E3 CIVIC HIGH

TITLE IX POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX

This Title IX Policy Prohibiting Discrimination on the Basis of Sex ("Policy") contains the policies and grievance procedures of e3 Civic High ("e3" or the "School") to address sex discrimination, including but not limited to sexual harassment, occurring within e3's education programs and activities.

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

This Policy applies to conduct occurring in e3's education programs or activities including, but not limited, to incidents occurring on the School's campus, during School-sponsored events and activities regardless of the location, and through School-owned technology, whether perpetrated by a student, parent/guardian, employee, volunteer, independent contractor or other person with whom e3 does business.

Inquiries about the application of Title IX and 34 C.F.R. Part 106 (hereinafter collectively referred to as "Title IX") may be referred to the e3 Title IX coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

DEFINITIONS

Prohibited Sex Discrimination: Title IX and California law prohibit discrimination on the basis of sex, including sex-based harassment and differences in the treatment of similarly situated individuals on the basis of sex with regard to any aspect of services, benefits, or opportunities provided by e3.

Prohibited Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of e3 conditioning the provision of an aid, benefit, or service of e3 on an individual's participation in unwelcome sexual conduct;

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to e3's education program or activity; or

[1] The School complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports and complaints of misconduct prohibited by this Policy.

- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Under California Education Code section 212.5, "sexual harassment" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:: (a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through e3.

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

- Physical assaults of a sexual or sex-based nature, such as:
    - Rape, sexual battery, molestation or attempts to commit these assaults.
    - Intentional physical conduct that is sex-based or sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, poking another's body, violence, intentionally blocking normal movement or interfering with work or school because of sex.

- Unwanted sexual advances or propositions, derogatory sex-based comments, or other sex-based conduct, such as:
    - Sexually oriented or sex-based gestures, notices, epithets, slurs, remarks, jokes, or comments about a person's sexuality or sexual experience.
    - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
    - Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student's or employee's performance more difficult because of the student's or the employee's sex.
    - Retaliation against an individual who has articulated a good faith concern about sex-based harassment.

- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
    - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive,

sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment.
- Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
- Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

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

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

Formal Complaint of Sexual Harassment means a written document filed and signed by a complainant who is participating in or attempting to participate in e3's education program or activity or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that e3 investigate the allegation of sexual harassment. At the time of filing a formal complaint of sexual harassment, the complainant must be participating in or attempting to participate in e3's education program or activity.

Party means a complainant or respondent.

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

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a party before or after the filing of a formal complaint of sexual harassment or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to e3's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or e3's educational environment or deter sexual harassment.

TITLE IX COORDINATOR

The School designated the following employee as the Title IX coordinator:

Dr. Joel Tapia
Director of Human Resources and State Reporting
395 11th Avenue, 6th Floor
San Diego, CA 92101
jtapia@e3civichigh.com
619-546-0000

In the event that the above-named individual becomes unavailable or unable to serve as the coordinator, e3 has designated the following employee to serve as a temporary or interim coordinator:

Cesia Portillo
School Principal
395 11th Avenue, 6th Floor
San Diego, CA 92101
cayala@e3civichigh.com
619-546-0000

The coordinator is responsible for coordinating e3's efforts to comply with the requirements of Title IX, receiving reports and complaints of sex discrimination, formal complaints of sexual harassment, and inquiries about the application of Title IX to e3, coordinating the effective implementation of supportive measures, and taking other actions as required by this Policy. The coordinator or designee may serve as the investigator for formal complaints of sexual harassment.

REPORTING SEX DISCRIMINATION

All employees must promptly notify the coordinator when the employee has knowledge of or notice of allegations of sex discrimination or sexual harassment occurring within e3's education program or activity.

Students are expected to report all incidents of misconduct prohibited by this Policy. Any student who feels they are a target of such behavior should immediately contact a teacher, counselor, the Chief Executive Officer ("CEO"), coordinator, another e3 employee, or a family member so that the student can get assistance in resolving the issue in a manner that is consistent with this Policy.

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

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

Privacy

The School acknowledges and respects every individual's right to privacy. The School will investigate complaints in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible. This includes but is not limited to keeping the identity of the reporter and other personally identifiable information confidential, as appropriate,

except to the extent necessary to comply with the law, carry out the investigation and/or to resolve the issue, as determined by the coordinator or designee on a case-by-case basis.

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

Response to Sexual Harassment
The School will promptly respond to complaints of sexual harassment occurring in its education program or activity against a person in the United States.

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

SUPPORTIVE MEASURES

Once notified of sexual harassment or allegations of sexual harassment occurring in e3's education program or activity against a person in the United States, the coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint of sexual harassment.

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

Supportive measures will not unreasonably burden either party or be imposed for punitive or disciplinary reasons. The School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair e3's ability to provide the supportive measures. The coordinator is responsible for coordinating the effective implementation of supportive measures.

GRIEVANCE PROCEDURES

Scope and General Requirements
The School's grievance procedures provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under Title IX.

Complaints of misconduct prohibited by this Policy that do not constitute a formal complaint of sexual harassment will be addressed in accordance with e3's Uniform Complaint Procedures, its employment discrimination complaint procedures, or other applicable policies. The following grievance procedures will apply to formal complaints of sexual harassment under Title IX.

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

The School requires that any Title IX coordinator, investigator, decisionmaker, and any person designated by e3 to facilitate an informal resolution process, do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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

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 another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

The School allows for the temporary delay of the grievance process or limited extension of timeframes on a case-by-case basis for good cause. Requests for extensions must be submitted to the coordinator in writing at least one business day before the expiration of the timeframe. If the grievance process is temporarily delayed or a timeframe is temporarily extended by e3, the coordinator or designee will notify the parties of the reason for the delay or extension in writing.

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

Dismissal

The School will dismiss complaints of sexual harassment under Title IX if the conduct alleged:

- Would not constitute sexual harassment under Title IX, even if established as true;
- Did not occur in e3's education program or activity; or
- Did not occur against a person in the United States.

The School may dismiss a formal complaint of sexual harassment or any of the allegations therein if:

- The respondent is no longer enrolled or employed by e3;
- A complainant notifies the coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein; or

- Specific circumstances prevent e3 from gathering sufficient evidence to reach a determination as to the complaint or allegations therein.

Upon dismissal, the coordinator or designee will promptly send written notice of the dismissal and reason(s) thereof simultaneously to the parties. Dismissal under Title IX does not preclude action under another applicable e3 policy.

Notice of the Allegations

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

- The School's grievance procedures and any informal resolution process;
- The allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details includes the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting sexual harassment under Title IX, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- A statement that e3 prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Emergency Removal

The School may place an employee respondent on administrative leave during the pendency of the grievance procedures in accordance with e3's policies.

The School may remove a respondent from e3's education program or activity on an emergency basis, in accordance with e3's policies, provided that e3 undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal, and in accordance with student involuntary removal requirements under state law.

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

Informal Resolution

At any time after a formal complaint of sexual harassment is filed and prior to determining whether sexual harassment occurred under e3's Title IX grievance procedures, the School may offer an informal resolution process to the parties. The School will not offer or facilitate informal

resolution to resolve allegations that an employee sexually harassed a student, or when such a process would conflict with Federal, State, or local law. The parties will not be required or pressured to agree to participate in the informal resolution process.

Before initiation of the informal resolution process, e3 will obtain the parties' voluntary, written consent to participate in the informal resolution and provide the parties with a written notice that explains:

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

Investigation

In most cases, investigations will be completed within 60 business days, but some investigations may take longer depending on the scope of the allegations. The School will conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance in accordance with Title IX.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be used, accessed, considered, e3 or disclosed), regardless of whether they are relevant:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless e3 obtains voluntary, written consent to do so for these grievance procedures; and
- Evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview. The parties will not be prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. A party whose participation is invited or expected at an investigative meeting or

interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.

Before the investigator completes the investigative report, e3 will send to each party and the party's representative, if any, a copy of the evidence subject to inspection and review, and the parties will have at least 10 days to submit a written response for the investigator to consider prior to completing the investigation report.

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

Determination of Responsibility

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

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

Within 15 business days after e3 sends the investigation report to the parties, the decisionmaker, who will not be the same person as the coordinator or investigator, will simultaneously send the parties a written determination of whether sexual harassment occurred. The written determination will include:

- The allegations of sexual harassment;
- A description of the procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- The findings of fact supporting the determination;
- The conclusions regarding the application of e3's code of conduct to the facts;
- The decision and rationale for each allegation;
- Any recommended disciplinary sanctions for the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- The procedures and permissible bases for appeals.

The determination regarding responsibility becomes final either on the date that e3 provides the parties with the written appeal decision, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appeals

Either party may, within five business days of their receipt of e3's written determination of responsibility or dismissal of a formal complaint of sexual harassment, submit a written appeal to the CEO (or in the event the CEO is the respondent, the Chair of the e3 Board of Directors), who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal.

The complainant and respondent may only appeal from a determination regarding responsibility or e3's dismissal of a formal complaint of sexual harassment or any allegations therein, on one or more of the following bases:

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

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

The decisionmaker for the appeal will: (1) notify the other party of the appeal in writing; (2) implement appeal procedures equally for the parties; (3) allow the parties to submit a written statement in support of, or challenging, the outcome within five business days of notice of the appeal; and (4) within 15 business days of the appeal, provide a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result.

Consequences
Students or employees who engage in misconduct prohibited by this Policy, knowingly make false statements or knowingly submit false information during the grievance process, may be subject to disciplinary action up to and including disenrollment from the School or termination of employment. If there is a determination that sexual harassment occurred, the coordinator is responsible for effective implementation of any remedies ordered by e3.

TRAINING

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

RECORDKEEPING

The School will maintain the following records for at least seven years:

- Records of each sexual harassment investigation, including any determination of responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant;
- Records of any appeal of a formal complaint or sexual harassment and the results of that appeal;
- Records of any informal resolution of a formal complaint or sexual harassment and the results of that informal resolution;
- All materials used to train Title IX coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process; and
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

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

e3 Civic High

TITLE IX SEX DISCRIMINATION AND HARASSMENT COMPLAINT FORM

Your Name: _____ Date: _____

Email Address: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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

_____

_____

_____

_____

I hereby authorize e3 to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand that providing false information in this regard could result in disciplinary action up to and including termination or expulsion from e3.

_____ Date: _____
Signature of Complainant

_____
Print Name

<u>To be completed by e3</u>:

Received by: _____ Date: ___ _____

Follow up Meeting with Complainant held on: _____