

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

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.

As used in this policy, discrimination, harassment, intimidation, bullying, and sexual harassment are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy and related conditions, and parental status), sexual orientation, gender, gender identity, gender expression, immigration status, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable state or federal law or local ordinance. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

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.

### **Definitions**

**Complainant** means an individual who has been reported to be the victim of conduct that could constitute sexual harassment.

### **Harassment**

- Verbal conduct such as epithets, derogatory jokes or comments or slurs.

- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work or school because of sex, race or any other protected basis.
- Retaliation for reporting or threatening to report harassment.
- Deferential or preferential treatment based on any of the protected characteristics listed above.

### **Sexual Harassment under Title IX**

Title IX (20 U.S.C. § 1681 *et seq.*; 34 C.F.R. § 106.1 *et seq.*) and California state 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.

### **Title IX Coordinator ("Coordinator")**

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

Renita Thukral  
 Title IX Compliance and Civil Rights Officer  
 Title IX Coordinator  
 350 Twin Dolphin Drive, Suite 109  
 Redwood City, CA 94056  
[rthukral@rsed.org](mailto:rthukral@rsed.org)

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.

### **Prohibited Bullying**

**Bullying** is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate

violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
3. Causing a reasonable student to experience a substantial interference with their academic performance.
4. Causing a reasonable student to experience a substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by Rocketship.

**Cyberbullying** is an electronic act that includes the transmission of harassing communication, 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.

**Electronic act** means the creation and transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
  - b. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:
  - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

<sup>1</sup>"Reasonable student" is defined as a student, including, but not limited to, an exceptional needs student, who exercises care, skill and judgment in conduct for a person of their age, or for a person of their age with their exceptional needs.

- b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

**Formal Complaint of Sexual Harassment** means a written document filed and signed by a complainant who is participating in or attempting to participate in Rocketship's education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that Rocketship investigate the allegation of sexual harassment.

**Retaliation** means 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 purposes of interfering with any right or privilege secured by Title IX.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### **Bullying and Cyberbullying Prevention Procedures**

Rocketship has adopted the following procedures for preventing acts of bullying, including cyberbullying.

#### **1. Cyberbullying Prevention Procedures**

Rocketship advises students:

- a. To never share passwords, personal data, or private photos online.
- b. To think about what they are doing carefully before posting and by emphasizing that comments cannot be retracted once they are posted.
- c. That personal information revealed on social media can be shared with anyone including parents, teachers, administrators, and potential employers. Students should never reveal information that would make them uncomfortable if the world had access to it.
- d. To consider how it would feel receiving such comments before making comments about others online.

Rocketship informs Rocketship employees, students, and parents/guardians of Rocketship's policies regarding the use of technology in and out of the classroom. Rocketship encourages parents/guardians to discuss these policies with their children to ensure their children understand and comply with such policies.

#### **2. Education**

Rocketship employees cannot always be present when bullying incidents occur, so educating students about bullying is a key prevention technique to limit bullying from happening. Rocketship advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at Rocketship and encourages students to practice compassion and respect each other.

Rocketship educates students to accept all student peers regardless of protected characteristics

(including but not limited to actual or perceived sexual orientation, gender identification, physical or cognitive disabilities, race, ethnicity, religion, and immigration status) and about the negative impact of bullying other students based on protected characteristics.

Rocketship's bullying prevention education also discusses the differences between appropriate and inappropriate behaviors and includes sample situations to help students learn and practice appropriate behavior and to develop techniques and strategies to respond in a non-aggressive way to bullying-type behaviors. Students will also develop confidence and learn how to advocate for themselves and others, and when to go to an adult for help.

Rocketship informs Rocketship employees, students, and parents/guardians of this Policy and encourages parents/guardians to discuss this Policy with their children to ensure their children understand and comply with this Policy.

### **3. Professional Development**

Rocketship annually makes available the online training module developed by the California Department of Education pursuant Education Code section 32283.5(a) to its certificated employees and all other Rocketship employees who have regular interaction with students.

Rocketship informs certificated employees about the common signs that a student is a target of bullying including:

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

Rocketship also informs certificated employees about the groups of students determined by Rocketship, and available research, to be at elevated risk for bullying. These groups include but are not limited to:

- Students who are lesbian, gay, bisexual, transgender, or questioning youth ("LGBTQ") and those youth perceived as LGBTQ; and
- Students with physical or learning disabilities.

Rocketship encourages its employees to demonstrate effective problem-solving, anger management, and self-confidence skills for Rocketship students.

### **4. Reporting Misconduct**

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct 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 acts of misconduct prohibited by this Policy.

Any student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator or Principal.

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 misconduct 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 misconduct prohibited by this Policy or other verbal, or physical abuses. Any student who feels they are a target of such discrimination, harassment, intimidation, bullying, or sexual harassment 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.

Rocketship acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to comply with the law, carry out the investigation and/or to resolve the issue, as determined by the Coordinator or Principal on a case-by-case basis.

Rocketship 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, or who articulates a good faith concern about bullying against themselves or against another individual. Such participation or lack of participation shall not in any way affect the status, grades, or work assignments of the individual. Individuals alleging retaliation in violation of this Policy may file a grievance using the procedures set forth in this Policy. Knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and may result in disciplinary action.

### **5. Investigating Reports of Bullying**

Rocketship will comply with its Uniform Complaint Procedures ("UCP") policy when investigating and responding to complaints alleging unlawful harassment, discrimination, intimidation or bullying against a protected group or on the basis of a person's association with a person or group with one or more of the protected characteristics set forth in the UCP that:

- a. Are written and signed;

- b. Filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and

- c. Submitted to Rocketship UCP Compliance Officer not later than six (6) months from the date the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The following grievance procedures shall be utilized for reports of bullying misconduct prohibited by this Policy that do not comply with the substantive requirements or the writing, timeline, or other formal filing requirements of a uniform complaint.

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of Rocketship, the Principal will promptly initiate an

investigation in accordance with the procedures set forth in Rocketship's General Complaint Policy, Policy #1-10. In most cases, a thorough investigation will take no more than fifteen (15) school days. If the Principal determines that an investigation will take longer than 15 school days and needs to be delayed or extended due to good cause, the Principal will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

At the conclusion of the investigation, the Principal will meet with the complainant and, to the extent possible with respect to confidentiality laws, to provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, the Principal will not reveal confidential information related to other students or employees.

Any appeals must be done in accordance with the procedures set forth in Rocketship's General Complaint Policy, #1-10.

## **6. 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 suspension or expulsion from Rocketship or termination of employment. The Principal is responsible for effective implementation of any remedies ordered by Rocketship in response to a formal complaint of bullying.

## **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 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 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. 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. 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):

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**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

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Complainant Name