



Title IX - Policy and Grievance Procedure

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in all schools that receive federal funding.

The preamble to Title IX of the Education Amendments of 1972 states that: ***“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”***

Examples of the types of discrimination that are covered under Title IX include sexual harassment, failure to provide equal athletic opportunity, and sex discrimination in a school’s courses and programs.

Any time a school has actual knowledge of sexual harassment in the school’s education programs or activities, the school has an obligation to respond promptly and the Title IX Coordinator must:

- Contact the complainant and schedule a time to meet;
- Offer supportive measures;
- Explain the title IX grievance procedures and offer the option to file a formal Title IX complaint;
- Determine the need for emergency removal of the respondent.

If a Title IX formal complaint is filed, the Title IX grievance procedure must be followed.

All school employees must receive annual training on the general obligations under Title IX, the scope of conduct that constitutes sex discrimination under Title IX, including sexual harassment, and the requirement to notify the Title IX Coordinator when they have knowledge about conduct that reasonably may constitute sex discrimination, sexual harassment under Title IX.



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Title IX Policy:

ThrivePoint Academy is committed to providing a work and educational environment that is free of sex discrimination. Examples of the types of discrimination that are covered under Title IX include sexual harassment, failure to provide equal athletic opportunity, sex-based discrimination in school's courses and programs, and discrimination based on pregnancy or related conditions.

Sexual harassment under Title IX includes any of the following, per 34 C.F.R. 106.30:

- Quid Pro Quo Harassment: school employee conditions provision of aid, benefit or service on an individual's participation in unwelcome sexual conduct
- Denial of Equal Access to Education Program: unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity (i.e., creates a hostile environment)
- Other sexual acts: sexual assault, dating violence, domestic violence, or stalking as defined per federal statutes.

Any occurrence of sex discrimination, sexual harassment will result in a mandatory parent conference and may be referred to law enforcement. In addition, suspension or a recommendation for expulsion may be made based upon the nature of the incident.

If a student/employee feels they have been or are being harassed, they immediately need to report the incident to ThrivePoint's Title IX Coordinator or to any other available school employee who shall immediately inform the Title IX Coordinator.

***Only complaints alleging sex discrimination as defined under Title IX may be investigated under the school's Title IX Grievance Procedure (scan QR code for details).*

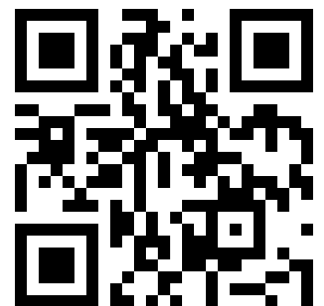
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Reporting Sexual Harassment

Any individual (e.g., the alleged victim, a student, an employee, a parent/guardian, etc.) may report sexual harassment directly to the Title IX Coordinator or to any other available school employee who shall immediately inform the Title IX Coordinator.

***Former students and employees can file complaints under a school's Title IX Grievance Procedures even if they have already left the school and have no intention to return, if the complainant was a student or employee at the time of the alleged discrimination.*

Reports can be made by any means (e.g., in-person, by phone, by mail, by email, etc) within six months from the date the incident occurred.

Any complaints alleging unlawful discrimination or harassment on the basis of sex may also be eligible to be investigated under the school's Uniform Complaint Procedures (UCP) or other process based on California Law, but UCP does not supplant Title IX. Only complaints alleging sex discrimination as defined under Title IX may be investigated under the school's Title IX Grievance Procedure.

Initial Response:

When ThrivePoint Academy has knowledge of conduct that could reasonably constitute sex discrimination under Title IX, the **Title IX Coordinator** must:

- Contact the complainant, listen to allegations, and discuss the availability of supportive measures regardless of whether a formal complaint is filed;
- Consider the complainant's wishes with regard to supportive measures;
- Explain the Title IX Grievance Process for filing a formal complaint.

Supportive Measures must be non-disciplinary, non-punitive individualized services available free of charge at any point during the Title IX investigation. They are designed to restore or preserve equal access to the school's education program or activity without unreasonably burdening the other party. Examples include wellness check-ins, counseling services, extensions of deadlines or course-related adjustments, modifications of work or class schedules, changes in work locations, leaves of absence, etc.

Complainants have the right not to make a formal complaint, and may withdraw a complaint or any allegations in a complaint at any time.

If a Title IX formal complaint is filed, the Title IX grievance procedure must be followed. A formal complaint can be made orally or in writing, as long as the complaint can be objectively understood as a request for the school to investigate.

In the absence of a formal complaint or the withdrawal of any or all allegations in a complaint, the Title IX Coordinator is required to make a fact-specific determination of whether the schools must initiate the grievance procedures themselves.



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Title IX Grievance Procedure

Step 1: Initial Review

The Title IX Coordinator must review the complaint.

Must dismiss the complaint if the alleged conduct:

- Does not constitute sexual harassment under Title IX; or
- Did not occur in school's educational program or activity

May dismiss complaint if:

- Complainant has notified school in writing of desire to withdraw complaint/ allegations;
- Respondent is no longer enrolled in or employed by the school; or
- Specific circumstances prevent school from gathering evidence to reach a determination.

If the Title IX Coordinator dismisses complaint:

- Must send written notice simultaneously to both parties;
- State reason for dismissal and inform parties of their right to appeal
- If another school grievance procedure (e.g, UCP) is appropriate, inform parties of the school's intent to investigate the complaint through that procedure.

Step 2: Send Written Notice

The school must provide parties with notice of formal complaint. The notice shall include the following:

- Copy of the school's Title IX Policy
- Description of allegations with sufficient detail (e.g., parties involved, specific conduct, date and location of alleged incident, etc);
- Statement that respondent is presumed not responsible and determination made at end of process;
- Statement informing parties of opportunity to have advisor of their choice throughout grievance process and ability to inspect and review evidence;
- Statement informing parties that they must not knowingly make false statements or submit false information.

Step 3: Conduct Investigation



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The school must conduct an investigation within 90 calendar days of formal complaint received. The school has the right to extend this timeline.

- School must presume the respondent is not responsible for alleged conduct;
- School must gather sufficient evidence
 - Investigator has burden to gather sufficient evidence;
 - Cannot gather privileged information without voluntary, written consent (e.g., medical record);
 - Must provide written notice for all interviews with sufficient time for the individual to prepare to participate;
 - No live hearing requirement for TK-12
- Both parties must have equal opportunity to present witnesses and evidence
- Both parties may have an advisor of their choice present for any meeting, hearing, interview;
- Both parties must be provided with all evidence that is directly related to the allegations in the complaint and at least 10 calendar days to submit a written response, which must be considered by the Investigator.

Step 4: Prepare and Share Investigative Report

The Title IX Investigator must prepare an investigative report that fairly summarizes all relevant evidence, including both inculpatory and exculpatory evidence. With limited exceptions, evidence of the complainant's prior sexual behavior is not considered relevant. Evidence is generally considered relevant when it has any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action. The Investigator must share the investigative report with both parties and their advisors at least 10 calendar days before school issues a written decision. Both parties may submit a written response. (within 10 business days), which will be considered by the Investigator.

Step 5: Issue Written Decision

The Title IX Decision-Maker will objectively evaluate all relevant evidence.

Before making a decision, the Title IX Decision-Maker will inform each party of the right to submit written, relevant questions that a party wants asked of any party or witness, and allow for additional limited follow-up questions from each party.

The Decision-Maker must provide responses to the questions or explain any decision to the party to exclude questions as irrelevant.

The Decision-Maker must use the “preponderance of evidence” standard (there is a greater than 50% chance the allegations are true) or “clear and convincing evidence” standard in order to make a written determination of findings regarding the complaint and will issue a written decision. The written decision must be issued to both parties simultaneously.



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The written decision must include the specific allegations, description of the investigation process, findings of fact, conclusions, rationale, any disciplinary sanctions for respondent, whether remedies will be provided to the complainant, and procedures/ bases for either party to appeal.

Step 6: Provide Remedies

If the school determines that respondent engaged in sexual harassment, the **Title IX Coordinator** will provide appropriate remedies to the complainant (and others, if appropriate), including supportive measures.

Remedies may be disciplinary and/or punitive and may burden the respondent, but remedies must be designed to restore or preserve equal access to educational program and activity. Examples include supportive measures, change of class, schedule, parent/student conferences, positive behavior support, warnings, and/or formal discipline (such as suspension, expulsion, etc.)

If an employee is found to have engaged in sexual harassment, school will take appropriate disciplinary action (e.g., termination of employment).

Step 7: Appeals

Either party may appeal the written decision, or dismissal of a formal complaint or allegation in a complaint. If an appeal is filed, the **Title IX Appeals Officer** will evaluate an appeal of the DecisionMaker's final determination. The school must provide written notice to the other party and give both parties equal opportunity to submit a written statement (must be done within 10 business days). Appeals must be processed within 30 calendar days. The Title IX Appeals Officer must issue a written decision simultaneously to both parties.

Step 8: Recordkeeping

The school must maintain records for seven years, including records of:

- Each sexual harassment investigation;
- Any appeal and results of the appeal;
- Any informal resolution and result of the resolution;
- All materials used to train the title IX Team (materials must be publicly available on school's website);
- Any actions taken in response to a report or formal complaint of sexual harassment.

***All members of the Title IX Team must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Coordinator can also serve as the Investigator, however, the Title IX Decision-Maker and Appeals Officer must be a different person, and they must receive training on Title IX.*