



TITLE IX POLICY AND GRIEVANCE PROCEDURES FOR SEXUAL HARASSMENT

STEM Preparatory Schools, Inc. (“STEM Prep” or “Charter School”) is committed to maintaining a safe and respectful school environment that is free from discrimination and harassment. Charter School does not discriminate on the basis of sex and prohibits any acts of sex discrimination, including sexual harassment, 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 Title IX Policy and Grievance Procedures for Sexual Harassment (“Policy”) details STEM Prep’s commitment to maintain a learning environment that is free from sex discrimination, including sexual harassment, and provide a grievance process for allegations of sexual harassment as defined under Title IX. Any individual can report sexual harassment at the Charter School to Charter School staff, and the Charter School will take appropriate action in accordance with the law and this Policy.

This Policy may apply to incidents occurring on the school 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 Charter School does business. However, as set forth below, the Title IX grievance procedures shall only be utilized for misconduct that falls within the definition of “sexual harassment” under Title IX.

Inquiries about the application of Title IX may be referred to the Charter School’s Title IX Coordinator, the Office for Civil Rights of the U.S. Department of Education, or both.

Definition of Sexual Harassment Under California Law

California Education Code section 212.5 defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal, visual, 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, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment 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 Charter School.

¹ Charter 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 harassment under California law may include, but is not limited to:

- 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 to be construed as an all-inclusive list of prohibited acts prohibited under this Policy.

Under Education Code section 230, harassment and other discrimination on the basis of sex include, but are not limited to, the following: exclusion of a person or persons from participation in, denial of the benefits of, or subjection to harassment or other discrimination in, any academic, extracurricular, research, occupational training, or other program or activity; and exclusion from participation in, or denial of equivalent opportunity in, athletic programs. The full definition of discrimination and harassment based on sex from Education Code section 230 can be found here:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=230.

The definition of sexual harassment under California law and the definition of Sexual Harassment under Title IX overlap in some areas. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on gender, sex, gender identity or expression, or sexual orientation are eligible to be investigated pursuant to the Charter School's Uniform Complaint Procedures under California law. However, if any complaints alleging sexual harassment constitute sexual harassment as defined under federal law in Title IX (see below), the complaints shall be investigated under the Title IX Grievance Procedures for Sexual Harassment. STEM Prep prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process.

Sex Equity in Education Act Statement

Students have all the rights set forth in Education Code section 221.8 (as applicable to Charter School's programs). This includes the right to fair and equitable treatment, the right to a school environment without discrimination on the basis of sex, and the right to be provided with an equitable opportunity to participate in all academic extracurricular activities. The description of all rights set forth in Education Code section 221.8 can be found here:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=221.8.

For more information about Gender Equity/Title IX, please visit the following CDE website: <https://www.cde.ca.gov/re/di/eo/genequitytitleix.asp>.

Title IX Grievance Procedures for Sexual Harassment

The following grievance procedures shall only be utilized for misconduct that falls within the definition of sexual harassment under Title IX.

Definitions under Title IX

- **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 Charter School's education program or activity or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Charter School 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 Charter School'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.
- **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
 - An employee of Charter School conditioning the provision of an aid, benefit, or service of Charter School 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 Charter School's education program or activity; or
 - "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).

Title IX Coordinator

The Board of Directors of Charter School ("Board") has designated the following employee as the Title IX Coordinator to coordinate the investigation and resolution of formal complaints of sexual harassment as outlined in this Policy:

Janette Rodriguez-Pack, CEO

(323) 795-0695
jrodriguez@stem-prep.org

The Title IX Coordinator is responsible for coordinating Charter School'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 Charter School, coordinating the effective implementation of supportive measures, and taking other actions as required by this Policy. The Title IX Coordinator may designate other individual(s) to fulfill all or part of their duties. In addition to the Title IX Coordinator, the following Title IX Personnel are involved in the grievance process to address formal complaints:

- **Investigator**: The individual responsible for gathering all evidence related to the formal complaint. This individual will create an “Investigation Report” which will summarize the relevant evidence.
- **Decision-Maker**: The individual responsible for evaluating evidence in order to make a determination regarding the formal complaint. The Decision-Maker submits a written determination of findings to the parties. The Decision-Maker cannot be the Title IX Coordinator, the Investigator, or any individual involved in the investigation of the formal complaint.
- **Title IX Appeals Officer**: If applicable, this individual is responsible for evaluating an appeal of the final determination. The Title IX Appeals Officer cannot be the Title IX Coordinator, Investigator, Decision-Maker, or any individual involved in the investigation of the formal complaint.

Reporting Allegations of Sexual Harassment

Any individual (e.g., a student or employee who is alleged to be a victim of Sexual Harassment or a parent/guardian of a student who is alleged to be a victim of Sexual Harassment) may report Sexual Harassment directly to the Title IX Coordinator, or to any other available Charter School employee who shall immediately inform the Title IX Coordinator. Reports of Sexual Harassment can be made in-person, by mail, by telephone, by electronic mail, or by any other means that result in a Title IX Coordinator receiving the person’s verbal or written report.

Privacy

Charter School acknowledges and respects every individual’s right to privacy. All reports and complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process in accordance with applicable law.

Retaliation

Charter 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.

Supportive Measures

Upon receipt of a report of Sexual Harassment, the Title IX 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 of sexual harassment, and explain to the complainant the process for filing a formal complaint of 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 Charter School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Charter School's educational environment, or deter 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 locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

Charter School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair Charter School's ability to provide the supportive measures. The Title IX Coordinator or designee is responsible for coordinating the implementation of supportive measures.

Initial Review of Formal Complaint of Sexual Harassment

Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator or designee will review the complaint to determine whether it raises allegations that fall within the definition of Sexual Harassment under Title IX as described above. The Charter School may consolidate multiple formal complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances.

If it does, the Title IX Coordinator will follow this Policy's grievance procedures for formal complaints. If it does not, the Title IX Coordinator will determine whether the complaint should be dismissed (as explained below) and/or investigated pursuant to another applicable Charter School policy (e.g., Uniform Complaint Procedures).

At any time after a formal complaint has been filed, but before reaching a determination regarding the allegation, the Charter School may offer an informal resolution process (such as restorative justice or mediation) to the complainant and respondent. However, the informal resolution process is not available where the complainant alleges that an employee sexually harassed a student. Participation in informal resolution is voluntary.

Mandatory or Permissive Dismissal of Formal Complaint

Under certain circumstances, a complaint must or should be dismissed by the Title IX Coordinator. The Title IX Coordinator will endeavor to make this determination no more than ten (10) school days from the date they receive the formal complaint. However, such a dismissal does not preclude action under another applicable Charter School policy.

Mandatory Dismissal: Charter School must dismiss a formal complaint if the conduct alleged:

- Would not constitute sexual harassment under Title IX even if proved;
- Did not occur in Charter School's education program or activity; or
- Did not occur against a person in the United States.

Permissive Dismissal: Charter School may dismiss a formal complaint if:

- The respondent is no longer enrolled or employed by Charter School;

- A complainant notifies the Charter School in writing that the complainant would like to withdraw the complaint or any allegations therein; or
- Specific circumstances prevent Charter School from gathering sufficient evidence to reach a determination as to the complaint or allegations therein.

Written Notice of Dismissal: Upon dismissal, the Title IX Coordinator or designee will promptly send written notice of the dismissal and reason(s) thereof simultaneously to both parties. Dismissal under Title IX does not preclude action under another applicable Charter School policy.

Emergency Removal

Charter School may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with Charter School's policies.

Charter School may remove a respondent from Charter School's education program or activity on an emergency basis, in accordance with Charter School's policies, provided that Charter School 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.

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, unless permitted by Title IX.

Informal Resolution

At any time after a formal complaint of sexual harassment is filed and prior to determining whether sexual harassment occurred under Charter School's Title IX grievance procedures, Charter School may offer a voluntary informal resolution process to the parties. Charter 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 applicable law. Parties will not be required or pressured to agree to participate in the informal resolution process.

Before initiation of the informal resolution process, Charter School 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 from the informal resolution process 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.

Notice of the Allegations

Upon receipt of a formal complaint of sexual harassment that is not dismissed, the Title IX Coordinator or designee will provide written notice of the allegations to the parties whose identities are known. The notice will include:

- A copy of this Policy;

- A description of the allegations potentially constituting 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 throughout the grievance process, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- A statement that Charter School prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

Investigation

The Investigator will gather and review evidence related to the allegations. This can include, but is not limited to, interviewing parties or witnesses, as well as reviewing relevant evidence. The Investigator will not require, request, or rely upon any information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

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, Charter School will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) calendar days to submit a written response for the investigator to consider prior to completing the investigation report.

The investigator will complete an Investigative Report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) calendar days before the issuance of the Written Decision. The Charter School will inform the parties in writing that they may submit to the Decision-Maker written, relevant questions that the parties want asked of any party or witness. The Decision-Maker is responsible for providing the responses (if any) to these questions to both parties.

Written Decision

The Decision-Maker will endeavor to issue the Written Decision within ninety (90) calendar days from the receipt of the formal complaint.

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.

The Decision-Maker, who will not be the same person as the Title IX Coordinator or Investigator, will simultaneously send both parties the Written Decision which will include:

- Identification of the allegations potentially constituting 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 facts supporting the determination;
- The conclusions regarding the application of Charter School's policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the Charter School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's educational program will be provided by the Charter School to the complainant; and
- The procedures and permissible bases for either party to appeal the decision.

Appeals

Either party may, within five (5) business days of their receipt of Charter School's Written Decision or dismissal of a formal complaint or any allegation in the complaint, submit a written appeal to the Title IX Coordinator.

The complainant and respondent may only appeal 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 Title IX 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 Title IX Appeals Officer will not be the same person as the Title IX Coordinator, the Investigator or the Decisionmaker.

Upon receipt of an appeal, the Title IX Appeals Officer will provide a written notification to the other party about the appeal that gives both parties a reasonable, equal opportunity to submit a statement in support of/challenging the appeal.

The Title IX Appeals Officer (not Decision-Maker, Title IX Coordinator, or Investigator) shall issue a written decision of an appeal, including the rationale for the result, to both parties simultaneously. The Title IX Appeals Officer will endeavor to issue their decision within thirty (30) calendar days from the receipt of the appeal.

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 expulsion from Charter School or termination of employment.

If there is a determination that sexual harassment occurred, the Charter School will provide remedies to the complainant, as appropriate.

Training

All Title IX Personnel (i.e., the Title IX Coordinator, Investigator, Decision-Maker, Appeals Officer, and any person who facilitates a Title IX informal resolution process) will receive Title IX training as required by law.

Recordkeeping

Charter School will maintain the following records for at least seven (7) 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 designed to restore or preserve equal access to the recipient's education program or activity;
- Records of any appeal and the results of that appeal;
- Records of any informal resolution and the results of that informal resolution;
- All materials used to train Title IX Coordinators, Investigators, Decision-Makers, 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.

Updates

The Chief Operating Officer or designee may update, modify, or implement this Policy in a manner to comply with applicable law.

TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

This form can be completed by any individual who has knowledge of sexual harassment occurring within an education program or activity of STEM Preparatory Schools, Inc. ("STEM Prep"). Please complete the information below. Should you need additional space or would like to provide documentation to support the allegations in the complaint, you can attach those to this complaint form. If you have any questions, please contact STEM Prep's Title IX Coordinator listed in the Title IX Policy and Grievance Procedures for Sexual Harassment.

Your Name: _____ Date: _____

Email Address: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against and their relation to STEM Prep: _____

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 STEM Prep to disclose the information I have provided in accordance with applicable laws 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 Charter School.

Signature of Complainant

Date: _____

Print Name