

**Sec. 1. NONDISCRIMINATION STATEMENT**

UT Tyler University Academy prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. UT Tyler University Academy further prohibits retaliation against anyone involved in the complaint process.

**Sec. 2. GENERAL NON-DISCRIMINATION POLICY**

**a) *Prohibited Conduct***

In this policy, the term “prohibited conduct” includes discrimination, harassment, and/or retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

i. *Prohibited Discrimination*

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

ii. *Prohibited Harassment*

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes; name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

iii. Prohibited Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on a student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of femininity or masculinity. Gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples of gender-based harassment, regardless of the student's or alleged harasser's actual or perceived gender, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

iv. Prohibited Retaliation

UT Tyler University Academy prohibits retaliation against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

**b) False Claims**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a UT Tyler University Academy investigation regarding discrimination or harassment is subject to appropriate discipline.

**c) Reporting Procedures (Non-Sexual Harassment)**

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, Campus Director, or the appropriate Compliance Coordinator listed in this policy. They may also report electronically using the StopIt! app.

Any UT Tyler University Academy employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate Compliance Coordinator listed in this policy, and take any other steps required by this policy.

The procedures in this Section 2 will apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX (including sexual harassment), see the procedures below at Section 3, Sexual Harassment Prohibited – Title IX Policy.

**d) *Definition of Compliance Coordinator***

For the purposes of this policy, Compliance Coordinators are the Title IX Coordinator, the ADA/Section 504 coordinator, and the Superintendent or designee.

v. *Title IX Coordinator*

The Title IX Coordinator is responsible for coordinating UT Tyler University Academy’s efforts to comply with its responsibilities under Title IX with respect to discrimination based on sex, including sexual discrimination, harassment, dating violence, retaliation, sexual assault, and stalking. If an offense is related to sexual misconduct, the charter will follow UT Tyler’s policy and procedures as defined in the Handbook of Operating Procedures, [Section 2.4.3](#) (<https://www.uttyler.edu/hop/>). UT Tyler University Academy designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Blake Bumbard  
Title IX Coordinator  
3900 University Blvd.  
Tyler, TX 75799  
[bbumbard@uttyler.edu](mailto:bbumbard@uttyler.edu)  
903-565-5760

vi. *ADA/Section 504 Coordinator*

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. UT Tyler University Academy designates the Campus Directors to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Tyler Campus – Aimee Dennis ([adennis@uttyler.edu](mailto:adennis@uttyler.edu))  
Longview Campus – Rachel Hawkins ([rhawkins@uttyler.edu](mailto:rhawkins@uttyler.edu))  
Palestine Campus - Ben Moran ([bmoran@uttyler.edu](mailto:bmoran@uttyler.edu))

vii. *Coordinator for Purposes of Compliance with Other Nondiscrimination Laws*

The following person(s) have been designated to coordinate UT Tyler University Academy's compliance with all other antidiscrimination laws;

Dr. Jo Ann Simmons  
Superintendent  
UT Tyler University Academy  
3900 University Blvd.  
Tyler, TX 75799

**e) *Alternate Reporting Procedures***

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or ADA/Section 504 Coordinator, may be directed to the Superintendent or designee. Reports concerning prohibited conduct by the Superintendent or designee may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

**f) *Timely Reporting***

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair UT Tyler University Academy's ability to investigate and address the prohibited conduct.

**g) *Notice to Parents***

A UT Tyler University Academy official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a UT Tyler University Academy employee or another adult.

**h) *Investigation***

UT Tyler University Academy may request, but shall not insist upon, a written report. If a report is made orally, the school official shall reduce the report to written form.

Upon receipt or notice of a report, the appropriate Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Compliance Coordinator shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, UT Tyler University Academy shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by a Compliance Coordinator or designee, or by a third party designated by UT Tyler University Academy, such as an attorney. When appropriate, the Campus Director shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

**i) *Concluding the Investigation***

Absent extenuating circumstances, the investigation should be completed within ten school business days from the date of the report. If the investigator determines that additional time is needed to complete a thorough investigation of the complaint and/or issue a report, he or she shall inform the complainant in writing of the necessity to extend the time for investigating or responding and a specific date by which the report will be issued.

The investigator shall prepare a written report of the investigation. The report shall be filed with the Compliance Coordinator overseeing the investigation.

**j) *School Action***

If the results of an investigation indicate that prohibited conduct occurred, UT Tyler University Academy shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

UT Tyler University Academy may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

**k) *Confidentiality***

To the greatest extent possible, UT Tyler University Academy shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

**l) *Appeal***

A student who is dissatisfied with the outcome of the investigation may appeal through Board Policy PG-3.30 (Parent and Student Complaints and Grievances), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

**m) *Records Retention***

Retention of records shall be in accordance with the applicable schedule published by the Texas State Library and Archives Commission.

**Sec. 3. SEXUAL HARASSMENT PROHIBITED – TITLE IX POLICY**

**a) *Requirement to Designate Title IX Coordinator***

UT Tyler University Academy must designate at least one employee as a Title IX Coordinator to coordinate UT Tyler University Academy’s efforts to comply with its requirements under Title IX.

The Title IX Coordinator is responsible for coordinating UT Tyler University Academy’s efforts to comply with its responsibilities under Title IX with respect to discrimination based on sex, including sexual discrimination, harassment, dating violence, retaliation, sexual assault, and stalking. UT Tyler University Academy designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Blake Bumbard  
Title IX Coordinator  
3900 University Blvd.  
Tyler, TX 75799  
[bbumbard@uttyler.edu](mailto:bbumbard@uttyler.edu)  
903-565-5760

**b) *Notification of Title IX Policy***

UT Tyler University Academy must notify applicants for admission and employment, students, parents or legal guardians of students, and all professional organizations holding professional agreements with UT Tyler University Academy of the name or title, office address, email address, and telephone number of the employee or employees designated as the Title IX Coordinator.

UT Tyler University Academy must also notify the individuals noted above that UT Tyler University Academy does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required under Title IX not to discriminate in such a manner. The notification must also state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to UT Tyler University Academy may be referred to the designated Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

*34 C.F.R. 106.8(a), (b)(1).*

**c) *Handbook Information and Website Postings***

UT Tyler University Academy must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described in “Notification of Title IX Policy,” above, on the UT Tyler University Academy website, if any, and in the Employee Handbook and Student / Parent Handbook.

UT Tyler University Academy may not use or distribute a publication stating that UT Tyler University Academy treats applicants, students, or employees differently on the basis of sex except when such treatment is permitted by Title IX.

*34 C.F.R. 106.8(b)(2).*

**d) *Reporting Sex Discrimination / Sexual Harassment***

Any person may report sex discrimination, including sexual harassment, whether or not the reporting person is the person alleged to be the victim of conduct that may constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by email through the contact information listed for UT Tyler University Academy’s Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Reports may be made at any time (including during nonbusiness hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator. *34 C.F.R. 106.8(a).*

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, Campus Director, or the Title IX Coordinator listed in this policy. They may also report electronically using the StopIt! app.

**e) *Complaint Procedures***

UT Tyler University Academy must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be



prohibited by Title IX, and a formal Title IX complaint process that complies with applicable federal regulations.

UT Tyler University Academy must provide notice to the individuals identified in Sec. 3(b) above of the school's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how UT Tyler University Academy will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

If an offense is related to sexual misconduct, the charter will follow UT Tyler's policy and procedures as defined in the Handbook of Operating Procedures, [Section 2.4.3](#) (<https://www.uttyler.edu/hop/>).

*34 C.F.R. 106.8(c)-(d).*

**f) *Relationship to General Non-Discrimination Policy***

The formal complaint investigation and resolution process outlined above in Section 3 applies only to formal complaints alleging sexual harassment under Title IX, but not to complaints alleging sex discrimination that do not constitute sexual harassment. Complaints of sex discrimination that do not constitute sexual harassment may be filed with the Superintendent and will be handled under UT Tyler University Academy's general process for receiving reports of suspected discrimination and harassment, as outlined in Section 2 above.

**Sec. 4. ACCESS TO POLICY**

Information regarding this policy shall be distributed annually to UT Tyler University Academy employees and distributed to parents and students through the Student Handbook. Copies of the policy shall be readily available at each campus and the UT Tyler University Academy administrative offices.