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PROPEL SCHOOLS PROHIBITED SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND
RETALIATION POLICY FOR ALL SCHOLARS, EMPLOYEES, AND THIRD PARTIES
(Hereinafter, “**The Title IX Policy**” *)

1. Purpose

Propel Schools (“Propel”) is committed to providing an educational and employment environment that is free from sex discrimination, sex-based harassment, and retaliation for engaging in protected activity as required by Title IX of the Education Amendments of 1972.

To ensure compliance with federal, state, and local sex discrimination laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Propel has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of sex discrimination, sex-based harassment, or retaliation.

2. Notice of Nondiscrimination

Propel does not discriminate against any employee, applicant for employment, or scholar, on the basis of actual or perceived sex.

This Title IX Policy covers sex discrimination in both employment and access to educational opportunities. Therefore, any member of the Propel community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, benefits, and/or opportunities of any member of the Propel community, guest, or visitor on the basis of that person’s actual or perceived sex, is in violation of this Title IX Policy.

Propel will promptly and effectively address any such discrimination of which it has Knowledge/Notice using the resolution process in the Sex Discrimination, Sex-Based Harassment, and Retaliation Procedures.

3. Title IX Team Contacts

Propel has appointed the Title IX Team, comprised of the following individual(s), to coordinate Propel’s compliance with federal, state, and local sex discrimination laws and ordinances:

For sex discrimination, sex-based harassment, and retaliation allegations:

Title IX Coordinator
Teresa O’Neill
Assistant Superintendent
Propel Charter Schools
3447 East Carson Street
Pittsburgh, PA 15203
412-325-7305
toneill@propelschools.org
www.Propelschools.org

The Title IX Coordinator, along with other members of the administrative team, are responsible for providing comprehensive sex discrimination education and training; coordinating Propel’s timely, thorough, and fair response, investigation, and resolution of all potential Title IX Policy violations; and monitoring the effectiveness of this Title IX Policy and related procedures to ensure an education and employment environment free from sex discrimination, sex-based harassment, and retaliation.

4. External Contact Information

Concerns about Propel’s application of this Title IX Policy and compliance with Title IX of the Education Amendments of 1972 may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

5. Mandated Reporting and Confidential Employees

All scholars and employees share responsibility for avoiding, discouraging, and reporting any form of prohibited sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct under this Title IX Policy. All Propel employees are Mandated Reporters and are expected to promptly report all known details of actual or suspected sex discrimination, sex-based harassment, retaliation, and/or Other Prohibited Conduct to appropriate officials immediately. Supportive measures may be offered as the result of such disclosures without formal action.

Failure of a Mandated Reporter to report an incident of sex discrimination, sex-based harassment, or retaliation of which they become aware is a violation of Propel’s Policy and may result in disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Title IX Policy.

A Mandated Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Title IX Policy is not required to report their own experience, though they are encouraged to do so.

6. Scope

This Title IX Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator.

This Title IX Policy applies to all scholar, employees, and other individuals participating in or attempting to participate in Propel’s program or activities, including education and employment.

7. Jurisdiction

This Title IX Policy applies to Propel’s education programs and activities (including locations, events, or circumstances in which Propel exercises substantial control over both the Respondent and the context in which the conduct occurred, including but not limited to events occurring on school property, during any school-related or school-sponsored program or activity, and on school-sponsored transportation) and circumstances where Propel has disciplinary authority.

This Title IX Policy may also apply to the effects of out-of-school misconduct, including online conduct, that limit or deny a person’s access to Propel’s education program or activities.

For disciplinary action to be issued under this Title IX Policy, the Respondent must be a Propel scholar or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the Propel community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate school and local resources and support options and will implement appropriate supportive measures. Propel can also assist in contacting law enforcement if the individual would like to file a police report about criminal conduct.

8. Supportive Measures

Propel will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged sex discrimination, sex-based harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to Propel's education program or activity, including measures designed to protect the safety of all Parties and/or Propel's educational environment and/or to deter sex discrimination, sex-based harassment, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, Propel will inform the Complainant,¹ in writing, that they may file a Complaint with Propel either at that time or in the future. The Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

Propel will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair Propel's ability to provide those supportive measures. Propel will act to ensure as minimal an academic/occupational impact on the Parties as possible. Propel will implement measures in a way that does not unreasonably burden any party.

These actions may include, but are not limited to:

- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Altering work arrangements for employees
- Safety planning
- Providing school safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Class schedule or assignment modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the school
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions may be referred to appropriate scholar or employee disciplinary processes for enforcement or added as related misconduct allegations to an ongoing Complaint under this Title IX Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of Propel's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be

¹ Throughout this Title IX Policy, the terms "party," "Parties" (if both are scholars), "Complainant," and "Respondent" include the parent(s)/guardian(s) when the term refers to a minor scholar.

made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. Propel will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. Propel typically renders decisions on supportive measures within five (5) business days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

9. Online Harassment and Misconduct

Propel policies are written and interpreted broadly to include online occurrences of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Propel's education program and activities, or when they involve the use of Propel networks, technology, or equipment.

Although Propel may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Propel, it will engage in a variety of means to address and mitigate the effects. These means may include use of the Resolution Process to address out-of-school conduct whose effects contribute to limiting or denying a person access to Recipient's education program or activity.

Nothing in this Title IX Policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by scholars, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of the Recipient's control (e.g., not on Recipient networks, websites, or between Recipient email accounts) will only be addressed under this Title IX Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

Off-campus harassing speech by employees, whether online or in person, may be regulated by Propel only when such speech is made in an employee's official or work-related capacity.

10. Prohibited Conduct

The sections below describe the specific forms of legally prohibited sex discrimination, sex-based harassment, and retaliation that are also prohibited under Propel Policy. Speech or conduct protected by the First Amendment will not be considered a violation of Propel Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

A. Sex Discrimination

Sex discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived sex.

Discrimination can take two primary forms:

- 1) Disparate Treatment Discrimination:
 - Any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:
 - Excludes a person from participation in;

- Denies a person benefits of; or
 - Otherwise adversely affects a term or condition of a person’s participation in a Propel program or activity.
- 2) Disparate Impact Discrimination:
- o Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:
 - Excludes a person from participation in;
 - Denies a person benefits of; or
 - Otherwise adversely affects a term or condition of a person’s participation in a Propel program or activity.

B. Sex-Based Harassment (Applicable under Title IX and Title VII)

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex,² including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

- 1) **Quid Pro Quo:**
- an employee agent, or other person authorized by Propel,
 - to provide an aid, benefit, or service under Propel’s education program or activity,
 - explicitly or impliedly conditioning the provision of such aid, benefit, or service,
 - on a person’s participation in unwelcome sexual conduct.
- 2) **Hostile Environment Harassment:**
- unwelcome sex-based conduct, that
 - based on the totality of the circumstances,
 - is subjectively and objectively offensive, and
 - is so severe or pervasive,
 - that it limits or denies a person’s ability to participate in or benefit from Propel’s education program or activity

Propel reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not prohibited by law. Addressing such conduct will not result in the imposition of discipline under Propel Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

- 3) **Sexual Assault:** a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- 4) **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
- i. length of the relationship

² Throughout this Policy, “on the basis of sex” means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

- ii. type of relationship
 - iii. frequency of interaction between the persons involved in the relationship.
- 5) **Domestic Violence:** includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- 6) **Stalking:** under Title IX means stalking on the basis of sex, for example when the stalker desires to date the victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
- i. fear for the person's safety or the safety of others
 - ii. Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

C. Other Prohibited Conduct

- 7) **Sex-based Bullying**
- Bullying is defined by the [Propel Schools Anti-Bullying Policy](#).
- 8) **Sex-based Hazing:**
- Hazing is defined by the Propel Schools [Anti-Hazing Policy](#).
- 9) **Retaliation:**
- Adverse action, including intimidation, threats, coercion, or discrimination,
 - against any person,
 - by Propel, a scholar, employee, or a person authorized by Propel to provide aid, benefit, or service under Propel's education program or activity,
 - for the purpose of interfering with any right or privilege secured by law or Policy, or
 - because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Grievance Process under the Grievance Procedures, including an Informal Resolution process, or in any other appropriate steps taken by Propel to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Propel to pursue Title IX Policy violations against those who intentionally make materially false statements in the course of a resolution under the Title IX

Policy. However, the determination of responsibility, by itself, is not enough to conclude that any party has intentionally made a false statement.

10) Unauthorized Disclosure:

- Distributing or otherwise publicizing materials created or produced by Propel during an investigation or Grievance Process except as required by law or as expressly permitted by Propel; or
- publicly disclosing school work product that contains personally identifiable information without authorization or consent.

11) Failure to Comply/Process Interference

- Intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or employee leave
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as defined in this Policy
- Intentional interference with the Grievance Process, including, but not limited to:
 - Destroying or concealing evidence
 - Seeking or encouraging false testimony or providing false testimony or evidence
 - Intimidating or bribing a witness or party

11. Standard of Proof

Propel uses the preponderance of the evidence standard of proof when determining whether a Title IX Policy violation occurred. This means that Propel will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the Title IX Policy.

12. Reports/Complaints of Sex Discrimination, Sex-Based Harassment, and/or Retaliation

A report provides notice to Propel of an allegation or concern about sex discrimination, sex-based harassment, retaliation, or Other Prohibited Conduct and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to Propel that the Complainant would like Propel to start an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of sex discrimination, sex-based harassment, and/or retaliation may be made by filing a Complaint with, or giving verbal Notice directly to, the Title IX Coordinator. Such a Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator.

Reporting typically carries no requirement to begin an investigation, and in most situations, Propel is able to respect a Complainant's request to not begin a grievance process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, adult-on-scholar sexual behavior, an urgent threat to health and/or safety, or allegations against an employee where Propel may need to begin a grievance process. If a Complainant does not wish to submit a Complaint, Propel will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows Propel to discuss and/or provide supportive measures, in most circumstances.

A Complaint, receipt of Notice, or Knowledge of suspected child abuse (including child sexual abuse) requires an immediate, mandated report to state officials, consistent with Propel's Policy on Mandatory Reporting of Suspected Child Abuse.

13. Time Limits on Reporting

There is no time limitation on providing Notice/Complaints to the Title IX Coordinator. However, if the Respondent is no longer a scholar or employee and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, policy changes) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

14. False Allegations and Evidence

Making false or misleading accusations under this Title IX Policy will be addressed through appropriate disciplinary action. This does not include allegations that are thought to be true but are ultimately shown to be wrong or do not result in a determination of a Title IX Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or intentionally mislead an official conducting an investigation or resolution process can be disciplined under appropriate Propel policies.

15. Confidentiality/Privacy

Propel makes every effort to protect the Parties' privacy. In situations involving suspected child abuse, Propel will immediately report the matter as required by child abuse reporting/Mandated Reporting under Pennsylvania law consistent with Propel's Policy on Mandatory Reporting of Suspected Child Abuse. In most other circumstances, Propel will not share the name of any individual who has made a Complaint of sex discrimination, sex-based harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sex discrimination, sex-based harassment, or retaliation; any Respondent; or any witness, except as allowed by, or to fulfill the purposes, of related laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding under these policies and procedures.

16. Unauthorized Disclosure of Information

Parties are prohibited from sharing information obtained by Propel through the Grievance Process to the extent that information is the work product of Propel (meaning it has been created or gathered by Propel for purposes of its investigation and resolution of a Complaint), without authorization. It is also a violation of Propel Policy to publicly disclose school work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

17. Emergency Removal/Interim Actions/Leaves

Propel can act to remove a scholar Respondent accused of sex discrimination, sex-based harassment, or retaliation from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any scholar or other individual justifies removal. This risk analysis is overseen by the Title IX Coordinator and may be completed in conjunction with school employees, or a third party trained to conduct violence risk assessments. When an emergency removal, is warranted to address an imminent and

serious threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a scholar with a disability where applicable. Propel shall provide the respondent with notice and an opportunity to challenge the emergency removal immediately following the removal. Employees interim actions and leave decisions will follow existing procedures.

18. Scholars with Disabilities

The Title IX Coordinator will consult with one or more members, as appropriate, of the scholar's IEP team, or other relevant individual (e.g., Special Education Coordinator) if any, or one or more members, as appropriate, of the group of persons responsible for the scholar's placement decision, if any, to determine how to comply with the requirements of federal disability laws throughout the Grievance Process.

19. Independence and Conflicts of Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. The facilitator for an informal resolution process is trained to ensure there is no bias for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the CEO. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

20. Revision of this Title IX Policy

This Title IX Policy replaces previous policies addressing sex discrimination, sex-based harassment, sexual misconduct, and/or retaliation, though previous policies and procedures remain in force for sexual harassment incidents occurring before August 1, 2024. The Title IX Coordinator reviews and updates these policies and procedures regularly. Propel reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

This Policy is effective October 21, 2024.

GRIEVANCE PROCEDURES FOR COMPLAINTS OF TITLE IX SEX-BASED DISCRIMINATION AND HARASSMENT AND OTHER FORMS OF DISCRIMINATION AND HARASSMENT (Hereinafter the “Grievance Procedures”)

1. Overview

Propel will act on any Notice, Complaint, or Knowledge of a potential violation of the Title IX Policy (“the Title IX Policy”) that the Title IX Coordinator or any other Mandated Reporter receives by applying the Grievance Procedures below.

The procedures below apply to all allegations of discrimination on the basis of sex, sex-based harassment, retaliation, or Other Prohibited Conduct involving scholars, employees, or third parties. Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

2. Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Title IX Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine Propel’s next steps. If applicable, the Title IX Coordinator will immediately report suspected child abuse consistent with Propel’s Policy on Mandatory Reporting of Suspected Child Abuse. The Title IX Coordinator will also contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

3. Related Misconduct

Related misconduct means potential violations of other Propel policies not incorporated into the Title IX Policy that occur in connection with alleged violations of the Title IX Policy, or that come to light through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the related allegations may be charged along with potential violations of the Title IX Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with Propel officials who typically oversee such conduct (e.g., human resources, scholar services) to solicit their input as needed on what charges should be filed, but the exercise of related charges under these procedures is within the discretion of the Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the scholar and employee handbooks.

4. Initial Evaluation

The Title IX Coordinator conducts an initial evaluation, typically within ten (10) business days of receiving Notice/Complaint/Knowledge of alleged misconduct.³ The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Title IX Policy.
- Determining whether Propel has jurisdiction over the reported conduct, as defined in the Title IX Policy.

³ If circumstances require, the Title IX Coordinator will designate another person to oversee the Grievance Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

- Offering and coordinating supportive measures for the Complainant.⁴
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Grievance Process described below.
- Determining whether the Complainant wishes to initiate a Complaint.
- Notifying the Respondent of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Grievance Process described below, if a Complaint is made.

Helping a Complainant to Understand Grievance Options

If the Complainant indicates they wish to make a Complaint, the Title IX Coordinator will help to facilitate the Complaint, which will include working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- A supportive and remedial response, and/or
- Informal Resolution, or
- The Grievance Process described below.

The Title IX Coordinator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Grievance Process below, and the Title IX Coordinator has determined the Title IX Policy applies and that Propel has jurisdiction, they will refer the matter to the appropriate Title IX Team member, will provide the Parties with a Notice of Investigation and Allegation(s) (NOIA), and will initiate an investigation consistent with these Procedures.

If any party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator will assess whether the matter is suitable for Informal Resolution and, if the other party(ies) consent to pursuing Informal Resolution, will refer the matter accordingly. In circumstances involving an employee Respondent and a scholar Complainant, allegations cannot be resolved through Informal Resolution.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, the Title IX Coordinator will take that request under consideration. Typically, for allegations of scholar-on-scholar misconduct, no Grievance Process will begin (unless deemed necessary by the Title IX Coordinator), though the Complainant can elect to start one later, if desired. For allegations of employee-on-scholar misconduct, the Title IX Coordinator will typically initiate the Grievance Process, regardless of the wishes of the Complainant.

Title IX Coordinator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is made, will offer supportive measures and determine whether to make a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if Propel cannot ensure equal access without pursuing a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

⁴ Throughout these procedures, the terms "party," "Parties" (if both are scholars), "Complainant," and "Respondent" include the parent(s)/guardian(s) when the term refers to a minor scholar.

- The Complainant’s request not to initiate a Complaint.
- The Complainant’s reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of sex discrimination would occur if a Complaint were not pursued.
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from the school or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a Propel employee.
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether sex discrimination occurred.
- Whether Propel could end the alleged sex discrimination and prevent its recurrence without initiating its grievance process.

If deemed necessary, the Title IX Coordinator may consult with appropriate Propel employees, and/or conduct a violence risk assessment⁵ to aid their determination whether to make a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Title IX Policy.

5. Dismissal

Propel **may** dismiss a Complaint at any time during the investigation or Grievance Process if one or more of the following grounds are met:

- 1) Propel is unable to identify the Respondent after taking reasonable steps to do so
- 2) Propel no longer enrolls or employs the Respondent
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to make a Complaint
- 4) Propel determines the conduct alleged in the Complaint would not constitute a Title IX Policy violation, if proven

In addition to other members of the Title IX Team, as authorized by the Title IX Coordinator, a Decision-maker can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, Propel will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, Propel will also notify the Respondent of the dismissal. This dismissal decision is appealable by any party.

6. Appeal of Dismissal

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The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within ten (10) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

The grounds for dismissal appeals are limited to:

- 1) Procedural irregularity that would change the outcome.
- 2) New evidence that would change the outcome and that was not reasonably available when the dismissal was decided.
- 3) The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

The appeal request should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the request with all other Parties and provide ten (10) business days for other Parties and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Officer for consideration.

The Dismissal Appeal Officer may either:

- 1) Deny the request if the information provided does not meet any of the appeal grounds
- 2) Affirm the request and reinstate the Complaint for resolution under the Policy

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has ten (10) business days to review and decide on the appeal, though extensions can be granted at the Title IX Coordinator's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

7. Emergency Removal of a Scholar

If Propel has determined, based on an individualized safety and risk analysis, that there is an imminent and serious threat to the health or safety of a complainant or any scholars, employees or other persons due to the allegations of Title IX sex-based discrimination or harassment, the respondent may be removed from Propel's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If

the respondent is an identified scholar with a disability, or thought to be disabled, the Title IX Coordinator will contact the Director of Special Education to coordinate the required actions in accordance with Board policy.

When an emergency removal is warranted and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion will be conducted to accomplish the removal, including specific provisions to address a scholar with a disability where applicable.

The respondent will be provided with notice and provided an opportunity for due process to challenge the emergency removal immediately following the removal, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion will address the pending Title IX process and the impact of the outcome of the Title IX process on a scholar's emergency removal status. (20 U.S.C. Sec. 1400 *et seq.*; 29 U.S.C. Sec. 794; 42 U.S.C. Sec. 12101 *et seq.*; 34 CFR 106.44)

8. Placing an Employee on Leave

When an employee, based on an individualized safety and risk analysis, poses an imminent and serious threat to the health or safety of any scholar or other individual, the employee may be removed on an emergency basis. The employee will be provided with notice and an opportunity to challenge the emergency removal immediately following the removal.

An accused nonscholar district employee may be placed on administrative leave during the pendency of the grievance procedures, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 *et seq.*, 34 CFR 106.44)

9. Counter-Complaints

Propel is obligated to ensure that the Grievance Process is not used for retaliatory purposes. Although Propel permits counter-complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not legitimate, they will not be permitted. They will be considered potentially retaliatory and may constitute Policy violation.

Counter-complaints determined to have been reported in good faith will be processed using the Grievance Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the initial Complaint.

10. Parent(s)/Guardian(s) of Minor Scholars in the Grievance Process

A. Parent/Guardian Role in the Grievance Process

Parent(s)/Guardian(s), have a right to attend Grievance Process meetings with their scholar, though the scholar is expected to answer questions on their own behalf, to the extent possible.

B. Records Shared with Parent(s)/Guardian(s)

Parent(s)/Guardians(s) are entitled to the same opportunity as their scholar to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Parent(s)/Guardian(s) are expected to maintain the confidentiality of the records Propel shares with them, per Policy [Section 15](#) addressing Confidentiality. Parent(s)/Guardian(s) may not disclose any Propel work product or evidence Propel obtained solely through the Grievance Process for any purpose not explicitly authorized by Propel.

C. Parent/Guardian Expectations

Propel generally expects Parent(s)/Guardian(s) to adjust their schedule to allow them to attend Propel meetings/interviews when planned, but Propel may change scheduled meetings/interviews to accommodate a Parent(s)/Guardian(s) inability to attend, if doing so does not cause an unreasonable delay.

Propel may also make reasonable provisions to allow a Parent(s)/Guardian(s) who cannot be present in person to attend a meeting/interview by telephone, video conferencing, or other similar technologies.

Any Parent/Guardian who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with Propel's established rules of decorum will be warned. If the Parent/Guardian continues to disrupt or otherwise fails to respect the limits of their role, the meeting/interview may be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Parent/Guardian's non-compliance and future role.

11. Grievance Options Overview

This Grievance Process, consisting of Informal Resolution or Administrative Grievance Process, is Propel's chosen approach to addressing sex discrimination, sex-based harassment, retaliation, and Other Prohibited Conduct under the Policy. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Grievance proceedings are confidential. All individuals present at any time during the Grievance Process are expected to maintain the confidentiality of the proceedings in accordance with Propel Policy.

A. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. Propel will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. Informal Resolution cannot be used for allegations of employee-on-scholar misconduct.

Before initiation of an Informal Resolution process, Propel will provide the Parties with a NOIA that explains:

- The allegations.
- The requirements of the Informal Resolution process.
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume Propel's Grievance Process.

- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Grievance Process arising from the same allegations.
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.
- What information Propel will maintain, and whether and how it could disclose such information for use in its Grievance Process.

Propel offers four approaches to Informal Resolution:

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
- 2) **Educational Conversation.** When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.
- 3) **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and Propel are agreeable to the resolution terms.
- 4) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue an Administrative Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Administrative Grievance Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Administrative Grievance Process, should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Approaches to Informal Resolution

1) Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to Propel's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the

Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

2) Educational Conversation

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and school policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they required to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

3) Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and Propel are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Propel Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate Title IX Coordinator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Grievance Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

4) Alternative Resolution

The school offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate Propel officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Grievance Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, Propel will initiate or continue an investigation and subsequent Grievance Process to determine whether the Policy has been violated.

B. Administrative Grievance Process (see [Section 21](#) below)

12. Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the school/department/office/program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest the Investigator(s) may have in advance of the interview process
- A statement that Propel presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties may not share Propel work product obtained through the Grievance Process
- A statement informing the Parties that Propel's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Grievance Process
- Detail on how a party may request disability accommodations or other support assistance during the Grievance Process
- An instruction to preserve any evidence that is directly related to the allegations

- A statement that Parties who are members of a union are entitled to union representation throughout the process

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official Propel records, or emailed to the Parties' Propel-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

13. Timeline

Propel will make a good faith effort to complete the Grievance Process within thirty to sixty (30-60) business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Grievance Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

If a party or witness chooses not to participate in the Grievance Process or becomes unresponsive, Propel reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Grievance Process.

Propel may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. Propel will promptly resume its Grievance Process as soon as feasible. During such a delay, Propel will implement and maintain supportive measures for the Parties as deemed appropriate.

Propel action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Ensuring Impartiality

Any individual materially involved in the administration of the Grievance Process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Grievance Process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another trained individual, will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the CEO.

15. Investigator Appointment

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. These Investigators may be members of the Propel administration, or any other properly trained Investigator, whether internal or external to Propel's community.

16. Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in Propel's investigation and Grievance Process. Scholar witnesses and witnesses from outside the Propel community cannot be required to participate but are encouraged to cooperate with Propel investigations and to share what they know about a Complaint. Scholar witnesses may be accompanied by a parent/guardian for any interviews or meetings.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. Propel will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

17. Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Grievance Process, by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

18. Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a Policy violation.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

19. Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the alleged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would waive the Respondent's right to appeal. If the

Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct alleged, the Grievance Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

20. Investigation

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the summary will be deemed to have been waived, and no changes will be permitted.

Propel may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, mutually planned upon actions, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated through the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Provide a summary of the relevant evidence.
- Provide the Parties an electronic copy of the draft summary as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of five (5) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.

- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.

21. Administrative Grievance Process

The Administrative Grievance Process is used for all Complaints of sex discrimination, sex-based harassment, retaliation, and Other Prohibited Conduct (as defined in Policy) or when Informal Resolution is either not elected or is unsuccessful.

The Administrative Grievance Process consists of a hand-off of the investigation report and all relevant evidence to the Decision-maker to make a finding and determine sanctions (if applicable).

At the discretion of Title IX Coordinator, the assigned Decision-maker will be an individual from the Propel administration, or other trained individuals either internal or external to the school. Once the Decision-maker receives and reviews the file, they can recommend dismissal to the Title IX Coordinator, if they believe the dismissal grounds are met.

The Administrative Grievance Process typically takes approximately ten (10) business days to complete, beginning with the Decision-maker's receipt of the Final Investigation Report and the evidence file. The Parties will be regularly updated on the timing and any significant deviation from this typical timeline.

- The Title IX Coordinator will provide the Decision-maker and the Parties with the Final Investigation Report and the evidence file.
- The Decision-maker will review Final Investigation Report, all appendices, and the evidence file.
- If the record is incomplete, the Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informal meetings with the Parties or any witnesses, if needed.
- Upon reviewing the relevant evidence, the Decision-maker may also choose to pose additional questions, in writing or via interview (e.g., in person or via video technology):
 - To the extent credibility is in dispute and relevant to one or more of the allegations, the Decision-maker may meet individually with the Parties and witnesses to question them in order to assess their credibility.
 - At their discretion, the Decision-maker may also meet with any party or witness to ask additional relevant questions that will aid the Decision-maker in making their findings.
- The Decision-maker will then apply the preponderance of the evidence standard to make a determination on each of the allegations and, if applicable, any associated sanctions.
- If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Resolution Process at any time, and/or referring that information to another process for resolution.

22. Sanctions

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the sex discrimination, sex-based harassment, retaliation, and/or Other Prohibited Conduct
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination, sex-based harassment, retaliation, and/or Other Prohibited Conduct

- The need to remedy the effects of the sex discrimination, sex-based harassment, retaliation, and/or Other Prohibited Conduct on the Complainant and the community
- The impact on the Parties
- The Respondent’s acceptance of responsibility
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

A. Scholar Sanctions

The following are the common sanctions that may be imposed upon scholars singly or in combination:

- *Reprimand:* A formal statement that the conduct was unacceptable and a warning that further violation of any Propel policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either Propel-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions:* A scholar may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, or holding leadership roles in scholar organizations.
- *Alternative Placement:* The scholar is placed in an alternative learning environment (e.g., placed in a different school), consistent with Board policy, Code of Scholar Conduct and state and federal laws and regulations, including specific requirements and provisions for scholars with disabilities.
- *Suspension:* In-school, out-of-school, etc. for a specific duration, consistent with Board policy, Code of Scholar Conduct and state and federal laws and regulations, including specific requirements and provisions for scholars with disabilities..
- *Expulsion:* Permanent separation from the school. The scholar may be banned from school property, and the scholar’s presence at any school-sponsored activity or event may be prohibited. This action must be done consistent with Board policy, Code of Scholar Conduct and state and federal laws and regulations, including specific requirements and provisions for scholars with disabilities. may be enforced with a trespass action, as necessary.
- *Other Actions:* In addition to, or in place of, the above sanctions, Propel may assign any other sanctions as deemed appropriate.

B. Employee Sanctions/Corrective Actions

Grievance actions for an employee who has engaged in sex discrimination, sex-based harassment, and/or retaliation include, consistent with the Code of Scholar Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements and state and federal laws and regulations:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling

- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Assignment to a New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, Propel may assign any other responsive actions as deemed appropriate.
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23. Notice of Decision

Within ten (10) business days of the conclusion of the Grievance Process, the Title IX Coordinator provides the Parties with a written decision. The written decision will specify the finding for each alleged Policy violation, all applicable sanctions that Propel is permitted to share pursuant to federal or state law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent Propel is permitted to share under federal or state law.

The decision will also detail the Parties’ equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the decision is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the written decision simultaneously, or without significant time delay between notifications. The written decision may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official Propel records, or emailed to the Parties’ Propel-issued or designated email account. Once mailed, emailed, and/or received in person, the written decision is presumptively delivered.

24. Withdrawal or Resignation Before Complaint Resolution

A. Scholars

Should a scholar Respondent decide not to participate in the Grievance Process, the process proceeds absent their participation to a reasonable resolution. If a scholar Respondent withdraws from Propel, the Grievance Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, Propel will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Grievance Process, Propel will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

B. Employees

Should an employee Respondent decide not to participate in the Grievance Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with Propel with unresolved allegations pending, the Grievance Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, Propel may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged sex discrimination, sex-based harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to Propel in any capacity. HR will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for rehire with Propel. The records retained by the Title IX Coordinator will reflect that status.

25. Appeal of the Determination

The Title IX Coordinator will designate an Appeal Decision-maker to hear the appeal. The Appeal Decision-maker(s) will not have been previously involved in the Grievance Process for the Complaint.

A. Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity that would change the outcome.
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.

B. Request for Appeal

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within five (5) business days of the delivery of the Written Decision.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal. This is not a review of the merits of the appeal, but rather a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all Parties, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given ten (10) business days to submit a response to the portion of the appeal that was approved and

involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within ten (10) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

C. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error. All decisions apply the preponderance of the evidence standard of proof.

The Appeal Decision-maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

D. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new individuals serving in the Investigator and Decision-maker roles.

A Notice of Appeal Determination letter (“Appeal Determination”) will be sent to all Parties simultaneously, or without significant time delay between notifications. Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, or emailed to the Parties’ Propel-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Determination will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the available appeal grounds.

E. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

26. Long-Term Remedies/Other Actions

Following the conclusion of the Grievance Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or Propel community that are intended to stop the sex discrimination, sex-based harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Classroom assignment adjustments
- Education to the individual and/or the community
- Alternative placement
- Permanent alteration of work arrangements for employees
- Provision of school safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator will address any remedies Propel owes the Respondent to ensure no effective denial of educational access.

Propel will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair Propel's ability to provide these services.

27. Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Propel.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

28. Recordkeeping

For a period of at least seven (7) years following the conclusion of the Grievance Process, Propel will maintain records of:

- 1) Each sex discrimination, sex-based harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- 2) Any disciplinary sanctions imposed on the Respondent.
- 3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to Propel's education program or activity.
- 4) Any appeal and the result therefrom.
- 5) Any Informal Resolution and the result therefrom.
- 6) All materials used to train the Title IX Coordinator, Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing Propel's Grievance Process, or who has the authority to modify or terminate supportive measures. Propel will make these training materials available for review upon request.
- 7) All materials used to train all employees consistent with the requirements in the Title IX Regulations.

Propel will also maintain any and all records in accordance with federal and state laws.

29. Accommodations and Support During the Resolution Process

A. Disability Accommodations

Propel is committed to providing reasonable accommodations and support to qualified scholars, employees, or others with disabilities to ensure equal access to Propel's Grievance Process.

Anyone needing such accommodations or support should contact the Title IX Coordinator to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

B. Other Support

Propel will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Grievance Process
- Other support as deemed reasonable and necessary to facilitate participation in the Grievance Process

30. Revision of these Procedures

These procedures replace any previous procedures addressing sex discrimination, sex-based or sexual harassment, and retaliation for incidents occurring on or after August 1, 2024. The Title IX Coordinator will



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regularly review and update these procedures. Propel reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

These procedures are effective October 21, 2024.

*BASED ON THE ATIXA 2024 MODEL POLICY AND PROCEDURE FOR K-12 EDUCATION (K-12 AMPP) ©2024 ATIXA. USED WITH PERMISSION

Approved By	Date
Dr. Tina Chekan	10/21/2024 
Board of Trustees	10/21/2024 