



# VALOR ACADEMY MIDDLE SCHOOL

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A BRIGHT STAR SCHOOL

## Bright Star Schools Comprehensive School Safety Plan

Valor Academy Middle School  
Los Angeles Unified School District

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### Committee Members

Brian Perry, Principal/Designee  
Nathan Kurisu, Teacher Representative  
Dean of Operations, Delma Rosales  
Nancy Rojas, Classified Employee  
Brady Cuellar, Senior Lead Officer

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## School Site Mission

Valor Academy is a 5th through 8th grade charter school for the communities of North Hollywood, Arleta, Panorama City, and North Hills. The school was chartered by the Los Angeles Unified School District in April of 2009 and opened in August of 2009 with a class of 120 5th graders. Since then, we have grown to 512 students, grades 5-8.

Valor Academy prepares middle school students to excel in demanding high schools and colleges. Within a rigorous, accountable, and supportive school community, students become high achieving, self-advocating, responsible scholars engaged in their community.

We believe that all students, regardless of socio-economic status, ethnicity, or language, are entitled to a high-quality education that will present them the opportunity to pursue college and a professional career. Valor Academy will employ rigorous academics marked with frequent assessment and evaluation in order to consistently set high standards for achievement and encourage students to transcend all obstacles. With high expectations for academics and behavior, and the support and accountability measures to uphold those expectations, Valor Academy will provide a school culture that engenders strong character, self-advocacy, and a responsibility to pursue education at every level. Through transparency in all policies and structures, devoted school leaders and faculty will ensure that students' families and the communities in which they reside are invested in the success of their scholars. Preparedness, respect, engagement, and professionalism will be at the core of all Valor Academy staff, their defined practices, and finally in the students who will emerge with the skills and character necessary to realize their educational and professional aspirations.

## Assessment of the School's Current Status

Valor Academy Middle School has been fortunate enough to occupy its own site since the 2015-2016 school year. The site rests in the heart of North Hills and is on the bustling street of Nordhoff between Burnet Ave. and Noble Ave. Single Family Residences, Apartment complexes, and two shopping plazas, three middle schools, and two elementary schools surround Valor Academy Middle School. VAMS continues to serve the communities of

Panorama City, Pacoima, North Hills, Arleta, and Van Nuys.

**The 2025 Fall Ethnicity Survey reported the following percentages:**

**Valor Academy Middle School**

**0.39% Asian, 1.15% Black, 93.08% Hispanic/Latino, 2.88% Filipino,  
0.38% Native American, 1.73% White, 0.38% multiple**

The administrative staff, faculty, and operational staff work hard to maintain a safe school environment. All staff members are involved in enforcing the codes of conduct and dress. Through the teamwork of the school's custodial staff, operations team, administrative team, community agencies, and an encompassing culture of respect for facilities, there has been little graffiti and vandalism on campus.

Supervision of the campus is the responsibility of the entire administrative staff, which includes the Principal, the Assistant Principal, the Dean, the Office Manager, the Office Assistant, the Dean of Operations, and Connectors staff. Teachers are asked to assist in emergency situations.

This two story campus was erected in August 2015 and is comprised of 18 classrooms, 1 ample multi-purpose room, 1 staff lounge, 8 offices, 4 student restroom, 4 staff restrooms, a conference room, a resource room, two rooms (for special services), an after school office, two storage rooms, one main office, an elevator, an outdoor fitness equipment section, a turf area that was updated in 2022, 1 full basketball court and two half-courts, 37 parking spaces and two handicap parking spaces. Electric Vehicle Car Charging stations have been installed so that staff can have a place to charge their electric cars.

In the fall of 2022 VAMS added shade structure for the playground, two gated storage areas under the stairs, converted larger spaces into smaller offices increasing the office count to 8 offices from 6, converted the learning center into 3 classrooms and small office, and turned the computer area into two small classrooms.

Amenities include an all new PA system, an all new bell system, security cameras throughout campus, a wide screen projector and sound system in the MPR, controlled card reader access for doors and gates.

The campus has security cameras that monitor the parking lot, interior hallways, and exterior play area.

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**Appropriate Programs and Strategies that Provide School Safety**

**Emergency Response Procedures**

For specific details, refer to Valor Academy Middle School's Emergency Response Plan.

Disaster preparedness plan and emergency procedures - including earthquake emergency procedures and procedures to allow the use of school facilities for mass care and welfare shelters during disasters or other emergencies and a program to ensure that pupils and staff are aware of and are trained in the emergency procedure systems:

Plans address the following types of emergencies and disasters and protective measures to be taken before, during, and after:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake or other natural disasters
3. Environmental hazards
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

## Notifying Teachers about Dangerous Pupils

In order to fulfill the requirements made by Education Code 49079 and Welfare and Institutions Code 827 that state teachers must be notified of the reason(s) a student has been suspended. Bright Star Schools has incorporated this notification into the existing “AERIES Attendance Reporting screen”. On the daily attendance report, when a student is suspended,

the screen will show an “\*” or "SSA" next to the student's name based on whether it meets the SSA guidelines. The teacher can access the suspension by looking at the student's discipline screen. The information provided is for the student's current teachers only. All information regarding suspension and expulsion is **CONFIDENTIAL**, is not to be shared with any student(s) or parent(s). Teachers are asked to secure the list so students and others may not view it.

Pursuant to Welfare & Institution Code 827(b) and Education Code 48267, the Court notifies the Superintendent of the Bright Star Schools regarding students who have engaged in certain criminal conduct. This information is forwarded to the site Principal. The site Principal is responsible for prompt notification of the student's teachers. Per Education Code 49079, this information must be kept confidential. This information is also forwarded to all administrators and the student's counselor.

## **Notification**

To: ALL CERTIFIED STAFF  
From: **Dean of Students Affairs**  
Re: Student Suspension Information

*Education Code 49079 and Welfare and Institutions Code 827 require that teachers be notified of the reason(s) a student has been suspended. Bright Star Schools has incorporated this notification into the existing “Illuminate Attendance Reporting screen”. On the daily attendance report, when a student is suspended, will show an “\*” next to the student's name. The teacher can access the suspension by looking at the student's discipline screen. The information provided is for the student's current teachers only. All information regarding suspension and expulsion is **CONFIDENTIAL**, and is not to be shared with any student(s) or parent(s). Teachers are asked to secure the list so students and others may not view it.*

The following are examples of Ed. Code 48900 and 48915 violations that may appear on your report.

**E.C. 48900** (a)(1) Mutual fight (a)(2) Assault/Battery  
(b) Possessed, sold or furnished dangerous object  
(c) Controlled substance/alcohol  
(d) Imitation controlled substance  
(e) Robbery/extortion  
(f) Vandalism  
(g) Theft  
(h) Tobacco/nicotine products  
(i) Obscene act, habitual profanity/vulgarity

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(j) Drug paraphernalia  
(k) Disruptive/willfully defiant behavior (grades 4-12)  
(l) Received stolen property  
(m) Imitation firearm  
(n) Sexual assault or battery  
(o) Harassed/threatened witness  
(p) Sale of soma  
(q) Hazing

- (r) Bullying/cyberbullying
- (t) Aiding and abetting

**E.C. 48900.2** Sexual harassment (gr 4-12)

**E.C. 48900.3** Hate violence(gr 4-12)

**E.C. 48900.4** Severe or pervasive harassment, threats and intimidation (grades 4-12)

**E.C. 48900.7** Terrorist threats against school officials or property

**E.C. 48915** (a)(1)(A)Serious physical injury  
(a)(1)(B)Possession: knife or dangerous object  
(a)(1)(C) Controlled substance  
(a)(1)(D) Robbery or extortion  
(a)(1)(E) Assault/battery of school employee

**E.C. 48915** (c)(1) Possessing, selling, furnishing firearm  
(c)(2) Brandishing a knife at another person  
(c)(3) Selling a controlled substance  
(c)(4) Committing or attempting to commit sexual assault or battery  
(c)(5) Possession of an explosive

If you have any questions or want more information, please see me.

### **Confidential Memorandum**

**To:** \_\_\_\_\_, Teacher

**From:** \_\_\_\_\_, Principal

**Date:**

**Re: Students having committed specified crime**

The student named below has been convicted of a penal code violation.

Welfare and Institutions Code 827 requires teachers to be informed when a student has engaged in certain criminal conduct.

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**NOTE: SUCH INFORMATION IS CONFIDENTIAL AND CANNOT BE FURTHER DISSEMINATED BY THE TEACHER OR OTHERS. UNLAWFUL DISSEMINATION OF THIS INFORMATION IS PUNISHABLE BY A SIGNIFICANT FINE. (EC 49079)**

**PLEASE DESTROY THIS NOTE IMMEDIATELY AFTER READING.**

\_\_\_\_\_ was found to have committed the following criminal activity:

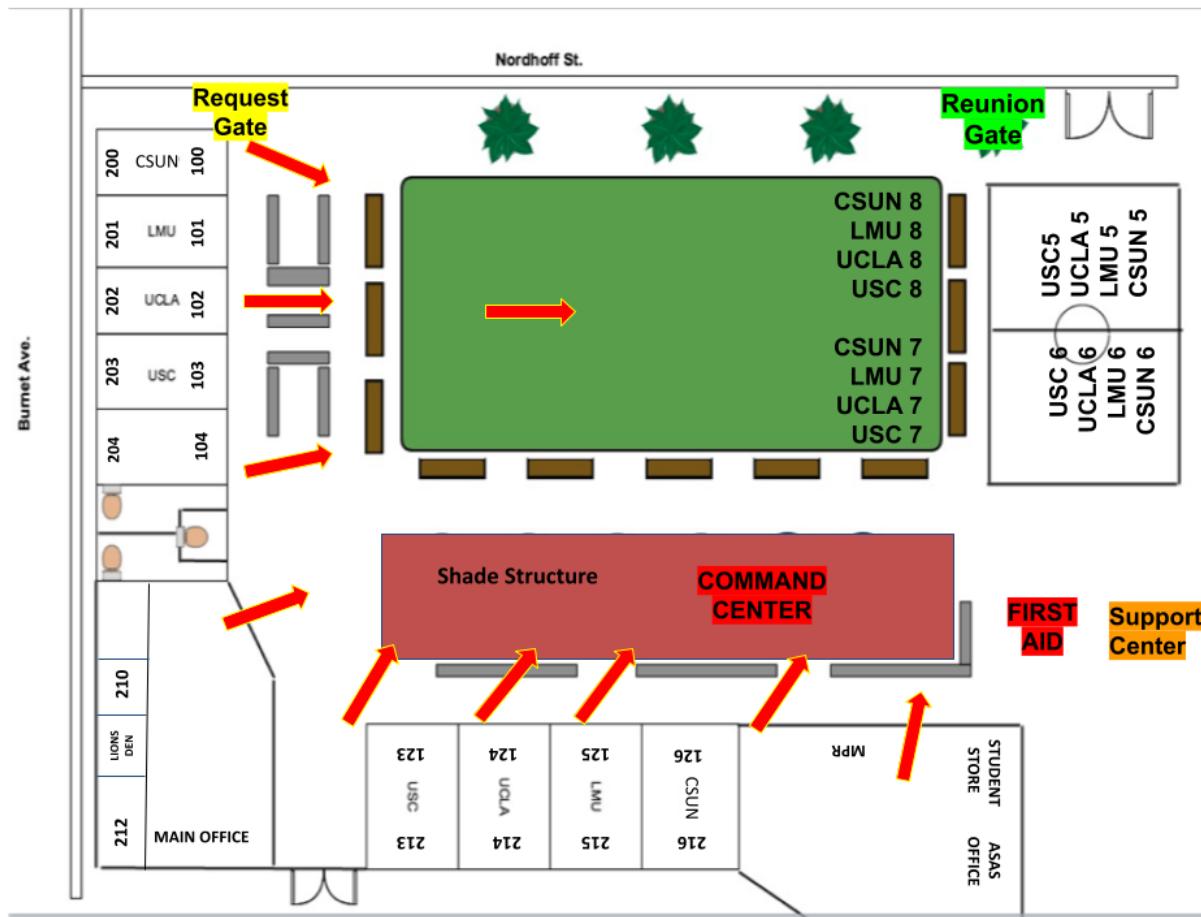
If you have any questions, please see me.

Principal

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## Procedures for Safe Ingress and Egress from School

Evacuation maps and routes and include maps for the safe comings and goings of pupils, parents, visitors and school employees to and from school.



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## Procedures to Ensure a Safe and Orderly Environment

### **The Social Climate - People and Programs (Component 1)** *Create a caring and connected school climate*

How do you make Students and Staff believe that the school is a caring community?

- a. Involve parents
- b. Recognize and build on the cultural richness of your school community
- c. Provide training so staff can meet the unique needs of the student body
- d. Set high academic and behavior goals
- e. Improve curriculum and teaching practices
- f. Include health and resiliency curriculum
- g. Address multiple learning styles
- h. Promote caring, supportive relationships with students
- i. Provide opportunities for student to have meaningful participation in school and community service
- j. Emphasize critical thinking and respect
- k. Communicate clear discipline standards
- l. Communicate procedures to report and deal with threats
- m. Empower students to take responsibility for safety
- n. Train staff on bullying prevention and tolerance
- o. Provide training for student and staff on dangers of drugs and alcohol p. Plans

encouraged to include guidelines for roles and responsibilities of mental health/intervention professionals, school counselors, and law enforcement, if school uses these people. EC 32281.1 effective January 1, 2104

- Include strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support. Address mental health care of pupils who have witnessed a violent act at any time, related to school activity. Addendum to EC 32281.1 effective January 1, 2015

q. Collaborate with outside consultants, including law enforcement, with expertise in sexual abuse and sex trafficking prevention education in order to create a plan to address the threat of sexual abuse and sex trafficking. EC 49380 effective January 1, 2015

### **The Physical Environment - Place (Component 2)**

*Create a physical environment that communicates respect for learning and for individuals and safety*

How does the school site:

- Maintain classrooms and grounds as pleasant places to meet and learn
- Make sure the school is an important part of the community
- Share information about student crime and truancy with law enforcement
- Make your campus secure from outside criminal activity
- Limit loitering
- Monitor and supervise all areas

g. Provide a pleasant eating area and healthy food

h. Maintain clean and safe restrooms

i. Provide adequate lighting in all areas

j. Provide student with current textbooks and materials

k. Maintain a variety of sports facilities and equipment

l. Provide a well stocked library

m. Communicate procedures for security including NIMS Plan

n. Deal with vandalism before students return to school

o. Inventory, Identify and store valuable property

p. Provide training for security personnel and staff

q. Engage students and the community in campus beautification projects

r. Promote school and neighborhood watch programs

s. Promote policy that weapons and drugs are not on campus

t. Plans encouraged to include guidelines for roles and responsibilities of mental health/intervention professionals, school counselors, and law enforcement, if school uses these people. EC 32281.1 effective January 1, 2104

- Include strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support. Address mental health care of pupils who have witnessed a violent act at any time, related to school activity. Addendum to EC 32281.1 effective January 1, 2015

## Create and maintain a caring and connected school climate

- Goal(s): Reduce suspension rate to below 5% for the school year
- Objective: Build strong relationships among students and parents, staff, teachers, and administrators and at the same time create a safe, productive, learning environment for everyone.
  - Related Activities: Participate in Restorative Justice Workshops; Implement restorative justice sessions into disciplinary action plans
  - Resources needed: PD Budget for RJ Training; Buy-in from staff and students
  - Person(s) responsible for implementation: Connectors, Admin, Office and Support, Instructional Staff, students, parents
  - Timeline for implementation: EOY
  - Budget: \$5000
  - Evaluation guidelines: Suspension reports at EOY; Feedback from school community through surveys

## Component Two: Place

### Create and maintain a caring and connected school climate

- Goal(s): Guarantee safety and security of staff and students
- Objective: Identify areas of campus susceptible to security breaches
  - Related Activities: Conduct full walkthrough of campus; Run full “Threat-On-Campus Drill”
  - Resources needed: Human capital, financial capital, Additional Cameras, deadbolts, latch covers
- Person(s) responsible for implementation: Administration, Operations, School Support Team
- Timeline for implementation: EOY
- Budget: \$8000
- Evaluation guidelines: 100% of exterior campus should be secure and monitored

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## Title IX, Harrasment, Intimidation, Discrimination, and Bullying Policy

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Bright Star Schools (or the “Charter School”) prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the

school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy and related conditions, and parental status), sexual orientation, gender, gender identity, gender expression, immigration status, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable state or federal law or local ordinance. Hereafter, such actions are referred to as “misconduct prohibited by this Policy.” To the extent possible, Bright Star Schools will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. Bright Star Schools staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

Moreover, Bright Star Schools will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with whom Bright Star Schools does business, or any other individual, student, or volunteer. This Policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. Bright Star Schools will promptly and thoroughly investigate and respond to any complaint of misconduct prohibited by this Policy in a

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manner that is not deliberately indifferent and will take appropriate corrective action, if warranted. Bright Star Schools complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this Policy.

## **TITLE IX POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX**

This Title IX Policy Prohibiting Discrimination on the Basis of Sex (“Policy”) contains the policies and grievance procedures of Bright Star Schools (“Bright Star”) to address sex discrimination, including but not limited to sexual harassment, occurring within Bright Star’s education programs and activities.

Bright Star does not discriminate on the basis of sex and prohibits any acts of sex discrimination in any education program or activity that it operates, as required by California law, Title IX (20 U.S.C. § 1681 *et seq.*) and the Title IX regulations (34 C.F.R. Part 106), including in admission and employment.<sup>1</sup>

This Policy applies to conduct occurring in Bright Star’s education programs or activities including but not limited to incidents occurring on the school campus, during school-sponsored events and activities regardless of the location, and through school-owned technology, whether perpetrated by a student, parent/guardian, employee, volunteer, independent contractor or other person with whom Bright Star does business.

Inquiries about the application of Title IX and 34 C.F.R. Part 106 (hereinafter collectively referred to as “Title IX”) may be referred to the Bright Star Title IX Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

## **Definitions**

## **Prohibited Sex Discrimination**

Title IX and California law prohibit discrimination on the basis of sex, including sex-based harassment and differences in the treatment of similarly situated individuals on the basis of sex with regard to any aspect of services, benefits, or opportunities provided by Bright Star.

## **Prohibited Sexual Harassment**

Under Title IX, “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- An employee of Bright Star conditioning the provision of an aid, benefit, or service of Bright Star on an individual’s participation in unwelcome sexual conduct;

<sup>1</sup> Bright Star complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports and complaints of misconduct prohibited by this Policy.

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- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Bright Star’s education program or activity; or
- “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).

Under California Education Code section 212.5, “sexual harassment” means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct on the basis of sex, regardless of whether or not the conduct is motivated by sexual desire, when: (a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through Bright Star.

Examples of conduct that may fall within the Title IX or the Education Code definition of sexual harassment, or both:

- Physical assaults of a sexual or sex-based nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults.
  - Intentional physical conduct that is sex-based or sexual in nature, such as touching, pinching, patting, grabbing, brushing against another’s body, poking another’s body, violence, intentionally blocking normal movement or interfering with work or school because of sex.
- Unwanted sexual advances or propositions, derogatory sex-based comments, or other sex-based conduct, such as:
  - Sexually oriented or sex-based gestures, notices, epithets, slurs, remarks, jokes, or comments about a person’s sexuality or sexual experience.
  - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for

- compensation or reward or deferential treatment for rejecting sexual conduct.
- Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student's or employee's performance more difficult because of the student's or the employee's sex.
- Retaliation against an individual who has articulated a good faith concern about sex-based harassment.

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Adopted: [2/25/25]

- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
  - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment.
  - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
  - Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

The illustrations above are not intended to be an all-inclusive list of sex-based harassment acts prohibited under this Policy.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Formal Complaint of Sexual Harassment** means a written document filed and signed by a complainant who is participating in or attempting to participate in Bright Star's education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that Bright Star investigate the allegation of sexual harassment. At the time of filing a formal complaint of sexual harassment, the complainant must be participating in or attempting to participate in Bright Star's education program or activity.

**Party** means a complainant or respondent.

**Respondent** means a person who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a party before or after the filing of a formal complaint of sexual harassment or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Bright Star's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Bright Star's educational environment, Bright Star or deter sexual harassment.

### **Title IX Coordinator**

Bright Star has designated the following employee as the Title IX Coordinator ("Coordinator"):

Angelina Calderón, Vice President, Public Affairs  
Mailing Address:

Los Angeles, CA 90029  
(323) 954-9957 x1023  
[acalderon@brightstarschools.org](mailto:acalderon@brightstarschools.org)

In the event the above-named individual becomes unavailable or unable to serve as the Coordinator, Bright Star has designated the following employee to serve as a temporary or interim Coordinator:

Marni Parsons, Senior Vice President of Student and Family Services  
Mailing Address:  
5101 Santa Monica Blvd Ste 8, PMB 93,  
Los Angeles, CA 90029  
(323) 954-9957 x1004  
[mparsons@brightstarschools.org](mailto:mparsons@brightstarschools.org)

The Coordinator is responsible for coordinating Bright Star's efforts to comply with the requirements of Title IX, receiving reports and complaints of sex discrimination, formal complaints of sexual harassment, and inquiries about the application of Title IX to Bright Star, coordinating the effective implementation of supportive measures, and taking other actions as required by this Policy. The Coordinator or designee may serve as the investigator for formal complaints of sexual harassment.

### **Reporting Sex Discrimination**

All employees must promptly notify the Coordinator when the employee has knowledge of or notice of allegations of sex discrimination or sexual harassment occurring within Bright Star's education program or activity.

Students are expected to report all incidents of misconduct prohibited by this Policy. Any student who feels they are a target of such behavior should immediately contact a teacher, counselor, the Chief Executive Officer ("CEO"), Coordinator, a staff person, or a family member so that the student can get assistance in resolving the issue in a manner that is consistent with this Policy.

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights. Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. Bright Star will promptly and effectively investigate and respond to all oral and written complaints and reports of misconduct prohibited by this Policy. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

### **Privacy**

Bright Star acknowledges and respects every individual's right to privacy. All reports and complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible. This includes but is not limited to keeping the identity of the reporter and other personally identifiable information confidential, as appropriate, except to the extent necessary to comply with the law, carry out the investigation and/or to resolve the issue, as determined by the Coordinator or designee on a case-by-case basis.

## **Retaliation**

Bright Star prohibits any form of retaliation against any individual who files a report or complaint, testifies, assists, participates, or refuses to participate in any investigation or proceeding related to misconduct prohibited by this Policy. Such participation or lack of participation shall not in any way affect the status, grades, or work assignments of the individual.

## **Response to Sexual Harassment**

Bright Star will respond promptly and in a manner that is not deliberately indifferent when it has actual knowledge, as defined in 34 C.F.R. § 106.30(a), of sexual harassment occurring in its education program or activity against a person in the United States.

Bright Star's response will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance procedures for formal complaints of sexual harassment that are listed below before imposing any disciplinary sanctions or other actions that are not supportive measures on a respondent for sexual harassment under Title IX.

## **Supportive Measures**

Once notified of sexual harassment or allegations of sexual harassment occurring in Bright Star's education program or activity against a person in the United States, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint of sexual harassment.

Supportive measures may include but are not limited to: Counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; mutual restrictions on contact between the parties; changes in work or on-campus housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

Supportive measures will not unreasonably burden either party or be imposed for punitive or disciplinary reasons. Bright Star will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair Bright Star's ability to provide the supportive measures. The Coordinator is responsible for coordinating the effective implementation of supportive measures.

## **Grievance Procedures**

### **Scope and General Requirements**

Bright Star has adopted and published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under Title IX and a grievance process that complies with 34 C.F.R. § 106.45 for formal complaints of sexual harassment.

Complaints of misconduct prohibited by this Policy that do not constitute a formal complaint of sexual harassment will be addressed in accordance with Bright Star's Uniform Complaint Procedures, its employment discrimination complaint procedures, or the grievance procedures set forth in its Harassment, Intimidation, Discrimination, and Bullying Policy, as applicable. The following grievance procedures will apply to formal complaints of sexual harassment.

Upon receipt of a formal complaint of sexual harassment, the Coordinator or designee will promptly initiate these grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties.

Bright Star requires that any Title IX Coordinator, Investigator, Decisionmaker, and any person designated by Bright Star to facilitate an informal resolution process not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Bright Star will treat complainants and respondents equitably. Bright Star presumes that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of its grievance procedures.

Bright Star may consolidate formal complaints of 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, where the allegations of sexual harassment arise out of the same facts or circumstances.

Bright Star allows for the temporary delay of the grievance process or limited extension of timeframes on a case-by-case basis for good cause. Requests for extensions must be submitted to the Coordinator in writing at least one (1) business day before the expiration of the timeframe. If the grievance process is temporarily delayed or a timeframe is temporarily extended by Bright Star, the Coordinator or designee will notify the parties of the reason for the delay or extension in writing.

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Bright Star will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

### **Dismissal**

Bright Star must dismiss a formal complaint of sexual harassment for purposes of sexual harassment under Title IX if

the conduct alleged:

- Would not constitute sexual harassment under Title IX, even if established as true; • Did not occur in Bright Star's education program or activity; or
- Did not occur against a person in the United States.

Bright Star may dismiss a formal complaint of sexual harassment or any of the allegations therein if:

- The respondent is no longer enrolled or employed by Bright Star;
- A complainant notifies the Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein; or
- Specific circumstances prevent Bright Star from gathering sufficient evidence to reach a determination as to the complaint or allegations therein.

Upon dismissal, the Coordinator or designee will promptly send written notice of the dismissal and reason(s) thereof simultaneously to the parties. Dismissal under Title IX does not preclude action under another applicable Bright Star policy.

### **Notice of the Allegations**

Upon receipt of a formal complaint of sexual harassment, the Coordinator or designee will provide written notice of the allegations to the parties whose identities are known. The notice will include:

- Bright Star's grievance procedures and any informal resolution process; • The allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details includes the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting sexual harassment under Title IX, and the date(s) and location(s) of the alleged incident(s), if known:
  - A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process; • A statement that the Bright Star parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and • A statement that Bright Star prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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### **Emergency Removal**

Bright Star may place a non-student employee respondent on administrative leave during the pendency of the grievance procedures in accordance with Bright Star's policies.

Bright Star may remove a respondent from Bright Star's education program or activity on an emergency basis, in accordance with Bright Star's policies, provided that Bright Star undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal, and in accordance with student involuntary removal requirements under state law.

This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

## **Informal Resolution**

At any time after a formal complaint of sexual harassment is filed and prior to determining whether sexual harassment occurred under Bright Star's Title IX grievance procedures, Bright Star may offer an informal resolution process to the parties. Bright Star will not offer or facilitate informal resolution to resolve allegations that an employee sexually harassed a student, or when such a process would conflict with Federal, State, or local law. Parties will not be required or pressured to agree to participate in the informal resolution process.

Before initiation of the informal resolution process, Bright Star will obtain the parties' voluntary, written consent to participate in the informal resolution and provide the parties with a written notice that explains:

- The allegations;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint of sexual harassment arising from the same allegations;
- The right to withdraw and initiate or resume the grievance procedures at any time prior to agreeing to a resolution; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

## **Investigation**

In most cases, a thorough investigation will take no more than thirty (30) business days. Bright Star has the burden to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. The investigator will review all evidence gathered through

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the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance in accordance with Title IX.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be used, accessed, considered, Bright Star or disclosed), regardless of whether they are relevant:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Bright Star obtains that party's voluntary, written consent to do so for these grievance procedures Bright Star; and
- Evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained

that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview. The parties will not be prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.

Before the investigator completes the investigative report, Bright Star will send to each party and the party's representative, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator to consider prior to completing the investigation report.

The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.

## **Determination of Responsibility**

Before making a determination of responsibility, the decisionmaker must afford each party the opportunity to submit written, relevant questions that a party wants to ask of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decisionmaker must explain to the party proposing the questions any decision to exclude a question as not relevant.

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Determinations will be based on an objective evaluation of all relevant and not otherwise impermissible evidence and credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The standard of evidence used to determine responsibility is the preponderance of the evidence standard.

Within fifteen (15) business days after Bright Star sends the investigation report to the parties, the decisionmaker, who will not be the same person as the Coordinator or investigator, will simultaneously send the parties a written determination of whether sexual harassment occurred. The written determination will include:

- The allegations of sexual harassment;
- A description of the procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- The findings of fact supporting the determination;
- The conclusions regarding the application of Bright Star's code of conduct to the facts;
- The decision and rationale for each allegation;
- Any recommended disciplinary sanctions for the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- The procedures and permissible bases for appeals.

The determination regarding responsibility becomes final either on the date that Bright Star provides the parties with the written appeal decision, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **Appeals**

Either party may, within five (5) business days of their receipt of Bright Star's written determination of responsibility or dismissal of a formal complaint of sexual harassment, submit a written appeal to the CEO Chair of the Bright Star Board of Directors, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal. If the complaint is about the CEO, then the appeal should be submitted to the Chair of the Bright Star Board of Directors, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal.

The complainant and respondent may only appeal from a determination regarding responsibility or Bright Star's dismissal of a formal complaint of sexual harassment or any allegations therein, on one or more of the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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The decisionmaker for the appeal will not be the same person as the Coordinator, the investigator or the initial decisionmaker.

The decisionmaker for the appeal will: 1) notify the other party of the appeal in writing; 2) implement appeal procedures equally for the parties; 3) allow the parties to submit a written statement in support of, or challenging, the outcome within five business days of notice of the appeal; and 4) within fifteen business days of the appeal, provide a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result.

## **Consequences**

Students or employees who engage in misconduct prohibited by this Policy, knowingly make false statements or knowingly submit false information during the grievance process, may be subject to disciplinary action up to and including disenrollment from Bright Star or termination of employment. If there is a determination that sexual harassment occurred, the Coordinator is responsible for effective implementation of any remedies ordered by Bright Star.

## **Training**

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All Title IX Coordinators, investigators, decisionmakers, and any person who facilitates a Title IX informal resolution process Bright Star will receive Title IX training and/or instruction concerning sexual harassment as required by law.

## **Recordkeeping**

Bright Star will maintain the following records for at least seven years:

- Records of each sexual harassment investigation, including any determination of responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant;
- Records of any appeal of a formal complaint or sexual harassment and the results of that appeal;
- Records of any informal resolution of a formal complaint or sexual harassment and the results of that informal

resolution;

- All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process; and
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

The above records will be maintained in a secure location until destroyed in accordance with applicable laws and regulations.

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### **TITLE IX SEX DISCRIMINATION AND HARASSMENT COMPLAINT FORM**

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint against: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e., specific statements and conduct; what, if any, physical contact was involved; any verbal statements etc.) (Attach additional pages, if needed):

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**I hereby authorize Bright Star to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand that providing false information in this regard could result in disciplinary action up to and including termination or expulsion from Bright Star.**

Date: \_\_\_\_\_

Signature of Complainant

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Print Name

**To be completed by Bright Star:**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Follow up Meeting with Complainant held on: \_\_\_\_\_

