

Discrimination, Harassment, Intimidation, Bullying, and Sexual Harassment/Title IX Policy Region(s): DC

Discrimination, harassment, intimidation, bullying, and sexual harassment are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Rocketship Public School ("Rocketship") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

To the extent possible, Rocketship will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to respond to such behaviors in a timely manner. Rocketship school staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

Moreover, Rocketship will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with whom Rocketship does business, or any other individual, student, or volunteer. This Policy applies to all employees, students, or volunteer actions and relationships, regardless of position or gender. Rocketship will promptly respond to any complaint of misconduct prohibited by this Policy in a manner that is not deliberately indifferent and will take appropriate corrective action, if warranted. Rocketship complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this Policy.

This policy is written in conjunction with Policy #4-25.2, the Student-on-Student Sexual Harassment Policy.

Bullying

1. Definitions

In accordance with DC Code § 2-1535.03(b)(1), "bullying" is defined as any severe, pervasive, or persistent act or conduct whether physical, electronic, or verbal that:

- May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place or residence or business, or any other distinguishing characteristic, or on a youth's association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
- Can reasonably be predicted to:
 - Place the youth in reasonable fear of physical harm to their person or property;
 - Cause a substantial detrimental effect on the youth's physical or mental health;
 - Substantially interfere with the youth's academic performance or attendance; or
 - Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

“Cyberbullying” includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. “Cyberbullying” also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

2. Prohibitions Against Bullying

Acts of bullying, including cyberbullying, whether by youth, volunteers, or staff, are prohibited:

- On Rocketship grounds and immediately adjacent property, at Rocketship -sponsored or related events on and off Rocketship grounds, on any vehicle used for Rocketship business, at any transit stop at which youth wait to be transported to Rocketship business, or through the use of any electronic devices owned by Rocketship, leased by Rocketship, or used for Rocketship business; and
- At a location or function unrelated to Rocketship, through the use of any electronic devices, including those not owned or leased by Rocketship, if the acts of bullying or cyberbullying create a hostile environment at the agency for the victim or witnesses, infringe on their rights at Rocketship, or materially and substantially disrupt the orderly operation of Rocketship.

Retaliation against a youth, volunteer or staff member who reports bullying, provides information about an act of bullying, or witnesses an act of bullying is also prohibited. (DC Code § 2-1535.03(b)(2-3;9))

3. Reporting Incidents of Bullying or Retaliation

In accordance with DC Code § 2-1535.03(1)(6), Rocketship expects all staff members and volunteers to report incidents of bullying or retaliation they witness or are made aware of. Staff members should immediately report all such incidents to the Principal, who will create a written report of a bullying incident.

Youth, parents, guardians, and community members are encouraged by Rocketship to report any incidents of bullying that they witness or become aware of. Reports of bullying may be made to the school Principal, or through an anonymous drop box at the front office of the campus.

Reports of bullying by youth, parents, guardians and community members may be made anonymously, but disciplinary action cannot be taken by Rocketship solely on the basis of an anonymous report. However, such a report may trigger an investigation that will provide actionable information. All oral reports received as part of this process will be transcribed into writing and included in Rocketship's bullying database, further described below.

Rocketship will ensure that there are reporting materials available in a wide variety of languages and that information about reporting is communicated to youth connected to Rocketship in an age appropriate manner. Information on how to report incidents of bullying will also be included as appropriate in Rocketship mailings to youth and their families. The school Principal is available to assist in reporting incidents of bullying.

Reports of bullying not received by the Principal will be transmitted to the Principal within one day of their receipt or creation by the staff member who reported the initial incident.

Note that, at any time, individuals may file a formal complaint regarding an incident of discrimination, harassment, or bullying through Rocketship's Complaint Policy. Any such complaint will be investigated in accordance with either the procedures set forth in the Complaint Policy or the procedures set forth herein, depending on the specific allegations in the complaint.

4. Data Collection

All Rocketship schools in DC will collect the following pieces of information about reported incidents of bullying and provide aggregate data annually as determined by the Mayor pursuant to DC Code § 2-1535.07(a).

- Name(s) of the victim, bully, and any witnesses
 - Reliable contact information for the victim, bully and any witnesses
- Relevant attributes about the victim, bully and any witnesses including:
 - Any prior incidents involving either the victim or bully
 - Connection of the victim, bully, and any witnesses to the incident (i.e. are they students, staff, volunteers, etc.)
- The nature of the bullying incident
 - Where the incident took place
 - What time the incident took place
 - What type(s) of bullying it was (physical, verbal, cyber, relational, etc.?)
 - What factors drove the incident of bullying (social status, personal appearance, race, sexual orientation, etc.)
 - What adult supervision was in place
 - Context of the incident

Rocketship will only attempt to collect this information insofar as it does not jeopardize the safety of the victim and witness(es) and allows non-staff reports of bullying to be made anonymously.

5. Investigating Incidents of Bullying

In accordance with DC Code § 2-1535.03(1)(7), prior to the investigation of an incident, the school Principal will take steps to ensure the safety of the alleged victim referenced in a reported bullying incident. These steps will be designed to restore a sense of safety to the victim and to protect them from further incidents if necessary. Examples of such steps taken include designating a staff member to serve as that alleged victim's "safe" person, altering the alleged bully/bullies' seating or schedule to reduce access to the alleged victim or creating a safety plan in consultation with the alleged victim. Once an investigation is concluded, further steps will be taken as needed to assure the continued safety of the victim from additional incidents of bullying or retaliation.

Once a report of bullying has been received by the school, the following groups will be notified as needed by the Principal so long as, in the absence of legal imperative, the parent or guardian's written consent is obtained prior to notification.

- Parents and guardians: Rocketship will notify the parents or guardians of victims, bullies, and if appropriate, witnesses to an incident of bullying behavior about the nature of the incident and the procedures and steps in place for responding to it. The school Principal will determine if parents or guardians should be informed prior to or after the investigation of an incident.
- Law enforcement agencies: If Rocketship determines that the reported incident may involve criminal activity or the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement authorities. As part of making this determination, the Principal may wish to consult with either a law enforcement officer or legal counsel. Law enforcement shall only be contacted if all other available remedies have been exhausted.

Rocketship will notify these groups of incidents of bullying only to the extent allowed by law. Notification will be undertaken solely to ensure that services are provided to victims and bullies and to protect victims from further or sustained victimization. Rocketship will make every effort to protect the confidentiality of those who report bullying incidents.

The school Principal is responsible for investigating reports of bullying. An investigation of an incident will be initiated no more than one day after the Principal receives a report of bullying and will conclude no later than 30 days after the receipt of such a report. As part of the investigation, the Principal will interview any involved or relevant parties including alleged victims, bullies, witnesses, staff, parents or guardians.

The school Principal will provide confidentiality as far as possible to relevant parties as part of the investigation, and inform all relevant parties that retaliation for reporting acts of bullying is prohibited. Written records of the investigation process should be maintained and may be included in the bullying database to generate a more accurate picture of bullying behaviors at Rocketship. Where necessary, provisions will be made to include the advice of legal counsel.

In investigating an incident of bullying, the Principal will seek to ensure that the reported incident is one of victimization, a sign of bullying, rather than of conflict. Thus when investigating a reported incident the Principal will attempt to determine, through interviewing the victim, what mechanisms the victim had and has access to for halting the incident that occurred, and preventing future such instances. If the victim reports a few or no mechanisms for ending the incident or constructively dealing with future instances, that information will serve as compelling, though not conclusive evidence that the reported incident was an incident of bullying.

The Principal is charged with making determinations as to whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident. If the Principal determines that an incident of bullying has occurred, they should take response steps to prevent the recurrence of an incident and restore the safety of a victim.

The Principal should report any incident found to be discrimination or harassment based on membership in a protected class, along with the results of the investigation, to compliance@rsed.org within 24 hours of the conclusion of the investigation.

If the Principal determines that additional support is needed to conduct a thorough and equitable investigation, he/she will contact Rocketship's Legal team and/or the citywide prevention coordinator.

6. Bullying Sanctions

Rocketship Public Schools recognizes that for sanctions to be an effective component of a bullying prevention plan, they must be applied consistently, fairly, and equitably. To this end, Rocketship Public Schools shall ensure that staff follow these guidelines as closely as possible, while allowing for flexibility to adapt sanctions to individual contexts. (DC Code § 2-1535.03(b)(5)). Furthermore, to ensure equitability in applying sanctions, measures will be applied on a graduated basis determined by the nature of the offense, the disciplinary history of the youth involved, and the age and developmental status of the youth involved. Responses to incidents of bullying may include, but are not limited to:

- Reprimand
- Deprivation of Rocketship privileges
- Bans on participating in optional Rocketship activities
- Deprivation of Rocketship services
- Suspension or expulsion, in accordance with Rocketship's Suspension and Expulsion Policy

Sanctions will be applied within one day of the determination that an incident of bullying has occurred, unless an appeal of the incident by the bully has been received in that time as described

in the Appeals section of this policy. To ensure that single incidents of bullying do not become recurring problems, Rocketship will always refer victims and bullies involved in an incident to services in addition to imposing sanctions on bullies.

Rocketship does not endorse the use of punitive strategies associated with “zero-tolerance” policies when applying sanctions to an incident of bullying. Rocketship shall communicate to youth in contact with Rocketship, the consequences that youth can expect for participating in bullying behavior.

7. Bullying Appeals

Pursuant to DC Code § 2-1535.03(b)(8); § 2-1535.04, parties dissatisfied by the outcome of a bullying investigation may appeal the determination to Rocketship’s Vice President of Schools. This appeal should be submitted no later than 30 days after the initial determination. Upon receipt of an appeal, the Vice President of Schools must conduct a secondary investigation within 30 days of the receipt of an appeal. This 30 days may be extended up to an additional 15 days if the Vice President of Schools sets forth in writing the reasons why more time is needed to conduct an investigation. Additionally, upon the receipt of an appeal, the Vice President of Schools must inform the party making the submission of their ability to seek additional redress under the DC Human Rights Act.

8. Publication and Contact Information

In accordance with DC Code § 2-1535.03(f), this policy will be made available on Rocketship’s website. The policy, and age appropriate versions thereof, will be distributed to youth and parents of youth in contact with Rocketship annually, and Rocketship will emphasize that the policy applies to participation in functions sponsored by Rocketship.

The Principal of each Rocketship campus is responsible for coordinating Rocketship’s bullying prevention efforts. All questions, comments and concerns about the bullying policy and Rocketship prevention efforts should be able to be directed to the campus Principal.

Sexual Harassment under Title IX

Title IX (20 U.S.C. § 1681 *et seq.*; 34 C.F.R. § 106.1 *et seq.*) and D.C. law prohibit discrimination and harassment on the basis of sex. In accordance with these existing laws, discrimination and harassment on the basis of sex in education institutions, including in the education institution’s admissions and employment practices, is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination and harassment in education programs or activities conducted by Rocketship.

Rocketship does not discriminate on the basis of sex in the education program or activity that it operates, and is required by Title IX to not to discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment.

Rocketship is committed to providing a work and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action. Inquiries about the application of Title IX and 34 C.F.R. Section 106 to Rocketship may be referred to the Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

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

1. An employee of the school conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. 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 school's education program or activity; or
3. 'Sexual assault,' a forcible or nonforcible sex offense; 'dating violence,' violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim; 'domestic violence,' felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, someone who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or someone similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction providing grant monies; or 'stalking,' engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation or attempts to commit these assaults.
 - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
 - Sexually oriented gestures, notices, 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 sex.
- 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).

Effective denial of equal access to education may be indicated by an individual who has been sexually harassed skipping class to avoid a harasser, a decline in a student's grades, having difficulty concentrating in class, bed-wetting or crying at night due to sexual harassment, or withdrawing from some school activities to avoid harassment but continuing to attend school. An individual does not need to have already suffered loss of education before being able to report sexual harassment.

The illustrations of harassment, sexual harassment, and effective denial of equal access to education above are not to be construed as an all-inclusive list under this Policy.

Reporting Sexual Harassment

Reports of sexual harassment in violation of Title IX can be directed to the Title IX Coordinator (“Coordinator”):

Carolyn Davies Lynch
Chief Operating Officer
Title IX Coordinator
350 Twin Dolphin Drive, Suite 109
Redwood City, CA 94056
compliance@rsed.org

The Coordinator is the Rocketship staff member designated by Rocketship to coordinate its responsibilities under Title IX.

The Coordinator may assign an administrative designee to fulfill part or all Coordinator responsibilities under this Policy with respect to a specific report or complaint of sexual harassment. References to the Coordinator in this policy should be construed to also refer to the Coordinator’s administrative designees.

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of sexual harassment prohibited by this Policy, to intervene when safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged sexual harassment.

Any student who believes they have been subject to sexual harassment prohibited by this Policy or has witnessed such sexual harassment are encouraged to immediately report such sexual harassment to the Coordinator.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to Rocketship. Rocketship will respond to all oral and written reports of sexual harassment prohibited by this Policy in a manner that is not deliberately indifferent. Reports may be made anonymously.

Students are expected to report all incidents of sexual harassment prohibited by this Policy or other verbal, or physical abuses. Any student who feels they are a target of such sexual harassment or discrimination should immediately contact a teacher, counselor, a staff person or a family member so that the student can get assistance in resolving the issue in a manner that is consistent with this Policy.

Receiving and Responding to Reports of Sexual Harassment

When a complaint or report of sexual harassment is made under this policy, the Coordinator will: (1) confidentially contact the complainant to offer supportive measures, consider the complainant’s wishes with respect to supportive measures, and inform them of the availability of supportive measures with or without filing a formal complaint; (2) explain the process for how to file a formal complaint; (3) inform the complainant that any report made in good faith will not result in discipline; and (4) respect the complainant’s wishes with respect to whether to investigate unless the Coordinator determines it is necessary to pursue the complaint in light of a health or safety concern for the community.

Rocketship has a Title IX obligation to provide all students, not just the complainant, with an educational environment that does not discriminate based on sex. Depending on the circumstances, the Coordinator may file a formal complaint that obligates the school to initiate an

investigation regardless of the complainant's relationship with the school or interest in participating in the Title IX grievance process.

If a formal complaint is filed, Rocketship will follow the Title IX grievance process. The Title IX grievance process will be reserved only for those alleged actions that fall under the Title IX definition of sexual harassment and where a formal complaint has been filed.

Rocketship may consolidate 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 of sexual harassment arise out of the same facts or circumstances.

All conduct not covered under the Title IX definition of sexual harassment, including sexual misconduct, will be addressed by Rocketship under the student code of conduct.

Supportive Measures

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

Supportive measures available to complainants and respondents may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, 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.

Rocketship will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of Rocketship to provide the supportive measures.

If Rocketship does not provide a complainant with supportive measures, Rocketship will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Rocketship in the future from providing additional explanations or detailing additional measures taken.

Emergency Removal

Rocketship 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 Rocketship's policies. Rocketship may remove the respondent from its educational program or activity on an emergency basis, in accordance with Rocketship's policies, provided that Rocketship undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual 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. Rocketship must continue to meet its obligations under federal disability laws, and this provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.

The Title IX Grievance Process

In most cases, a thorough grievance process will take no more than seventy (70) days. If the Coordinator determines that an investigation will take longer than seventy (70) days and needs to be delayed or extended due to good cause, the Coordinator will inform the complainant and respondent of the reasons for the delay or extension and provide an estimated date the grievance process will be complete.

1. Notice of the Allegations

Upon receipt of a formal complaint of sexual harassment, the Coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:

- a. A description of the allegations of sexual harassment at issue and to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
- b. A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;
- c. A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence; and
- d. A statement that Rocketship prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

2. Informal Resolution

If a formal complaint of sexual harassment is filed, Rocketship may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility.

Informal resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the respondent; mediation; indirect action by the Title IX Coordinator; and other forms of resolution that can be tailored to the needs of the parties.

If Rocketship offers such a process, it will do the following:

- a. Provide the parties with advance written notice of:
 - i. The allegations;
 - ii. The requirements of the voluntary informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint of sexual harassment arising from the same allegations;
 - iii. The parties' right to withdraw from the voluntary informal resolution process and resume the grievance process at any time prior to agreeing to a resolution; and
 - iv. Rocketship's informal resolution procedures, which are as follows: that no one directly involved in the grievance process or appeal process, such as the decision-maker or investigator, will be involved in the voluntary resolution process; that nothing communicated or discussed in the voluntary resolution process will be shared with those directly involved in the grievance process or appeals without the consent of the party whose communication will be shared; that Rocketship may maintain its own confidential records noting a voluntary resolution process was commenced and whether resolution was reached or not; and that should the parties agree to a resolution, Rocketship will document the terms of the resolution for its records and the parties; and
- b. Obtain the parties' advance voluntary, written consent to the informal resolution process.

Rocketship will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

With the parties' consent, Rocketship has the freedom to allow the parties to choose an informal resolution mechanism that best suits their needs. If the parties agree to participate in the informal resolution process, the Coordinator will assign a facilitator to conduct the proceedings.

With the voluntary consent of the parties, informal resolution may be used to agree upon disciplinary sanctions. Disciplinary action will only be imposed against a respondent where there is a sufficient factual foundation and both the complainant and the respondent have agreed to forego the additional procedures set forth in this school's policy and accept an agreed upon sanction. Any person who facilitates an informal resolution will be trained and free from conflicts of interest or bias for or against either party.

At Rocketship's discretion, Rocketship may postpone commencing an investigation or suspend an ongoing investigation while the informal resolution process occurs.

3. Investigation

Upon receipt of a formal complaint of sexual harassment, the Coordinator will promptly initiate an investigation. In most cases, a thorough investigation will take no more than thirty-five (35) school days. If the Coordinator determines that an investigation will take longer than thirty-five (35) school days and needs to be delayed or extended due to good cause, the Coordinator will inform the complainant and respondent of the reasons for the delay or extension and provide an estimated date the investigation will be complete.

The investigation process is as follows:

- a. The Coordinator will assign an investigator to investigate the allegations.
- b. The investigator will attempt to collect all relevant information and evidence. The investigator may, among other things, interview the complainant, the respondent, and any witnesses; review law enforcement investigation documents if applicable; review relevant student or employment files (preserving confidentiality wherever necessary); and gather and examine other relevant documents, social media, and evidence. While the investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the investigator so that they may be considered during the investigation.
- c. If, in the course of an investigation, Rocketship or the investigator decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, Rocketship must provide notice of the additional allegations to the parties whose identities are known.
- d. The investigator will not, as a general rule, consider the sexual history of a complainant or respondent. However, in limited circumstances, sexual history may be directly relevant to the investigation.
- e. The investigator will not be the same person as the Coordinator or decision-maker. Rocketship shall ensure that the investigator does not have a conflict of interest or bias for or against complainants or respondents.
- f. A parent or legally authorized guardian is permitted to act on behalf of the complainant or respondent and exercise the rights granted to the complainant or respondent under this policy.
- g. 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 of their choice present during any investigative meeting or interview.

- h. The parties will not be prohibited from discussing the allegations under investigation or gathering and presenting relevant evidence.
- i. 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.
- j. Prior to completion of the investigative report, Rocketship 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) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
- k. The investigator will complete an investigative report that fairly summarizes relevant evidence.
- l. Rocketship will send a copy of the investigative report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility, for each party's review and written response.
- m. After Rocketship sends a copy of the investigative report to each party, each party must have the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and ask additional, limited follow-up questions from each party.
 - i. Rocketship may exclude submitted questions as not relevant, duplicative, or repetitive;
 - ii. Rocketship will exclude:
 - A. Questions that seek information about a party's medical, psychological, or similar records, unless the party has given written consent;
 - B. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - i. If any question is excluded, the decision-maker will explain the exclusion to the party who submitted the question.

4. Dismissal of a Formal Complaint of Sexual Harassment

If the investigation reveals that the alleged harassment did not occur in Rocketship's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable Rocketship policy.

Rocketship may dismiss a formal complaint of sexual harassment if:

- a. The complainant provides a written withdrawal of the complaint to the Coordinator;
- b. The respondent is no longer employed or enrolled at Rocketship; or
- c. The specific circumstances prevent Rocketship from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.

If a formal complaint of sexual harassment or any of the claims therein are dismissed, Rocketship will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.

5. Determination of Responsibility

The Coordinator will assign a decision-maker to review the investigation report and the evidence, and render findings on the allegations. The decision-maker will not be the Coordinator, investigator, or any individual who may have a conflict of interest. Rocketship shall ensure that all decision-makers do not have a conflict of interest or bias for or against complainants or respondents. The standard of evidence used to determine responsibility is the preponderance of

the evidence standard. Under the preponderance of the evidence standard, the decision-maker must determine whether the alleged facts are more likely than not to be true.

Rocketship will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes:

- The allegations in the formal complaint of sexual harassment;
- All 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 about the application of Rocketship's code of conduct to the facts;
- A statement, and rationale for, of the result as to each allegation, including determination regarding responsibility;
- Any disciplinary sanctions Rocketship imposes on the respondent, and whether remedies designed to restore or preserve equal access to the Rocketship's education program or activity will be provided to the complainant; and
- The procedures and permissible bases for appeals.

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

6. Title IX Sanctions and Remedies

Rocketship will take reasonable steps to address any violations of this policy and to restore or preserve equal access to the school's education programs or activities. If a respondent is found responsible for the prohibited behavior as alleged, sanctions are based on the severity and circumstances of the behavior. Disciplinary actions or consequences can range from a conference with the respondent and a school official through suspension or expulsion. When a respondent is found responsible for the prohibited behavior as alleged, remedies must be provided to the complainant. Remedies are designed to maintain the complainant's equal access to education and may include supportive measures or remedies that are punitive or would pose a burden to the respondent.

If Rocketship does not provide a complainant with supportive measures, Rocketship will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Rocketship in the future from providing additional explanations or detailing additional measures taken.

The Coordinator is responsible for effective implementation of any remedies ordered by Rocketship in response to a formal complaint of sexual harassment.

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 Rocketship or termination of employment.

7. Title IX Right of Appeal

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, including the grounds for the appeal.

The grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
- 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;
- The Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The following appeal rights and procedures will also apply to formal complaints of sexual harassment:

- The complainant and the respondent shall have the same appeal rights and Rocketship will implement appeal procedures equally for both parties.
- Rocketship will notify the other party in writing when an appeal is filed.
- The decision-maker for the appeal will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.
- The submission of an appeal stays any sanctions for the pendency of an appeal.

8. Recordkeeping

All records related to any investigation of a formal complaint of sexual harassment under this Policy are maintained in a secure location.

Rocketship 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.
- Records of any appeal of a formal sexual harassment complaint and the results of that appeal.
- Records of any informal resolution of a sexual harassment complaint and the results of that informal resolution.
- All materials used to train Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

**DISCRIMINATION, HARASSMENT, INTIMIDATION, BULLYING, AND SEXUAL HARASSMENT
COMPLAINT FORM**

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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

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

_____ Date: _____

Complainant Signature

Complainant Name