



Wakefield School

Title IX Policy and Grievance Procedures

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Wakefield School Title IV Procedures

Procedures for Handling Complaints Between Wakefield Students Pursuant to the Wakefield School Student and Family Handbook

Please see the end of this document for additional resources and links to other documents that may help explain these procedures.

Wakefield School (hereinafter “Wakefield”) students who believe they are directly affected by the conduct of another Wakefield student (collectively “Initial Parties”) may:

1. Request information or advice, including whether certain conduct may violate the Policy;
2. Seek informal resolution; or
3. File a formal complaint.

These three options are described below. Initial Parties are encouraged to bring their concerns to the Director of Student Services (hereinafter referred to as the “Coordinator”) but may, if they choose, contact another Wakefield teacher or Wakefield Head of School, who will refer the matter as appropriate.

As set forth below, interim measures designed to support and protect the Initial Parties or the Wakefield community may be considered or implemented at any time, including during a request for information or advice, informal resolution, or a formal complaint proceeding. Consistent with Wakefield policy, interim measures might include, but are not limited to, the following:

1. Restrictions on contact; or
2. Increased monitoring of the Initial Parties while on campus.

These interim measures are subject to review and revision throughout the processes described below.

It is understood by the Initial Parties that filing a knowingly false report will result in disciplinary action and may result in a judgment in a civil or criminal court.

I. Requests for Information or Advice

Anyone seeking information or advice can expect to learn about resources available at Wakefield that provide counseling and support. They also will be advised about the steps involved in pursuing an informal resolution or filing a formal complaint. The Coordinator has information about any companion policies or procedures that may apply at Wakefield. In addition, the Coordinator may discuss with the Initial Parties whether any interim measures are appropriate at this stage.

II. Requests for Informal Resolution

Initial Parties may make a request, either orally or in writing, for informal resolution to the Coordinator. The request should identify the alleged harasser (if known) and describe the allegations with specificity. The Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution may be appropriate.

Upon determining that informal resolution is appropriate, the Coordinator will consult further with the person initiating the request, inform the person who is the subject of the allegations, and gather additional relevant information as necessary from the parties and others, as indicated. The Coordinator also may put in place any appropriate interim measures to protect the educational and work environment. The Coordinator will attempt to aid the parties in finding a mutually acceptable resolution. A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to Wakefield.

When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby advised to seek legal counsel before making any written or oral statements. Those facing allegations may wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

At any point prior to such resolution, the Initial Party may withdraw the request for informal resolution and initiate a formal complaint under these procedures.

Ordinarily, the informal resolution process will be concluded within twenty one (21) calendar days of the date of the request, although an informal resolution may take longer as circumstances require.

III. Procedures for Formal Complaints

A. Initiating a Complaint

An Initial Party may file a formal complaint alleging a violation of the policy. A complaint of sexual or gender-based harassment or abuse against a student should be filed directly with the Coordinator. The Coordinator shall then give written notification of the complaint to the Respondent and the party responsible for investigations (hereinafter referred to as the “Investigator”).

If indicated, the Coordinator will put in place any appropriate interim measures.

A formal complaint must be in writing and signed and dated by a Complainant or a third party filing on behalf of a potential Complainant (hereinafter the “Reporter”). It should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s). The complaint must be in the Complainant or Reporter’s own words, and may not be authored by others, including family members, advisors, or attorneys. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records, and the like) that the Complainant or Reporter believes may be relevant to the investigation. However, a complaint should not be delayed if such sources of information are unknown or unavailable.

The Coordinator will not investigate a new complaint if it has already adjudicated a formal complaint based on the same circumstances or if the parties and the Coordinator already have agreed to an informal resolution based on the same circumstances.

In cases of alleged domestic violence, dating violence, sexual assault, or stalking, Wakefield will refer the matter to state and commonwealth and local law enforcement in accordance with state, commonwealth and local law.

B. Timeframe for Filing a Complaint

A Complainant must file a complaint within thirty (30) calendar days of the alleged activity cited in the complaint.

Wakefield's ability to complete its processes may be limited with respect to Respondents who no longer attend Wakefield.

C. Initial Review

Upon receipt of the complaint, the Coordinator will assign the case to the Investigator for an initial review. The Investigator will have appropriate training, so that he or she will have the specialized skill and understanding to conduct prompt and effective sexual and gender-based harassment investigations.

The Investigator will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate the Policy. When a complaint is brought by a Reporter, the Investigator will endeavor to meet with the person identified as the potential Complainant both to gather information and to discuss his or her interest in participating in an investigation.

Based on the information gathered, the Investigator will determine whether the information, if true, would constitute a violation of the policy such that an investigation is warranted or whether the information warrants an administrative closure. The Investigator will convey this determination to the Complainant (and the Reporter, if there is one) and the Coordinator. The Investigator will work with the Coordinator to implement any appropriate interim measures to be put in place by Wakefield pending the completion of the case (or to revise, as necessary, any measures already in place).

Ordinarily, the initial review will be concluded within seven (7) calendar days of the date the complaint was received. The investigation may take longer, however, based on the circumstances and the availability of the Complainant, Reporter (if applicable), the Respondent, and witnesses.

D. Investigation

Following the decision to begin an investigation, the Investigator will notify the Respondent in writing of the allegations and will provide a copy of the policy and these procedures. The Respondent will have seven (7) calendar days in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records, and the like) that the Respondent believes may be relevant to the investigation.

If the decision is made to begin an investigation in a case where a Reporter filed the complaint, and the Complainant is unwilling to participate but the Coordinator has assessed the severity of the harassment and the potential risk of a hostile environment for others in the community and has determined to proceed, then, for the purposes of these procedures, the Coordinator will be considered the Complainant.

The Investigator will request individual interviews with the Complainant and the Respondent, and, as appropriate, with other witnesses, which may include those identified by the parties as well as relevant

officers or teachers of Wakefield, or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general information about a party's character.

When a complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are hereby advised to seek legal counsel before making any written or oral statements. The investigation process is not a legal proceeding, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are involved, or may become involved.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigator will request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information.

All investigations will be conducted by the Investigator and his or her investigative team. The investigative team includes any school official who, in the Investigator's opinion, may assist in conducting an investigation.

E. Personal Advisors

Personal advisors may view a redacted version of the complaint or other documents provided to the parties, offer feedback on their advisee's written statements, and provide general advice. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break.

F. Confidentiality

The Coordinator, Investigator, personal advisors, and others at Wakefield involved in, or aware of, the complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they therefore keep such information – including any documents they may receive or review – confidential. They also will be notified that sharing such information might compromise the investigation or may be construed as retaliatory. Retaliation of any kind is a separate violation of the policy and may lead to an additional complaint and consequences.

The parties remain free to share their own experiences, though to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide.

G. Coordination with Law Enforcement Authorities

In all cases, the Investigator will have completed the initial review without delay and, as appropriate, will have proposed interim measures to the Coordinator. In the event that an allegation includes behavior or actions that are under review by law enforcement authorities, the Investigator will, in light of status updates from law enforcement authorities and the Coordinator, assess and reassess the timing of the investigation under the policy, so that it does not compromise the criminal investigation.

H. Conclusion of the Investigation and Issuance of Final Report

At the conclusion of the investigation, the Investigator will make findings of fact, applying a preponderance of the evidence standard, and determine based on those findings of fact whether there was a violation of the policy.

The Investigator will provide the Complainant and the Respondent with a written draft of the findings of fact and analysis and will give both parties seven (7) calendar days to submit a written response to the draft. The Investigator will consider any written responses before finalizing any section of the report, which will outline any recommended measures to be taken by Wakefield to eliminate any harassment or abuse, prevent its recurrence, and address its effects. The Coordinator will work to put in place such measures as he or she determines are appropriate. Consistent with Wakefield policies, measures imposed at this stage might include, among others: restrictions on contact; increased monitoring of certain areas of the campus; or any other measure in accordance with the Wakefield Student Handbook.

The Investigator will complete the investigation and provide the final report to the Complainant, the Respondent, and the Coordinator ordinarily within fifty (50) calendar days of receipt of the complaint, although more time may be necessary as circumstances require. The imposition of disciplinary sanctions will be considered separately by the Head of School, consistent with the Wakefield School Student and Family Handbook.

I. Special Circumstances

i. Request for Anonymity

If a potential Complainant asks to remain anonymous, then the Investigator, or the Coordinator, as appropriate, will consider how to proceed, taking into account the potential Complainant's wishes, Wakefield's commitment to provide a non-discriminatory and safe environment, and the potential Respondent's right to have specific notice of the allegations. The Investigator or the Coordinator may conduct limited fact finding to better understand the context of the complaint. In some circumstances, a request for anonymity may mean an investigation cannot go forward, or the Investigator or Coordinator may determine that further investigation is necessary, in which case the potential Complainant will be informed that his or her identity will be disclosed as necessary for the investigatory process. In other circumstances, the Investigator or the Coordinator may determine that the matter can be appropriately resolved without further investigation and without revealing the Complainant's identity.

ii. Administrative Closure

If, after conducting the initial review of a formal complaint, the Investigator finds that the allegation, if true, would not constitute a violation of the policy, then the Coordinator will administratively close the case and notify the Complainant (and the Reporter, if applicable) and the Respondent.

Where the Complainant is unwilling to participate in further investigation, the Investigator, in consultation with the Coordinator, will assess the severity of the alleged harassment or the potential risk of a hostile environment for others in the community and will determine whether administrative closure is appropriate or whether the Investigator should proceed with an investigation.

Within seven (7) calendar days of the decision to close a case administratively, the Complainant or Reporter may request reconsideration on the grounds that there is substantive and relevant new information that was not available at the time of the decision and that may change the outcome of the decision. The Coordinator will consider requests for reconsideration and inform the Complainant or Reporter of the outcome, ordinarily within seven (7) calendar days of the date of the request, although more time may be necessary as circumstances require.

In cases where the Coordinator concludes that the alleged conduct, while not a violation of the policy, might implicate other Wakefield conduct policies, the Coordinator may refer the complaint to the appropriate Wakefield official.

iii. Request to Withdraw the Complaint

While every effort will be made to respect the Complainant's wishes to withdraw a formal complaint, Wakefield must be mindful of its overarching commitment to provide a nondiscriminatory environment. Thus, in certain circumstances, the Coordinator may determine that investigation is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate. Other circumstances also may result in a request to withdraw the complaint being declined, where, for example, a request to withdraw is made after a significant portion of the investigation has been completed and terminating the investigation would be inequitable.

iv. Request for Informal Resolution After a Complaint Has Been Filed

Once a complaint has been opened for investigation and before the final report has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the Complainant and the Respondent and the approval of the Coordinator in consultation with the Investigator. If such a request is approved, the timeframes will be stayed, and the Investigator or a designee will take such steps as he or she deems appropriate to assist in reaching a resolution. If the parties cannot reach an informal resolution within fourteen (14) calendar days from receipt of the request, then the Investigator will resume the investigation of the complaint in accordance with the formal complaint procedures.

IV. Appeal

Both the Respondent and the Complainant may appeal the decision of the Coordinator to the Head of School or designee based on the following grounds:

1. A procedural error occurred, which may change the outcome of the decision; or
2. The appellant has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision.

Disagreement with the Investigator's findings or Coordinator's determination is not, by itself, a ground for appeal.

Appeals of the Coordinator's decision must be received by the Head of School or designee within seven (7) calendar days of the date of the final report. Likewise, appeals of decisions to administratively close a case or to deny a request to withdraw the complaint must be received by the Head of School or designee within seven (7) calendar days of the date of the decision under appeal. Ordinarily, appeals will be decided within

fourteen (14) calendar days and the Head of School will notify the parties and the Coordinator of the outcome in writing, although more time may be necessary as circumstances require.