

Uplift Education’s Title IX Grievance Process

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities that receive federal funds. Uplift does not, and is required not to, discriminate on the basis of sex in its education programs or activities. 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.

Sex-based discrimination includes discrimination or harassment on the basis of sex, gender, gender identity, gender expression, and sexual orientation. Prohibited discrimination includes sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, and stalking. (See Uplift’s Freedom from Discrimination, Harassment, and Retaliation – Scholar policy for relevant definitions). Retaliation against anyone involved in the complaint process is a violation of the law and Uplift policy and is prohibited.

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.

Any person may report sex-based discrimination, including sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, or stalking, regardless of whether the person is the individual who allegedly experienced the conduct. If you wish to report or file a complaint of sex-based discrimination, including sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, stalking, 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 below. Reports or complaints may also be made in person to the Title IX Coordinator at the address provided below.

Title IX Coordinator. Uplift’s Title IX Coordinator is authorized to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment. Uplift’s Title IX Coordinator is Esther Kolni. 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, Bldg. 2, Dallas, Texas 75247.

Complainant and Respondent. In accordance with the Title IX Rules and Regulations promulgated by the DOE, throughout the Title IX Grievance Process, an individual who is alleged to be the victim of conduct that could constitute sexual harassment or gender-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 sexual harassment or gender-based harassment will be referred to as the Respondent.

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 Grievance Process.

Reporting. Any person may report discrimination on the basis of sex at any time, including during non-business hours by email, phone, or mail to the Title IX Coordinator.

Any scholar who believes that he or she has experienced sex-based discrimination or harassment or another scholar has experienced sex-based discrimination or harassment should immediately make a report to a teacher, school counselor, academic director, other Uplift employee, or the Title IX Coordinator.

Any Uplift employee who suspects or receives direct or indirect notice that a scholar or group of scholars has experienced sex-based discrimination or harassment shall immediately notify the employee’s academic

director or other supervisor and the Title IX Coordinator. Any report received by an academic director or other supervisor must be immediately reported to the Title IX Coordinator.

Promptly after receiving notice of an allegation of sex-based discrimination, harassment, or retaliation, the Title IX Coordinator 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 with respect to Supportive Measures; and provide information about the option to and process for filing a Title IX Formal Complaint.

A Title IX Formal Complaint ("Formal Complaint") may be filed by either the Complainant or the Title IX Coordinator. If a Formal Complaint is filed, the matter will proceed through the Title IX Grievance Process. If a Formal Complaint is not filed, Uplift will investigate reports outside of the Title IX Grievance Process in accordance with its policies and procedures, including the Freedom from Discrimination, Harassment, and Retaliation Policies, Employee Handbook, and/or Scholar Code of Conduct.

The Title IX Coordinator will identify any bias or conflict of interest between the Coordinator and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Coordinator will recuse herself, and an alternative Coordinator will be appointed.

Supportive Measures. Supportive Measures are non-disciplinary, non-punitive, individualized services offered to both the Complainant and Respondent, as appropriate and reasonable. Supportive Measures will be available without fee or charge. 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 need, and will continue as necessary.

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. If either party is a minor and chooses a non-parent advisor, Uplift will require parental or guardian consent for the non-parent advisor's participation. Each party will be responsible for any fees or charges associated with the services provided by the Advisor of their choice.

Emergency Removal. A Respondent scholar may be subject to immediate emergency removal from his or her campus after Uplift conducts an individualized safety and risk analysis and finds emergency removal necessary to protect a scholar or other individual from 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 subject to placement 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 Title IX Coordinator) by submitting a completed and signed Title IX Discrimination Complaint Form to the Title IX Coordinator. Upon receipt of a completed form, the Title IX Coordinator will review the filing for completion and accept a complete filing by signing the form. Once a Formal Complaint filing is accepted, Uplift will provide

written notice of the allegations and an explanation of the Title IX Grievance Process to both the Complainant and Respondent.

Consolidation. The Title IX Coordinator may consolidate multiple reports or 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 reports or 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 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 Scholar Code of Conduct's and/or Employee Handbook's, as applicable, prohibition of knowingly making false statements or knowingly submitting false information during the Title IX Grievance Process.

If, in the course of the investigation, Uplift decides to investigate additional allegations about the Complainant or Respondent that are not included in the Notice of Allegations, Uplift will provide notice of the additional allegations to the parties whose identities are known.

Formal Complaint Dismissal. In accordance with the DOE's Title IX Rules and Regulations, Uplift must dismiss a Formal Complaint in the event the alleged conduct:

1. Even if proved, would not constitute sexual harassment as defined in 34 CFR § 106.30;
2. Did not occur in Uplift's education program or activity; or
3. Did not occur against a person in the United States.

Uplift may dismiss a Formal Complaint, or any allegation therein, if, at any time:

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 of a Formal Complaint does not preclude action under another provision of Uplift's Scholar Code of Conduct, Employee Handbook, or other policies and procedures. 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. An investigation into Title IX Formal Complaints will be conducted in accordance with the Title IX Grievance Process and will treat Complainants and Respondents equitably, including but not limited to providing Supportive Measures to both Complainants and Respondents.

A Title IX Investigator will identify any bias or conflict of interest between the Investigator and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Investigator will recuse themselves and an alternative Investigator will be appointed.

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 shall 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 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. 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 rests 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 and no party is restricted from discussing the allegations under investigation or gathering and presenting relevant evidence.

Prior to completion of a final investigation report, the Investigator will provide both parties 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 business days from receipt of the evidence to inspect and review the evidence and submit written responses to the evidence. The Investigator will consider any written responses received prior to completion of a final investigation report which will fairly summarize relevant evidence. At the completion of an investigation report, the investigation report will be provided to both parties. The parties may submit a written response to the investigation report within 10 business days.

The final investigation report and any written responses submitted by the parties will be provided to a Title IX Decision-Maker. A Decision-Maker will identify any bias or conflict of interest between the Decision-Maker and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Decision-Maker will recuse themselves and an alternative Decision-Maker will be appointed. The Decision-Maker will conduct an objective evaluation of all evidence—inculpatory and exculpatory—and may not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.

Each party will be provided the opportunity to submit written, relevant questions that the party wants asked of any party or witness to the Decision-Maker. The Decision-Maker will provide each party with the answers and allow for additional, limited follow-up questions.

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 must explain to the party proposing the questions any decision to exclude a question as not relevant.

After consideration of the investigation report, underlying relevant evidence in the record, and any responses to the investigation report and questions submitted by the parties, the Decision-Maker will make a determination as to the Respondent's responsibility (a Determination of Responsibility). The written Determination of Responsibility will be provided to both the Respondent and Complainant.

Standard of Evidence. The standard of evidence used to determine responsibility in the Title IX Grievance Process regarding sexual harassment shall 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 determines a Respondent scholar is responsible for the allegations made in the Formal Complaint, Uplift shall 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 determines a Respondent employee is responsible for the allegations made in the Formal Complaint, Uplift shall 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 shall also provide appropriate remedies to the Complainant, that 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 possibility of a range of remedies and disciplinary actions and do not reflect the probability that any particular outcome will occur.

Appeal. 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) business 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.

An Appellate Decision-Maker will identify any bias or conflict of interest between the Appellate Decision-Maker and any party or for or against Complainants or Respondents generally. If a bias or conflict of interest is identified, the Appellate Decision-Maker will recuse themselves and an alternative Appellate Decision-Maker will be appointed.

An Appellate Decision-Maker will provide notice of a timely filed appeal to both parties and provide the parties an opportunity to submit a written statement in support of or challenging the Dismissal or

Determination of Responsibility. This notice will provide a deadline and method for submission of written statements. The Appellate Decision-Maker will consider the available record as well as any written statements submitted by the parties in support of or challenging the Dismissal or Determination of Responsibility. The Appellate Decision-Maker will then either uphold or overturn the Dismissal or Determination of Responsibility and issue a written decision describing the result of the appeal and rationale for the result which will be provided to both parties within ten (10) business days. The Appellate-Decision-Maker's decision concludes the Title IX Grievance Process and may only be appealed through the Parent Grievance Policy.

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. 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, constitutes retaliation. Complaints alleging retaliation may be filed according to the Title IX Grievance Process. 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.