

Uplift Education’s Title IX Sex-Based Harassment Procedures

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex (“sex-based discrimination”) in education programs or activities that receive federal financial assistance. As required by Title IX, Uplift does not discriminate on the basis of sex in its education programs or activities. Retaliation against anyone for the purpose of interfering with any right or privilege secured by Title IX or related Uplift policy is a violation of the law and Uplift policy and is prohibited.

Sex-based discrimination includes discrimination, including harassment, on the basis of sex, gender, gender identity, gender expression, and sexual orientation. Sex-based discrimination includes sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, and stalking. The requirement not to discriminate on the basis of sex extends to the admission of students in Uplift’s education programs or activities and to applicants for employment. See Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy for definitions of terms, including discrimination, harassment, sex-based harassment, Title IX sex-based harassment, sexual assault, dating violence, domestic violence, and stalking.

The following procedures are in addition to the procedures in Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy, which apply to all reports of discrimination, including harassment, and retaliation based on a protected class. Individuals are encouraged to review Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy carefully in addition to these procedures.

Reporting. Any person who becomes aware of sex-based discrimination or retaliation related to a Title IX matter by or against an Uplift scholar is encouraged to report it promptly to a teacher, school counselor, academic director, other Uplift employee, or the Title IX Coordinator. Any Uplift employee who becomes aware of information suggesting that sex-based discrimination or retaliation has, is, or may be occurring by or against an Uplift scholar must report it immediately to the employee’s academic director or other supervisor and the Title IX Coordinator identified in this document. Any report received by an academic director or other supervisor must be immediately reported to the Title IX Coordinator.

Any person may report sex-based discrimination or retaliation, regardless of whether the person is the individual who allegedly experienced the discrimination. If you wish to report or file a complaint of sex-based discrimination or retaliation, you may do so at any time, including during non-business hours, by mail, telephone, or electronic mail by contacting the Title IX Coordinator using the contact information provided in these procedures and Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy. Reports or complaints may also be made in person to the Title IX Coordinator at the address provided.

Grievance Process. In accordance with Title IX rules issued by the U.S. Department of Education, Uplift follows the grievance process in this document upon receipt of a report, complaint, or other information suggesting conduct in its education program or activity and against a person in the United States that meets the definitions of “Title IX Sex-Based Harassment,” as defined in Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy.

For all other complaints of sex-based discrimination, including sex-based harassment that does not meet the definition of “Title IX Sex-Based Harassment,” Uplift follows the grievance process in Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy.

Title IX Coordinator. Uplift’s Title IX Coordinator is authorized to address concerns or inquiries regarding sex-based discrimination and retaliation for the purpose of interfering with any right or privilege secured by Title IX or related Uplift policy. Uplift’s Title IX Coordinator is Derrick Ward. The Title IX

Coordinator can be reached by email at titleix@uplifteducation.org, by phone at 469-621-8500, or in person or by mail at 3000 Pegasus Park Drive, Suite 1100, Dallas, Texas 75247.

Title IX Sex-Based Harassment Grievance Process

The following process applies to all allegations of “Title IX Sex-Based Harassment”:

Complainant and Respondent. In accordance with the Title IX Rules and Regulations promulgated by the U.S. Department of Education, throughout this Title IX Sex-Based Harassment Grievance Process, an individual who is alleged to be the victim of conduct that could constitute Title IX sex-based harassment will be referred to as the “complainant” and the individual who has been reported to be the perpetrator of conduct that could constitute Title IX sex-based harassment will be referred to as the “respondent.” While parents and guardians of minor parties do not become complainants or respondents in a matter, parents and guardians have the legal right to act on behalf of minor parties, including filing Formal Complaints, in Title IX matters.

Presumption of Non-Responsibility. A respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the Title IX Sex-Based Harassment Grievance Process.

Initial Response to a Report of Title IX Sex-Based Harassment. Promptly after receiving notice of an allegation of Title IX Sex-Based Harassment, the Title IX Coordinator or their designee will contact the complainant to discuss the availability of Supportive Measures, with or without the filing of a Title IX Formal Complaint; consider the complainant’s wishes concerning Supportive Measures; and provide information about the option to and process for filing a Title IX Formal Complaint.

Title IX “Formal Complaints.” A Title IX Formal Complaint may only be filed by the complainant or the Title IX Coordinator. A Title IX Formal Complaint is required to initiate the grievance process for Title IX Sex-Based Harassment. Uplift may not impose any punitive or disciplinary consequences that are not Supportive Measures unless a Formal Complaint has been filed and investigated with a finding of responsibility after completion of the Title IX Sex-Based Harassment grievance process. Nothing prohibits Uplift from processing any alleged conduct that does not meet the definition of Title IX Sex-Based Harassment through its other policies and procedures, including the Freedom from Discrimination, Harassment, and Retaliation policy, the Employee Handbook, or the Scholar Code of Conduct.

Impartial Process. The Title IX Coordinator will identify any bias or conflict of interest that would prevent the Coordinator, their designee, an investigator, a decision-maker, or an informal resolution facilitator from serving impartially, including by avoiding bias against any particular complainant or respondent or complainants or respondents generally; avoiding conflicts of interest, either personal or institutional; and avoiding prejudgment of the facts at issue. Any Title IX Coordinator designee, investigator, decision-maker, or informal resolution facilitator assigned to a matter must promptly notify the Title IX Coordinator of any known or suspected information that could lead to a perception of bias, conflict of interest, or prejudgment for their role. Any person whom the Title IX Coordinator determines has an impermissible bias, conflict of interest, or risk of prejudgment will be recused and replaced with an alternative.

Supportive Measures. Supportive Measures are non-disciplinary, non-punitive, and individualized services that Uplift may put in place, without fee or charge and as reasonably available to both the complainant and respondent, after receiving notice of Title IX Sexual Harassment. Supportive Measures are designed to restore or preserve access to Uplift’s Education Program and Activity, protect the safety of all parties and Uplift’s educational environment, or deter Title IX Sexual Harassment, while not being punitive in nature or unreasonably burdening any party. Supportive Measures may include counseling, deadline extensions and other course-related adjustments, modifications of work or class schedules, campus

escort services, mutual contact restrictions, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator will consider the complainant's wishes regarding the implementation of Supportive Measures. Supportive Measures will be available whether or not a Formal Complaint is filed, can be adjusted based on evolving needs, and will continue as necessary. The Title IX Coordinator or designee will monitor Supportive Measures, which will be modified if necessary to prevent sexual harassment or provide a safe educational environment.

Advisors. Both the complainant and respondent may select an advisor of their choice (who may or may not be an attorney) to assist them throughout the Title IX Grievance Process. The advisor is in addition to a minor party's parent/guardian, who may also assist and participate in the process. For a minor party, Uplift will require parent/guardian consent for any non-parent advisor's participation. Each party is responsible for their own fees or charges associated with the services provided by the Advisor of their choice.

Emergency Removal. A respondent scholar may be immediately removed from their campus or any class, program, or activity of Uplift if it conducts an individualized safety and risk analysis and finds emergency removal necessary to protect a scholar or other individual from an immediate threat to their physical health or safety arising from the allegations of sexual harassment. If Uplift decides to remove a respondent scholar from campus on this basis, Uplift will notify the respondent scholar and provide the respondent scholar an opportunity to challenge the emergency removal decision immediately following the removal. Emergency removal will not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave. A respondent employee may be placed on administrative leave during the pendency of the Title IX Grievance Process.

Formal Complaint. A Formal Complaint may be filed by a complainant (or the parent/guardian of a minor complainant) or signed by the Title IX Coordinator. For a complainant-filed Formal Complaint, the complainant or their parent/guardian can submit a completed and signed Title IX Discrimination Complaint Form to the Title IX Coordinator.

Consolidation. The Title IX Coordinator may consolidate multiple Formal Complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. If multiple Formal Complaints are consolidated, the Title IX Coordinator will provide written notice of consolidation to the complainant(s) and respondent(s).

Notice of Allegations. Upon receipt of a Formal Complaint, Uplift will promptly provide written notice to the known parties of:

1. The Title IX Grievance Process;
2. The allegations of conduct potentially constituting sexual harassment;
3. Sufficient details, including the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the incident if known, with sufficient time to prepare a response before an initial interview;
4. The presumption the respondent is not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;

5. The entitlement of the parties to (a) have an advisor of their choice (who may or may not be an attorney) and (b) inspect and review evidence; and
6. The prohibitions in Uplift policy that prohibits knowingly making false statements or knowingly submitting false information during processes such as the Title IX Grievance Process.

Uplift will supplement the Notice of Allegations to all known parties if during the investigation it decides to investigate additional allegations not included in the previous Notice of Allegations.

Formal Complaint Dismissal. In accordance with the Department of Education’s Title IX regulations, Uplift must dismiss a Formal Complaint under Title IX if the alleged conduct, even if provided, would not constitute “Title IX Sexual Harassment.” Specifically, Uplift **must** dismiss a Formal Complaint if the alleged conduct, even if proved, would not be:

1. Employee quid pro quo, sexual assault, domestic violence, dating violence, or stalking, unwelcome sex-based conduct that is so severe, pervasive, and objectively offensive that it effectively denies equal access to Uplift’s education program or activity
2. In Uplift’s education program or activity, or
3. Against a person in the United States.

All relevant terms are defined in Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy. Dismissal for one of these mandatory reasons does not preclude action under another provision of Uplift’s Scholar Code of Conduct, Employee Handbook, or other policies and procedures.

Uplift **may** dismiss a Formal Complaint, or any allegation therein, at any time if it would not be unreasonable in light of the known circumstances and:

1. The complainant submits a written request to the Title IX Coordinator to withdraw the Formal Complaint or any allegation therein
2. The respondent is no longer enrolled with or employed by Uplift, or
3. Circumstances prevent Uplift from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

Dismissal for one of these permissive reasons precludes action under another provision of Uplift’s Scholar Code of Conduct, Employee Handbook, or other policies and procedures.

Uplift will continue to provide reasonable Supportive Measures to the parties after a dismissal.

Either a complainant or respondent may appeal the dismissal of a Formal Complaint by filing an appeal in accordance with the Appeal procedure described below.

Investigation. Any investigation of a Formal Complaint will be conducted in accordance with this Title IX Grievance Process and will treat complainants and respondents equitably, including but not limited to providing Supportive Measures to both complainants and respondents and not imposing any punitive or disciplinary consequences unless a determination of responsibility is made after an investigation and adjudication under this Grievance Process.

The Title IX Coordinator or designee will appoint one or more investigators to investigate the Formal Complaint. The Investigator will develop a reasonably prompt timeline in which the investigation will be conducted in accordance with the requirements herein. A temporary delay of the Title IX Grievance Process or the limited extension of time frames for good cause will be allowed upon written notice to the complainant and respondent describing the delay or extension and the reasons for the action.

The Investigator will locate, gather, and take control of relevant evidence; identify potential sources of evidence; and conduct interviews with relevant parties and witnesses. Written notice will be provided to the parties at least 24 hours in advance of interviews or meetings conducted as part of the investigation and will include the date, time, location, and purpose of the interview or meeting. Uplift will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

During an investigation, and throughout the Title IX Grievance Process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest with Uplift and not the parties. Uplift cannot access, consider, disclose, or otherwise use 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 Uplift obtains a party's voluntary, written consent to do so for a Title IX Formal Complaint. Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. No party will be restricted from discussing the allegations under investigation or gathering and presenting relevant evidence, although all parties are subject to the generally-applicable prohibition on retaliation regarding any information they choose to share.

Prior to completion of a final investigation report, the Investigator will provide both parties and their advisors access to any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint. Each party will be provided 10 calendar days from receipt of the evidence to inspect and review the evidence and submit a written response to the evidence. The Investigator will consider any timely written responses received prior to completion of a final investigation report, which will fairly summarize all relevant evidence. The investigation report will be provided to both parties and their advisors, who may submit a written response to the investigation report within 10 calendar days.

Decision-Making Process. The Title IX Coordinator or designee will appoint one or more Decision-Makers to complete the decision-making process required herein. The final investigation report and any written responses submitted by the parties will be provided to the Title IX Decision-Maker(s). The Decision-Maker(s) will objectively evaluate all relevant evidence—inculpatory and exculpatory—to reach a decision, and may not make credibility determinations based on a person's status as a complainant, respondent, or witness.

The Decision-Maker(s) will notify each party of the right to submit written, relevant questions that the party wants asked of any party or witness to the Decision-Maker. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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 Decision-Maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant. The Decision-Maker(s) will provide each party with the answers to all questions and allow each party to submit limited, relevant follow-up questions.

After considering the investigation report, any responses to the investigation report, the relevant evidence in the record, and answers to questions submitted by the parties or the Decision-Maker, the Decision-Maker will make a determination as to the respondent's responsibility. The Decision-Maker(s) will provide a copy of the Determination of Responsibility to each party and their advisors.

Standard of Evidence. The standard of evidence used to determine responsibility in the Title IX Grievance Process regarding sexual harassment will be a "preponderance of the evidence" standard. This means that an allegation is substantiated if it is deemed more likely to have occurred than not.

Outcomes. If the Decision-Maker(s) determine(s) a respondent scholar is responsible for the allegations made in the Formal Complaint, Uplift will promptly respond by implementing appropriate disciplinary action in accordance with the Scholar Code of Conduct and may take all corrective action reasonably calculated to address the conduct. The types of disciplinary action Uplift may implement following a Determination of Responsibility against a respondent scholar include:

1. Cooling off time or time out;
2. Seating change within classroom;
3. Various age appropriate reflective assignments;
4. Check in and check out sheet;
5. Scholar conference with teacher or administrator
6. Parent phone call;
7. Parent conference;
8. Circle conference; or restorative action or assignment;
9. Verbal or written correction;
10. Education/training;
11. Emotional Intelligence classes or activities;
12. Participation in a book study;
13. Research assignment on related subject-matter;
14. Daily or weekly scholar improvement plan;
15. Behavioral contract
16. Safety plan;
17. Stay away agreement;
18. Counseling by teachers, School counselors or campus leaders;
19. Conflict Resolution or mediation
20. Referral to Student Support Team;
21. Community service or classroom service;
22. School-related assigned tasks or duties;
23. Loss or restriction of privileges (e.g., eligibility to hold special positions, exemption from exams, etc.);
24. Consequences related to scholar participation in extracurricular activities, including removal, suspension, or restriction of participation;
25. Removal from class to campus office;
26. Issuance of demerits;
27. Confiscation of items;
28. Referral to an outside agency or legal authority;
29. Reverse suspension;
30. Detention;

31. In-School Suspension;
32. Other alternative placement, if available;
33. Out-of-School Suspension; and
34. Expulsion.

If the Decision-Maker(s) determine(s) a respondent employee is responsible for the allegations made in the Formal Complaint, Uplift will promptly respond by implementing appropriate employee disciplinary action in accordance with the Employee Handbook and may take all corrective action reasonably calculated to address the conduct. The types of employee disciplinary action Uplift may implement following a Determination of Responsibility against a respondent employee include:

1. Counseling or verbal reprimands;
2. Written reprimands;
3. Suspension, with or without pay; and
4. Termination.

If a Determination of Responsibility is made against the respondent, Uplift will also provide appropriate remedies to the complainant, which may include the same individualized services provided as Supportive Measures, to ensure access to Uplift's education program and activities is restored or preserved.

The foregoing lists are required by Federal law under Title IX, are not exclusive, and are purely for purposes of notice as to the possible range of remedies and disciplinary actions and do not reflect the probability that any particular outcome will occur.

Appeals. Either party may appeal either a Dismissal or Determination of Responsibility by submitting a completed Title IX Appeal form to the Title IX Coordinator within ten (10) calendar days of receiving the Notice of Dismissal or Determination of Responsibility.

Appeals may be brought only upon one or more of the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence is available that was not reasonably available at the time the Dismissal or Determination of Responsibility was made, that could affect the outcome of the matter; and
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 individual complainant or respondent that affected the outcome of the matter.

An appeal must set forth the Dismissal or Determination of Responsibility being appealed, the specific grounds for the appeal, and facts supporting the identified appeal grounds.

If an appeal is timely filed, The Title IX Coordinator or designee will appoint an Appellate Decision-Maker to complete the appeal process required herein. The Appellate Decision-Maker will provide notice of any appeal to both parties and provide the parties an opportunity to submit a written statement in support of or challenging the appeal. The notice will provide a deadline and method for submission of written statements. The Appellate Decision-Maker will consider the appeal, the record, and any written statements submitted by the parties. The Appellate Decision-Maker will then either uphold or overturn the Dismissal or Determination of Responsibility. The Appellate Decision-Maker will issue a written decision describing the result of the appeal and rationale for the result which will be provided to both parties within ten (10)

calendar days of the appeal. The Appellate-Decision-Maker's decision concludes the Title IX Grievance Process.

Retaliation. Neither Uplift nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding, or hearing under Title IX. Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX. Complaints alleging retaliation may be filed according to the Freedom from Discrimination, Harassment, and Retaliation – Scholar policy and will be investigated using the Investigation of Reports Other Than Title IX Sexual Harassment in that policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a Title IX Formal Complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a Determination of Responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality. Uplift must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. 34 C.F.R. 106.71(a)

Access to Policies and Procedures. Information regarding Uplift's Title IX Grievance Process will be distributed annually in the Employee and Scholar Handbooks. Copies of Uplift's Title IX Grievance Process will be posted on Uplift's website, to the extent practicable, and readily available at each campus and Uplift's administrative offices.

Inquiries about Title IX. Inquiries about Title IX and its application may be referred to Uplift's Title IX Coordinator or the Assistant Secretary in the Office of Civil Rights at the Department of Education (DOE), or both. OCR can be reached using the following contact information:

U.S. Department of Education, Office for Civil Rights, Dallas Office

1999 Bryan Street, Suite 1620

Dallas, TX 75201-6810

Telephone: (214) 661-9600

Facsimile: (214) 661-9587

Email: OCR.Dallas@ed.gov