

YES Prep Public Schools

Title IX Policies and Procedures

Title IX of the Education Amendments Act of 1972 (“Title IX”) is a federal law that states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” As a recipient of federal funding, YES Prep Public Schools (“the School”) may not discriminate on the basis of sex in any education program or activity. This includes, but is not limited to, recruitment, admissions, and counseling; financial assistance; sex-based harassment; discipline; and employment. Furthermore, the School may not retaliate against any person for opposing an unlawful educational practice or policy, or for making charges, testifying, or participating in any complaint action under Title IX.

Students, parents, and/or employees are encouraged to discuss any questions or concerns about these expectations with a teacher, campus administrator, supervisor, or the Title IX Coordinator and to report any possible harassment to the Title IX Coordinator at their campus. The name and contact information for each campus Title IX Coordinator can be found on our website: [Title IX - YES Prep Public Schools](#).

Sexual Harassment

The School’s students may not engage in offensive, verbal, written, electronic, or physical conduct of a sexual nature directed toward another student or employee. Additionally, sexual harassment of students or other employees by School employees is strictly prohibited. Any romantic or inappropriate social relationships between a student and a School employee is prohibited, even if consensual.

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct (i.e. *quid pro quo* sexual harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity (i.e. *hostile environment* sexual harassment); or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v);
4. “Dating violence” as defined in 34 U.S.C. 12291(a)(10);
5. “Domestic violence” as defined in 34 U.S.C. 12291(a)(8); or
6. “Stalking” as defined in 34 U.S.C. 12291(a)(30).

Title IX covers not only sexual harassment occurring on the School’s campus, but also all locations, events, and circumstances where the School exercises substantial control over the context of the harassment and the person accused of committing sexual harassment, including field trips, conferences, and school-provided transportation.

Retaliation

Retaliation against a person who makes a good faith report of dating violence, discrimination, or harassment is prohibited. Retaliation against a person who is participating in an investigation of alleged dating violence, discrimination, or harassment is also prohibited. Title IX regulations define retaliation as “intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of

sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX.”

A person who makes a false claim, offers false statements, or refuses to cooperate with an investigation conducted by the School, however, may be subject to appropriate discipline.

Reporting Procedures

Any student or person who believes that he or she has experienced harassment or retaliation on the basis of sex or has information regarding another person being subjected to harassment or retaliation on the basis of sex should immediately report the problem to a teacher, school administrator, or the Title IX Coordinator. **A formal complaint form can be accessed on YES Prep’s Title IX webpage.** Any person may report discrimination on the basis of gender, gender identity, sex, or sexual orientation, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, at any time, including during non-business hours, by email, phone, or mail to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s report. A report may be made to the Title IX Coordinator at any time, including during non-business hours, through the telephone number, email address, or physical office address listed for the Title IX Coordinator.

All allegations of sexual harassment or retaliation involving any person observed or reported to a School employee shall be immediately reported by that employee to a School administrator and the School’s Title IX Coordinator. Should any person need to bring a complaint against a school administrator or supervisor, the complaint may be filed with the next level of authority and/or directly with the Title IX coordinator. The School shall keep identities of parties and witnesses confidential unless required to disclose such information under another law or as necessary to conduct the grievance process.

Filing false allegations is a violation of School policy and may result in disciplinary action. Any person who intentionally files a false claim may also be subject to any and all available state and school penalties.

Investigation of Report and Grievance Process

Upon receiving a report of harassment or retaliation on the basis of sex, the Title IX Coordinator will determine whether the allegations, if proven, would constitute prohibited conduct under Title IX. If the allegations do not constitute prohibited conduct under Title IX, the Title IX Coordinator shall refer to the Employee Handbook or the Student-Parent Handbook to determine if the allegations, if proven, would constitute bullying or some other violation of the codes of conduct, as defined by law and school policy. Where it is determined that such behavior constitutes bullying or other violations of the code of conduct, appropriate action shall be taken in accordance with law and school policy.

The Title IX Coordinator shall promptly investigate all allegations of discrimination, harassment, or retaliation based on sex. In addition, the administration of the School has discretion to take any other action as deemed appropriate pursuant to School policy. Any School employee participating in the grievance policy must be properly trained and have no conflict of interest or bias towards any party.

The School is considered to have actual knowledge of a complaint and must promptly respond as soon as any School employee is made aware of a complaint. Once the School receives a formal complaint of sexual harassment, it must give all parties written notice of its grievance process and the allegations of sexual harassment at issue (in sufficient detail) before an initial interview. This notice must also include a statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached, that a party has a right to an advisor or representative, that a party has the right to inspect and review evidence, and a prohibition regarding false statements.

If the complainant has not yet filed a formal complaint, the Title IX Coordinator must also notify the complainant of his or her right to do so. In addition, the Title IX Coordinator may personally initiate the complaint process.

The Title IX Coordinator must also 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 the process for filing a formal complaint. Such a prompt response is required regardless of whether a formal complaint is filed. Supportive measures are non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a complainant or a respondent. Such measures are designed to restore or preserve equal access to the School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or to deter sexual harassment. Examples of possible supportive measures include counseling, extensions of deadlines and other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. However, a supportive measure that is unreasonably burdensome to the other party, such as one that completely removes a respondent from an activity, would likely be considered punitive.

The School shall treat complainants and respondents equitably by designing remedies that (1) restore or preserve access to a complainant's education program or activity where a finding of responsibility against the respondent has been made and (2) afford due process protections for the respondent before any disciplinary sanctions are imposed. There is a presumption that a respondent is not responsible for the alleged conduct until a decision is reached at the end of the grievance process.

However, the School may remove a student respondent from any School program or activity on an emergency basis during the investigation if the respondent is determined to be an immediate threat to the physical health or safety of students or employees and the School provides the respondent with notice and an opportunity to challenge the immediate removal. An emergency removal is not an appropriate action solely to address emotional and mental health needs, which should instead be addressed by supportive measures. The School may also place a non-student employee respondent on administrative leave during the pendency of a grievance process under Title IX.

The School 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 the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.

The investigation and grievance process shall be completed in a reasonably prompt timeframe. If a law enforcement or other regulatory agency notifies the School that it is investigating the matter and requests that the School delay its investigation, the School will resume the investigation at the conclusion of the agency's investigation. In addition, if the School's investigation is delayed based on good cause (e.g. law enforcement involvement; absence of a party, witness, or advisor; translation or accommodation needs, etc.), both parties will be provided written notice explaining the reasons for the delay.

The School cannot require a respondent to waive the right to the investigation and formal resolution of a sexual harassment complaint as a condition of enrollment or continuing enrollment, employment or continuing employment, or enjoyment of any other right. Nor can the School require the parties to participate in an informal resolution process. However, in some circumstances, the School may facilitate a mediation or other informal resolution process.

An investigation shall objectively evaluate all relevant evidence. Any credibility determination will not be based on the person's status as a complainant, respondent, or witness. The School will use a preponderance of the evidence standard to determine responsibility for all formal complaints. Both parties will be provided an equal opportunity to

review all evidence that is directly related to the allegations in the formal complaint and be given at least 10 days to prepare a written response, which the investigator will consider prior to completing the investigation report. Then, a written investigation report that fairly summarizes the relevant evidence will be completed and provided to both parties for their review and an additional written response, at least 10 days before the decisionmaker makes a final determination of responsibility. The School will provide parties the opportunity to submit written questions to each other and to any witness before the decisionmaker makes the determination.

The decision-maker may not be the same person as the investigator or Title IX coordinator. In most cases, the decision-maker for the School will be the School administrator over the school or program in which the complainant is enrolled, the head of personnel, or other person designated by the Director. The decision-maker must issue a written determination that identifies the allegations in the formal complaint; describes all procedural steps taken; includes findings of facts and conclusions about the application of the School's code of conduct; states the decision reached on each allegation and rationale for that decision; includes the determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the School's education program or activity will be provided to the complainant; and explains the procedures and permissible bases for appeals. A finding of sexual harassment or retaliation may lead to disciplinary action up to permanent removal from the School community. Depending on the nature of the violation, the School may also be required to report the conduct to local, state, or federal authorities.

The School must dismiss the complaint if its investigation reveals that the alleged harassment did not occur in the School's education program or activity or against a person in the United States. Additionally, the School may dismiss a complaint if the complainant provides the Title IX Coordinator in writing of a wish to withdraw the complaint or any allegations; if the respondent is no longer employed by the School or enrolled in its education program; or if specific circumstances prevent the School from gathering enough evidence to reach a decision.

The Office of Civil Rights ("OCR") also may evaluate, investigate, and resolve complaints alleging sex discrimination.

Appeal Procedures

The School will allow both parties to appeal a final decision on responsibility, its dismissal of a formal complaint, or any allegations therein, if: (a) a procedural irregularity affected the outcome; (b) a party has new evidence that could affect the outcome and was not reasonable available at the time of the determination; and/or (c) the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the complainant or respondent that affected the outcome.

For all appeals, the School must ensure that written notice is provided to both parties of the appeal and that both parties are provided an equal opportunity to submit a written statement in support of, or challenging, the determination. This notice will provide a deadline and method for submission of written statements. The Appellate Decision-Maker will consider the available record as well as any written statements submitted by the parties in support of or challenging the Dismissal or Determination of Responsibility. The Appellate Decision-Maker will then either uphold or overturn the Dismissal or Determination of Responsibility and issue a written decision describing the result of the appeal and rationale for the result which will be provided to both parties within ten (10) business days. The Appellate-Decision Maker's decision concludes the Title IX Grievance Process.