



SEXUAL MISCONDUCT POLICY

PURPOSE

The purpose of this policy is to establish clear expectations and procedures for preventing, reporting, and responding to sexual misconduct within the school environment. Promontory School is committed to maintaining a safe, respectful, and supportive educational setting for all members of the school community and to ensuring that concerns of sexual misconduct are addressed promptly, fairly, and in accordance with applicable laws and school policies.

POLICY

It is the policy of Promontory School to provide an educational environment free from sexual misconduct.

Sexual harassment, abuse, discrimination, and exploitation are prohibited in all school-related environments. This applies to everyone in the school environment, including students, staff, supervisors, volunteers, and other adults.

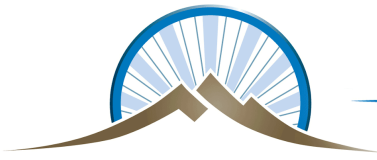
This policy applies to conduct on campus, at school activities, or off campus if the conduct affects the school environment. Incidents that do not pertain to the school or that are not within the school's oversight are not addressed by the school and should be reported to the appropriate authorities.

Promontory School encourages all victims of sexual misconduct and persons with knowledge of sexual misconduct to make a report to appropriate personnel immediately. All complainants have the right to be free from retaliation, and any act of reprisal against someone reporting or participating in an investigation is strictly prohibited. Promontory School will promptly investigate all formal, informal, verbal, and written complaints of sexual misconduct, and take prompt corrective action to end the harassment in accordance with school policy.

Nothing in this policy shall be construed to give any right, claim, or action beyond the specific processes provided in this policy. Any individual who violates this policy will be subject to appropriate disciplinary action under applicable school discipline policies.

KEY TERMS

1. "Sexual Misconduct" - For the purposes of this policy, Sexual Misconduct includes:
 - a. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or other physical, verbal, or digital conduct of a sexual or gender-based nature that:
 - i. Affects a student's or employee's academic performance, work performance, participation in school activities, or
 - ii. Creates an intimidating, hostile, or offensive educational or work environment.



- b. Sexual Abuse: Physical, emotional, or sexual mistreatment of a student or adult, including any conduct that endangers the health, safety, or well-being of another.
 - c. Discrimination: Treating a student or staff member unfairly based on sex, gender, or other protected characteristics, in a way that affects education, employment, or participation in school activities.
 - d. Exploitation: Using a student or adult for personal, sexual, or financial gain, including coercion, manipulation, or taking advantage of power imbalances.
 - e. Human Trafficking: Recruitment, harboring, transportation, or obtaining a person for commercial sexual activity or forced labor.
2. Behaviors that Promontory School considers unacceptable that may constitute Sexual Misconduct includes, but is not limited to, the following:
- a. Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender based activity of a criminal nature as defined under the Utah Criminal Code.
 - b. Sexual invitations or requests for sexual activity in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc.;
 - c. Offensive public sexual display of affection, including groping, fondling, petting or inappropriate touching of oneself or others;
 - d. Any offensive communication that is sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings list," howling, catcalls, and whistles; sexually graphic computer messages or games, etc.;
 - e. Offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions;
 - f. Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, spanking, pinching, stalking, frontal-body hugs, etc.;
 - g. Offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies," or "wedgies," bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
 - h. Gestures that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
 - i. Clothing with sexually obscene or sexually explicit slogans or messages;
 - j. Written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, etc.

All complaints will be thoroughly reviewed to determine whether the behavior and circumstances meet the criteria for sexual misconduct. Not all unacceptable behavior rises to the level of sexual misconduct;



typically, the behavior must be severe and/or widespread to be considered sexual misconduct under this policy.

INITIAL STEPS FOR COMPLAINANTS

1. If it is safe, individuals are encouraged to confront the alleged offender, tell them the conduct is unwelcome, and avoid further contact if possible.
2. Complainants should document the incident, including the time, date, location, what was said or done, and any other relevant circumstances.
3. If the issue is not resolved through direct discussion, if confronting the alleged offender is unsafe, or if the misconduct is severe, the complainant should take steps to report the misconduct to the appropriate personnel.

REPORTING SEXUAL MISCONDUCT

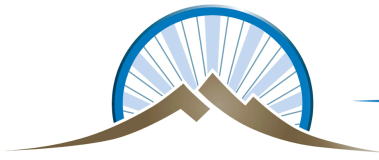
Promontory School encourages all individuals who experience or witness sexual misconduct to report it immediately to appropriate personnel. Reports can be verbal or written, but should be written whenever possible.

- Sexual Misconduct complaints should be submitted to the Director.
- If the complaint is against the Director or a Governing Board member, it should be submitted to the Executive Committee of the Governing Board.
- Complaints that do not involve the school or do not affect the school environment should be directed to the appropriate authorities, including law enforcement or child protective services.
- If any staff member receives a report of sexual misconduct, they must promptly direct the complaint to the appropriate recipient.

All complainants who file a report are entitled to protection from retaliation. Any reprisal against someone reporting or participating in an investigation in good faith is strictly prohibited. Retaliatory conduct will be treated as a violation of this policy and may result in disciplinary action and/or referral to appropriate law enforcement agencies.

CONFIDENTIALITY

Promontory School respects the privacy of all parties and witnesses involved in complaints of sexual misconduct. Information related to a complaint will be shared only on a need-to-know basis to investigate, resolve, or comply with legal obligations. However, because an individual's right to confidentiality must be balanced with the school's obligations to investigate potential misconduct and to take necessary action to resolve a complaint, Promontory School retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances and in accordance with applicable laws.



Confidentiality cannot be guaranteed if disclosure is necessary to protect the safety of students or staff, or to comply with law enforcement or child protection requirements. Complaints involving allegations of child abuse will be reported immediately to the appropriate authorities, and the privacy of the complainant and school personnel involved in the investigation will be disclosed or protected as required by law.

INVESTIGATIVE PROCEDURES

The School Director, or their designee, is responsible for conducting an initial review of all complaints of sexual misconduct. Upon receiving a complaint, the Director or their designee will determine:

1. Whether the report is within the school's oversight or jurisdiction to address, and
2. Whether the reported behavior could reasonably constitute sexual misconduct under this policy.

If the report does not meet the criteria, no further investigation under this policy is required, though the behavior may still be addressed under other applicable school policies if applicable (e.g., bullying, code of conduct, etc.). If the reported behavior meets the criteria, the Director or their designee will initiate an investigation within ten (10) business days.

For reports involving students, parents or guardians will be notified promptly unless doing so would endanger the student or interfere with law enforcement or child protective services investigations.

Administration may take separation efforts, protective action, or disciplinary action before, during, and/or after the reporting and investigation process. If, at any point during the investigation, administration determines the incident exceeds the school's oversight, indicates serious safety concerns, or may involve criminal activity, the investigation may be referred to law enforcement.

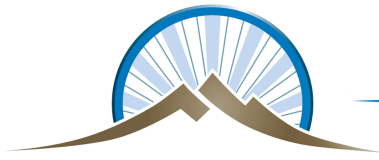
The school's investigation efforts should follow these steps when feasible:

1. Interview the Complainant
 - a. Speak with the complainant to understand the incident(s), which may include but is not limited to:
 - i. Discussion of the incident, including time, date, location, what occurred, and other relevant details.
 - ii. Ask the complainant what resolution or action they seek.
 - b. Advise the complainant of the following:
 - i. Instruct the complainant to avoid further contact with the alleged offender whenever possible.
 - ii. Encourage the complainant to document the incident in writing, including time, date, location, what occurred, and other relevant details.
 - iii. Encourage the complainant to maintain the confidentiality of the investigation by discussing the incident only with investigators or with a trusted support person (such as a parent or guardian).



- iv. Instruct the complainant to report immediately if misconduct continues or retaliation occurs.
 - c. The complainant may have a same-gender staff member (or parent/guardian if they are a student) present during interviews.
 - d. If the complainant is unwilling or unable to discuss the incident(s), the investigation may proceed using other available information.
2. Interview the Alleged Offender
 - a. Speak with the alleged offender to understand the incident(s), which may include but is not limited to:
 - i. Discussion of the incident, including time, date, location, what occurred, and other relevant details.
 - b. Advise the complainant of the following:
 - i. Inform them that the alleged conduct must cease immediately.
 - ii. Encourage the alleged offender to maintain the confidentiality of the investigation by discussing the incident only with investigators or with a trusted support person (such as a parent or guardian).
 - iii. Instruct them that they must refrain from retaliation.
 - c. The alleged offender may have a same-gender staff member (or parent/guardian if they are a student) present during interviews.
 - d. If the alleged offender is unwilling or unable to discuss the incident(s), the investigation may proceed using other available information.
3. Interview Relevant Witnesses
 - a. Speak with relevant witnesses to understand the incident(s), which may include but is not limited to:
 - i. Discussion of the incident, including time, date, location, what occurred, and other relevant details.
 - b. Encourage any witnesses to maintain the confidentiality of the investigation by discussing the incident only with investigators or with a trusted support person (such as a parent or guardian).
 - c. Witnesses may have a same-gender staff member (or parent/guardian if they are a student) present during interviews.
4. Review any supporting documents, materials, or other evidence related to the complaint.
5. Maintain investigation notes, outcomes, and related documents in confidential files.

ADMINISTRATIVE ACTION FOLLOWING INVESTIGATION



1. Determination of Policy Violation:

Administration shall evaluate whether the totality of the behavior and circumstances constitutes a violation of this policy.

2. Corrective or Disciplinary Actions:

If sexual misconduct has occurred, Administration shall determine appropriate corrective or disciplinary action. Possible actions include but are not limited to:

- Written warning or reprimand
- Alternative placement
- Suspension or expulsion (for students)
- Performance plan or termination (for employees)
- Other measures as appropriate depending on the severity and frequency of the behavior

False, malicious, or frivolous complaints of sexual misconduct shall result in corrective or disciplinary action against the complainant.

If the offender is a student with a disability receiving services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, a multi-disciplinary team shall be convened to determine the extent to which the behavior is a manifestation of the student's disability. Protective or disciplinary actions, including temporary suspension or removal from the environment, may be taken as necessary to ensure safety and maintain the integrity of the investigation, while the team evaluates appropriate next steps.

3. Escalation and Reporting:

Administration may escalate unresolved, or severe cases to the Executive Committee, legal counsel, and/or law enforcement. If school personnel have reasonable suspicion that the misconduct involves sexual assault, rape, or any other severe activity of a criminal nature, they shall notify appropriate law enforcement authorities and immediately initiate proceedings to remove the accused party from the situation. Severe or potentially criminal cases must be reported promptly to law enforcement agencies.

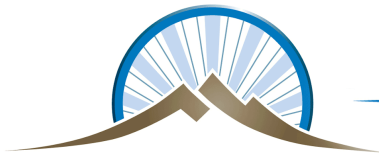
4. Notification to Complainant:

The complainant shall be informed of the status of the investigation and provided an overview of findings, without disclosing protected information.

5. Executive Committee Review:

If a complainant is not satisfied with the outcome of the investigation, they may submit a written request for the Executive Committee to review the case. The Executive Committee shall:

1. Initiate the review within ten (10) business days of receiving the request.



2. Examine investigation documentation to ensure procedures were followed appropriately and that any corrective or disciplinary actions taken were reasonable.
3. Recommend additional actions if warranted.

The complainant will be notified in writing of the Executive Committee's decision. This review represents the final level of school administrative oversight under this policy. If, during the review, the Committee identifies criminal activity or safety concerns, the matter shall be referred promptly to law enforcement.

6. Records:

A written report of the investigation findings and any actions taken shall be placed in the offender's confidential file (including a student's cumulative file, if applicable).

Separate confidential records of all sexual misconduct complaints and investigation documents shall be maintained in confidential administrative files.

1. Records of initial complaints and investigations shall be retained for at least one (1) year.
2. Records of School Board level investigations shall be retained for at least three (3) years.
3. Records of complaints and investigations of blatant violations involving criminal touching, quid pro quo, other criminal acts, or acts which shock the conscience of a reasonable person shall be retained for at least ten (10) years or longer as required by law.

TITLE IX COMPLIANCE

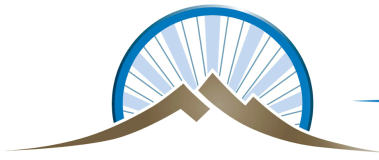
Schools must respond promptly and take corrective measures in accordance with applicable law once a Title IX violation is suspected. Not every instance of sexual misconduct constitutes a Title IX violation, as the misconduct must meet the severity threshold and be connected to the school's programs or activities.

CHILD SEXUAL ABUSE, HUMAN TRAFFICKING, AND RELATED PREVENTION

Promontory School shall implement training and prevention measures related to child sexual abuse, human trafficking, and related misconduct in accordance with Utah Code §53G-9-207 and other applicable laws.

1. Training Requirements

- a. Promontory School shall provide training to school personnel on the prevention, identification, and reporting of child sexual abuse, human trafficking, and related misconduct, as required by law. Training shall include, as applicable by law:
 - i. Responding appropriately to disclosures of abuse
 - ii. Recognizing signs of abuse, exploitation, or trafficking



- iii. Mandatory reporting obligations
 - iv. Appropriate responses to related forms of misconduct, including emerging risks identified in state guidance
 - b. Promontory School shall also provide required information or training to parents, as required by law, regarding:
 - i. Warning signs of abuse or exploitation
 - ii. Age-appropriate communication with children
 - iii. Available resources and supports
- 2. Student Instruction
 - a. Promontory School may provide age-appropriate instruction to students on prevention and awareness, as permitted by law.
 - b. When such instruction is provided, the school shall comply with all legal requirements, including but not limited to:
 - i. Parents shall be notified in advance of the instruction and the content of the instruction.
 - ii. Parents shall be informed of their right to have their student excused from the instruction.
 - iii. Parents shall be given an opportunity to review the instructional materials before the instruction occurs.
 - iv. Parents shall be permitted to be present when the instruction is delivered.
 - v. Upon written request of a parent of an elementary school student, the student shall be excused from the instruction.
- 3. Instructional Materials
 - a. Promontory School shall use instructional materials that are approved by, or consistent with requirements established by, the Utah State Board of Education and/or applicable state laws.
 - b. Any instructional materials shall meet applicable state approval requirements.
- 4. Implementation and Compliance
 - a. Promontory School may determine the method and format for delivering training and instruction, consistent with legal requirements.
 - b. The school shall maintain documentation sufficient to demonstrate compliance with applicable laws and shall provide such documentation upon request by the Utah State Board of Education or other authorized entity.