If no involved party appeals the Complaint Dismissal or Ruling within the seven (7) day appeal window, the School shall send notice via email concurrently to the involved parties that the time for an appeal has expired and that the Complaint Dismissal or Ruling is deemed final.*

#### *6. Imposition of Remedies, Accommodations, and Sanctions*

*After a Ruling has become final, the School will take steps necessary to implement the Ruling's remedies, accommodations, and sanctions.*

## 2. Title VI

### *Policy*

*Title VI prohibits educational institutions receiving federal assistance from discriminating against individuals on the basis of race, color, or national origin. It is the intent of Garden of the Sahaba Academy (GSA) to comply with all requirements of Title VI applicable to private educational institutions during the period that GSA is a recipient of any form of federal assistance. GSA does not discriminate and will not permit discrimination on the basis of race, color, or national origin in the administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.*

## 3. Age Discrimination Act of 1975

*The Age Discrimination Act of 1975 prohibits educational institutions receiving federal assistance from discriminating against individuals on the basis of age. It is the intent of Garden of the Sahaba Academy (GSA) to comply with all requirements of the Age Discrimination Act of 1975 applicable to private educational institutions during the period that GSA is a recipient of any form of federal assistance. GSA does not discriminate and will not permit discrimination on the basis of age in the administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.*

*GSA incorporates, without restating, the above Grievance Procedure in section B.1., above, for the purpose of addressing any complaint or report of age discrimination.*

## 4. Title IX

### *Title IX Student Training Requirement*

*Title IX does impose a duty on educational organizations receiving federal funding to provide training to students that is age appropriate. We will assess whether Garden of the Sahaba Academy (GSA) will be required to complete such training as we prepare for the 2020-21 academic year. If such training is required, it will be age-appropriate and provided using proper materials and instructors. Additional notice related to such training will be provided as the 2020-21 academic year approaches. Please contact **Natasha Haroon** with any questions.*

### *General Policy for Title IX Compliance*

*Garden of the Sahaba Academy (GSA) will take prompt and appropriate steps when it is made aware of possible sexual misconduct, which may include, but is not limited to, sexual discrimination, sexual harassment, or sexual violence, that denies or limits on the basis of sex an employee's ability to provide aid, benefits, or services to students, or a student's ability to participate in or benefit from GSA's programs and activities (Title IX Offense). In the event that GSA determines that a Title IX Offense has occurred, GSA shall take prompt and effective steps reasonably calculated to eliminate the Title IX Offense, prevent its recurrence, and, as appropriate, remedy the effects of any hostile environment created by the Title IX Offense.*

*Inappropriate conduct that may constitute or otherwise be construed as a Title IX Offense committed against any member of the GSA community is prohibited. All Title IX complaints involving one or more students shall be processed in accordance with the Title IX Grievance Procedures, provided below. ("Grievance Procedures"). Title IX complaints involving only employees shall be processed through Human Resources in accordance with the School's anti-discrimination and harassment policy. GSA shall in all instances and in its sole discretion make the decision of whether the complaint will be processed in accordance with the Grievance Procedures or in accordance with the School's anti-discrimination and harassment policy. In all cases, the Title IX Coordinator (hereinafter defined) shall be kept apprised as Title IX complaints are processed and resolved.*

*It is GSA's policy to protect any complainant alleging a Title IX Offense and to ensure the complainant's safety as necessary, including taking interim steps to protect the complainant prior to the final outcome of any investigation. GSA's goal is to provide a safe and nondiscriminatory environment for all students and employees, free from sexual harassment and sexual violence and to resolve Title IX complaints promptly and equitably, within all requirements of the law.*

#### *Notice of Nondiscrimination*

*GSA will disseminate a notice of nondiscrimination to all students, employees, applicants for admission and applicants for employment posting the same on the GSA website and publishing the notice the School's electronic or non electronic publications that provide information about GSA's services and policies. Such publications may include, but are not limited to employee (faculty and staff) handbooks, student handbook, and student code of conduct. The notice shall state either separately or as part of a combined nondiscrimination disclosure that (a) GSA does not discriminate on the basis of sex in its education programs and activities, (b) GSA is required by Title IX not to discriminate in such a manner, and (c) questions concerning Title IX may be referred to the School's Title IX Coordinator or to the Office for Civil Rights at the United States Department of Education. The notice of nondiscrimination shall include the name or title, office address, telephone number and email address of the School's Title IX Coordinator.*

#### *Post-Alleged Title IX Offense Assistance*

*GSA will take interim measures to protect the complainant and witnesses, as necessary, during any criminal or School investigation into a Title IX complaint and before the final outcome of any School investigation. To the extent GSA does not routinely offer services that may constitute appropriate interim measures, the School shall make a good faith effort to take all legally required*

*actions to provide such services. All such activities shall comply with all applicable requirements of federal, state, and local law.*

*Any victim of a Title IX Offense should be aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other services. Victims are encouraged to discuss with health care providers, School officials, and first responders the option of seeking medical treatment and are encouraged to preserve evidence, which may be necessary to prove a crime has occurred, or to obtain a protective order. A victim of an alleged Title IX Offense may report such offense to law enforcement agencies or School employees, including the Title IX Coordinator. Victims may, at their choosing, (a) directly notify law enforcement authorities, (b) be assisted by School authorities in notifying law enforcement authorities, or (c) decline to notify such authorities. Victims also may be able to obtain protective, no contact, restraining, or similar lawful orders issued by an appropriate court.*

*GSA will provide counseling services without charge to the complainant if the School determines that counseling is an appropriate interim measure. GSA shall notify the complainant of the complainant's options to avoid contact with the alleged perpetrator and change, as appropriate, academic, professional, and extracurricular activities as well as complainant's living, transportation, dining, and working situation, as applicable. GSA shall ensure that the complainant is aware of (a) complainant's Title IX rights, (b) available support services and resources, and (c) the right to report an alleged crime to local law enforcement. A non-exhaustive list of available assistance options is included at the conclusion of this policy.*

#### *Title IX Coordinator*

*GSA shall designate at least one employee to coordinate the School's efforts to comply with and carry out its responsibilities under Title IX (the Title IX Coordinator). GSA's current Title IX Coordinator is*

*Title IX Coordinator: Natasha Haroon*

*Email address: natasha@assahaba.org*

*Physical address: 3100 NW 5<sup>th</sup> Ave, Boca Raton, FL 33431*

*The Title IX Coordinator shall have the following responsibilities:*

- Maintain knowledge of the Title IX requirements, GSA's Title IX policies and procedures, and all Title IX complaints made;*
- Receive appropriate training as required by the law to meet his or her Title IX responsibilities;*
- Review all Title IX complaints to identify and address any patterns or systemic problems;*
- Be accessible to students and employees as appropriate; and*
- Not hold job duties that create a conflict of interest with those of the Title IX Coordinator.*

*GSA has also appointed a Deputy Title IX Coordinator to support the Title IX Coordinator fulfill the duties of the position and shall function as a designee of the Title IX Coordinator. Any action*

*taken by the Deputy Title IX Coordinator will have the same weight and effect of an action taken by the Title IX Coordinator.*

*The Deputy Title IX Coordinator: Sheila D'Metayer,  
Email address: sheila@assahaba.org,  
Physical address: 3100 NW 5<sup>th</sup> Ave, Boca Raton, FL 33431*

### *Reporting Policies and Protocols*

*This Title IX Policy is intended to make GSA students and employees aware of the various reporting and confidentiality policies available to them to make informed choices about where to turn should they become a victim of a Title IX Offense and how to report problems relating to any subsequent retaliation related thereto.*

*Individuals who have been the victim of a Title IX Offense may use any, all, or any combination of the following options to report a Title IX Offense:*

- *Criminal Complaint – A complaint filed with local law enforcement officials and with which the School is not involved.*
- *Report to Responsible Employee - Reports made to any “responsible employee,” as that term is defined in the “Definitions” section of this policy, must be relayed by the responsible employee to the Title IX Coordinator and will initiate an investigation by the School in accordance with this Policy.*
- *Institutional Complaint – A complaint filed with the Title IX Coordinator and upon the receipt of which the School will initiate an investigation in accordance with this Policy.*
- *Privileged and Confidential Reporting - Complainants may make privileged and confidential reports of Title IX Offenses to certain health or mental health providers or pastoral counselors.*

*While criminal complaints, institutional complaints, and reports to responsible employees will generally result in the initiation of an investigation, whether by law enforcement or the School (unless the complainant requests otherwise and the School is able to honor such request consistent with its Title IX obligations), reports to certain health or mental health providers or pastoral counselors may be privileged and may remain confidential so long as the complainant does not represent a threat to his or herself or to others. Please be aware that not all communications with health or mental health providers or pastoral counselors may be privileged.*

### *Reporting Requirements for Responsible Employees*

*Before a complainant reveals information to a responsible employee that the complainant wishes to keep confidential, the responsible employee should make every effort to ensure that the complainant understands:*

- *the responsible employee's obligation to report to the Title IX Coordinator the names of the alleged perpetrator (if known), complainant, and other parties (if any) involved in the alleged Title IX Offense, as well as relevant facts regarding the alleged incident;*
- *the complainant's option to request that the School maintain the complainant's confidentiality, which request the School will consider consistent with its responsibilities under Title IX;*
- *the complainant's ability to share the information with counseling, advocacy, health, mental health, and sexual-assault-related service providers who may be able to maintain the complainant's confidentiality; and*
- *the complainant's right to file an institutional complaint with the Title IX Coordinator and a criminal complaint with local law enforcement.*

*Upon receipt of a report of an alleged Title IX Offense, a responsible employee shall promptly report to the Title IX Coordinator all relevant details about the alleged Title IX Offense that a complainant has shared and that GSA needs to determine what occurred and how to resolve the situation, including the names of the alleged perpetrator (if known), the complainant, and other parties (if any) involved, as well as the date, time and location of the alleged Title IX Offense.*

*Responsible employees do not need to determine whether the alleged Title IX Offense actually occurred or that a hostile environment has been created before reporting the alleged Title IX Offense to the Title IX Coordinator.*

#### *Requests for Confidentiality*

*Upon receipt of an institutional complaint or report from a responsible employee, GSA will promptly take action to protect the complainant. The Title IX Coordinator and other appropriate personnel (if any) shall determine in cooperation with the complainant whether appropriate law enforcement or other authorities should be notified.*

*The Title IX Coordinator shall evaluate and determine whether to honor complainant requests for confidentiality, or requests that an investigation not be pursued. Such requests shall be evaluated based on the School's responsibility to provide a safe and nondiscriminatory environment for all students and employees.*

*GSA employees shall only disclose information regarding alleged Title IX Offenses on a "need to know" basis to individuals who are responsible for handling any investigation or response. In the event the School determines that it can maintain a request for confidentiality, the School shall take all reasonable steps to respond to the institutional complaint or responsible employee report consistent with the request and to determine what interim measures are appropriate or necessary. In the event it is necessary for the School to disclose the complainant's identity to an alleged perpetrator, the Title IX Coordinator or his or her appropriate designee shall inform the complainant prior to making the disclosure.*

#### *Investigation Procedures and Protocols*

*GSA shall process all institutional complaints and reports received from responsible employees, regardless of where the alleged Title IX Offense geographically occurred, to determine whether the conduct involved an education program or activity of the School, the provision of aid, benefits, or services to students, or the creation of a sexually hostile environment. Upon initiating an investigation, the investigator shall notify GSA employees and students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence. GSA may, in its sole discretion, conduct remotely any Title IX investigation, in whole or in part, using telephonic, electronic, and other remote means.*

*GSA shall coordinate its Title IX investigation with any other ongoing GSA or criminal investigation of the incident. If the fact-finding portion of the School's investigation is suspended due to the existence of a criminal investigation, it shall resume promptly once law enforcement officials have completed their evidence-gathering and have authorized the School to proceed with its investigation.*

*Title IX prohibits retaliation against an individual because they participated in any manner, in an investigation related to the alleged Title IX Offense. GSA shall take steps to prevent retaliation and shall promptly investigate any possible retaliation, including threats, intimidation, coercion, or discrimination. GSA shall take appropriate steps to address any identified retaliation consistent with its Title IX obligations.*

#### *Grievance Procedures*

*GSA has adopted the following Grievance Procedures below to resolve institutional complaints promptly and equitably or reports from responsible employees received by the School. The Grievance Procedures shall be used to address Title IX complaints involving one or more students. All employee-only Title IX complaints shall be processed by Human Resources in accordance with the School's anti-discrimination and harassment policy.*

#### *Prevention, Education and Training*

*This Policy and related information and training shall be accessible to students and employees with disabilities as well as those who are English language learners. Title IX prohibits retaliation against the complainant, anyone who files a third-party report, any witness, or anyone who otherwise participates in the investigative and disciplinary processes. GSA will take steps to prevent and respond to such retaliation consistent with its Title IX obligations.*

*GSA shall provide prevention and awareness educational programs to new and existing students and employees. These programs shall include information on (a) Title IX, (b) how to file a Title IX complaint with GSA, (c) resources available to sexual violence victims, and (d) options for reporting an incident of sexual violence to local law enforcement. Training on this Policy and GSA's Title IX obligations will be provided to students and employees. GSA shall consider age-appropriate educational methods, materials, and instructors that are most likely to help students and employees retain such information. GSA requires that the Title IX Coordinator, investigators, and adjudicators have (a) training or experience in handling Title IX complaints, and, if applicable, (b) training in the operation of the Grievance Procedures.*

## DEFINITIONS

*As used in GSA's Title IX Compliance Policy and Title IX Grievance Procedures, the phrases and words listed shall have the meanings set forth below:*

*Consent - Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.*

*Dating violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. "Dating violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.*

*Domestic violence - A felony or misdemeanor crime of violence committed by (a) a current or former spouse or intimate partner of the victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.*

*Incapacitation - Any situation in which a person is incapable of giving consent due to the person's age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.*

*Intimidation - The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against that person's will.*

*Hostile environment - Activity or conduct involving sexual harassment that is sufficiently serious that it interferes with or limits an GSA employee's ability to provide aid, benefits, or services to students or a student's ability to participate in or benefit from GSA's programs and activities.*

*Non-consensual sexual contact - Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.*

*Non-consensual sexual intercourse - Any sexual intercourse which is not preceded by consent or which continues after a previous consent is withdrawn. "Sexual intercourse" includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation.*

*Responsible employees – Responsible employees include the Title IX Coordinator and other GSA employees (i) with the authority to take action to redress sexual violence, (ii) who have been given the duty of reporting Title IX Offenses by or against students to the Title IX Coordinator or to another appropriate School designee, or (iii) whom a student could reasonably believe has this authority or duty.*

*Retaliation - The act of seeking revenge upon another person, including intimidating, threatening, coercing, or in any way discriminating against an individual because of an individual's complaint or cooperating in the filing of a complaint or conduct of an investigation. Retaliation is prohibited by Title IX and this Policy.*

*Sexual assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.*

*Sexual exploitation - The abuse of a position of vulnerability, differential power, or trust for sexual purposes.*

*Sexual harassment - Unwelcome conduct of a sexual nature.*

*Sexual misconduct - Any act of sexual harassment, sexual discrimination (including on the basis of gender identity and sexual orientation), sexual violence, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, intimidation, dating violence, or domestic violence, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a complaint brought under GSA's Title IX Grievance Procedures in accordance with GSA's Title IX Compliance Policy.*

*Sexual violence - Physical sexual acts perpetrated against a person's will or with a person who suffers from incapacitation. "Sexual violence" also means same-sex conduct that violates GSA's prohibition on sexual violence, including, but not limited to, the following examples: forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.*

*Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress. As used in this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable person" means a person under similar circumstances and with similar identities to the victim.*

*Title IX Coordinator - The person designated as such by GSA or the person temporarily designated by the Title IX Coordinator to serve in that capacity during the Title IX Coordinator's incapacity or absence from GSA.*

## TITLE IX GRIEVANCE PROCEDURES

## *1. Introduction*

*GSA has adopted a Title IX Policy (Policy), all of the provisions of which are incorporated herein by reference. In accordance with Section 7 of the Policy, GSA adopts and publishes the following Title IX Grievance Procedures (Grievance Procedures) for the prompt, fair, impartial and equitable investigation and resolution of Title IX complaints, including, but not limited to, complaints of sexual misconduct, sexual discrimination, sexual harassment, and sexual violence, alleging that such conduct denied or limited on the basis of sex an employee's ability to provide aid, benefits, or services to students, or a student's ability to participate in or benefit from GSA's programs and activities (Title IX Offense).*

*All Title IX complaints involving one or more students shall be processed in accordance with these Grievance Procedures. Title IX complaints involving only employees shall be processed through Human Resources in accordance with the School's anti-discrimination and harassment policy. GSA shall in all instances and in its sole discretion make the decision of whether the complaint will be processed in accordance with the Grievance Procedures or in accordance with the University's anti-discrimination and harassment policy, as described above. GSA aims to complete the procedures set forth herein within sixty (60) days of receiving a Title IX complaint, unless multiple complainants or incidents are involved, or the facts and circumstances of a particular complaint, merit additional time, as GSA may determine in its sole discretion and which determination shall be promptly communicated via email to the parties. GSA may, in its sole discretion, implement remotely any or all portions of these Grievance Procedures using telephonic, electronic, and other remote means.*

*These Grievance Procedures explain (i) how to file a Title IX complaint, (ii) GSA's Title IX informal resolution, investigative, decision-making, and appeals processes, and (iii) how resulting remedies and sanctions will be imposed.*

## *2. Initiation of a Complaint*

*Any person who believes that he or she has been the victim of a Title IX Offense may file a written institutional complaint with the Title IX Coordinator identified in the Policy. Complainants have the right to concurrently file a criminal complaint with appropriate law enforcement agencies and an institutional complaint with GSA. Any institutional complaint filed with GSA shall specify the alleged Title IX Offense, the name of the individual(s) who engaged in the alleged Title IX Offense, if known, and such other information as may assist GSA in promptly investigating the alleged Title IX Offense. The complainant may request confidential treatment and the Title IX Coordinator shall evaluate all such requests as set forth in Section 5 of the Policy.*

## *3. Informal Resolution Process*

*Mediation is never appropriate in cases of alleged sexual assault and shall not be utilized by GSA in such cases. However, in cases alleging non-sexual assault conduct, the Title IX Coordinator shall informally discuss possible remedies and sanctions with the complainant and the alleged perpetrator separately to ascertain if a satisfactory resolution can be reached. GSA shall refrain*

*from asking a complainant to resolve problems directly with the alleged perpetrator. If resolution can be reached, the remedies and sanctions to which the parties agree shall be imposed. If resolution cannot be reached, the Title IX Coordinator shall proceed with the investigative process described in Section 4. A complainant has the right at any time to end the informal resolution process and begin the formal investigative process described in Section 4.*

#### *4. Investigative Process*

*The Title IX Coordinator or designee shall promptly investigate the alleged Title IX Offense in accordance with Section 6 of the Policy. It is GSA's goal to provide for an adequate, reliable, and impartial investigation and resolution of each institutional complaint. Retaliation against the complainant, alleged perpetrator, witnesses, or any other participant involved in a Title IX investigation is prohibited. In the event GSA is unable to conduct a full investigation, such as when the alleged perpetrator is a visitor to GSA property or is not otherwise affiliated with GSA, GSA shall take steps to provide remedies for the complainant and the broader student and employee populations, as GSA may deem appropriate.*

*Upon the conclusion of the investigation, the Title IX Coordinator shall determine whether the preponderance of the evidence demonstrates that the alleged Title IX Offense occurred. If the Title IX Coordinator does not so determine, then the complaint shall be dismissed (Complaint Dismissal), and the complainant and the alleged perpetrator shall be notified concurrently in writing of GSA's determination. If, however, the Title IX Coordinator determines that the preponderance of the evidence demonstrates that the alleged Title IX Offense occurred, then the Title IX Coordinator shall notify the complainant and the alleged perpetrator concurrently in writing of such determination and proceed with the decision-making process set forth in Section 5.*

#### *5. Decision-Making Process*

*If the Title IX Coordinator determines by the preponderance of the evidence that the alleged Title IX Offense occurred, the Title IX Coordinator shall prepare findings of fact and recommended remedies, accommodations, and sanctions (Findings). The Title IX Coordinator shall also make a finding of fact as to whether a "hostile environment", as defined in Exhibit A of the Policy, exists at GSA in light of the Findings, and if so, shall make recommendations as to how the hostile environment can be eliminated. Within five (5) days of preparing the Findings, the Title IX Coordinator shall use the Findings to determine what, if any, remedies, accommodations, and sanctions for the complainant and alleged perpetrator, and additional remedies for the GSA community, shall be imposed (Ruling). If the Ruling includes a determination that sexual misconduct has occurred, then GSA shall provide for the continued protection of the complainant and others, as appropriate.*

*Within five (5) days following the Ruling, GSA shall concurrently send notice via email to the parties of the Ruling and of each party's right to appeal pursuant to Section 6. GSA shall notify the parties whether GSA found that the alleged Title IX Offense occurred, any sanctions imposed*

*on the perpetrator that directly relate to the complainant, and other steps GSA has taken to eliminate the hostile environment (if GSA finds one to exist), prevent recurrence of the misconduct, and remedy discriminatory effects on the complainant and others. GSA shall also notify the complainant of any individual remedies offered or provided to the complainant, but, shall not notify the perpetrator of these individual remedies. If the alleged victim is deceased as a result of the Title IX Offense in question, the next of kin of such victim is treated as the alleged victim and shall be provided written notification as set forth herein.*

## *6. Appeals*

*Either party may appeal the Complaint Dismissal or Ruling by submitting a written statement of appeal to the Office of the Provost. The appeal must be received by Fathi Khalfi within seven (7) days following the date on which the parties received notice of the Complaint Dismissal or Ruling. Fathi Khalfi shall have an additional seven (7) days from receipt of the appeal request to grant or deny the appeal or request additional information from the appealing party and the Title IX Coordinator that Fathi Khalfi deems necessary to decide the appeal request. Regardless of which party files the appeal, Fathi Khalfi may reverse the Complaint Dismissal or Ruling only if Fathi Khalfi finds that the determination was arbitrary or capricious or was not otherwise supported by the preponderance of the evidence. If the appeal is granted Fathi Khalfi shall make such instructions to the Title IX Coordinator as may be appropriate.*

*Fathi Khalfi's decision on the appeal shall constitute the final action by GSA, and GSA shall send written notice of the decision and its finality via email concurrently to the parties. If neither party appeals the Complaint Dismissal or Ruling within the seven (7) day appeal window, GSA shall send notice via email concurrently to the parties that the time for an appeal has expired and that the Complaint Dismissal or Ruling is deemed final.*

## *7. Imposition of Remedies, Accommodations, and Sanctions*

*After a Ruling has become final, GSA shall take steps necessary to implement the Ruling's remedies, accommodations, and sanctions. In the event interim measures should be taken to protect the complainant at any point prior to GSA's final determination, the Title IX Coordinator may implement such measures, a non-exhaustive list of which are set forth at the conclusion of the Policy.*

*This Policy also sets forth a non-exhaustive list of potential remedies for complainants, which GSA may impose, and include the reprimand, suspension, or expulsion of a student perpetrator, the reprimand, suspension, or termination of an employee perpetrator, and complainant's options to avoid contact with the alleged perpetrator and to change academic, professional, and extracurricular activities as well as complainant's living, transportation, dining, and working situation, as appropriate. Example counseling, advocacy, and support services also are provided at the conclusion of this Policy.*

*Implementation of these Grievance Procedures may result in additional remedies for the GSA community, including greater emphasis on student awareness, educational, and professional*

*development courses for students, faculty, and staff, and other steps designed to address the specific issues raised by a Title IX complaint received by GSA.*

### *Assistance Options*

#### *Prompt Assistance*

*Trained advocates and counselors who can provide an immediate or otherwise prompt, oftentimes confidential response in a crisis situation:*

#### *Altha Mental Health*

*7035 Beracasa Way, Boca Raton, FL 33433*

### *Phone numbers for law enforcement and the Title IX Coordinator:*

*In an emergency always dial 9-1-1*

#### *GSA Title IX Coordinator*

*Natasha Haroon, Telephone: 561-395-3011*

#### *GSA Deputy IX Coordinator*

*Sheila D'Metayer, Telephone:561-395-3011*

#### *City of Boca Raton Police Department:*

*(561) 338-1234*

#### *County Sheriff's Office:*

*(561) 688-3000*

#### *Ongoing Assistance*

*Counseling, advocacy, health, mental health and other support services for victims of a Title IX Offense, whether or not a victim chooses to make an official report or participate in GSA's disciplinary process or the criminal process, include, without limitation:*

#### *Altha Mental Health*

*7035 Beracasa Way, Boca Raton, FL 33433*

*Ongoing support during implementation of GSA's Grievance Procedures and the criminal process (if any) can be found as follows:*

*GSA Title IX Coordinator*

*Natasha Haroon, Telephone: 561-395-3011*

*GSA Deputy IX Coordinator*

*Sheila D'Metayer, Telephone: 561-395-3011*

*GSA HR Representative*

*M. Sadiq Hamidani, Telephone: 561-395-3011*

### *Interim Measures*

*GSA may provide immediate steps and interim measures to ensure the safety and well-being of the complainant, such as the ability to move office, classroom, or activity locations, change work schedules (if applicable), alter academic schedules, withdraw from or retake a class without penalty, and access to academic support (e.g., tutoring).*

*GSA may be able to provide additional interim measures for a complainant while an investigation is pending, such as no contact orders and a change in the alleged perpetrator's office space, classroom, or activity arrangements or course schedule. Any interim measures shall be identified and implemented by GSA in its sole discretion and based on the then known facts and circumstances of a particular Title IX investigation.*