

Title IX Notice of Nondiscrimination and Grievance Process

I. Notice of Nondiscrimination

Success Academy Charter Schools does not discriminate on the basis of sex in the education programs or activities it operates, and is required by Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106 not to discriminate in such a manner. This requirement extends to admission and employment.

Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to a Success Academy's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or to both.

Title IX Coordinators

Scholar Respondents: Leader, Scholar Support

Employee or Other Adult Respondents: Head, People

Office address: 95 Pine Street, Floor 6, New York, NY 10005

Email: TitleIX@successacademies.org

Telephone: (646) 597-4641

Any person may report sex discrimination, including sexual harassment, to a Title IX Coordinator at any time, in person, by mail, by telephone, or by email, using the contact information above.

II. Definitions

Terms used in these procedures have the meanings given in 34 C.F.R. § 106.30. "Sexual harassment" involves an employee conditioning an aid, benefit, or service on unwelcome sexual conduct; unwelcome conduct so severe, pervasive, and objectively offensive that it effectively denies equal access to Success Academy's education program or activity; and sexual assault, dating violence, domestic violence, or stalking.

III. Response to Reports

When Success Academy has actual knowledge of sexual harassment in its education program or activity, it will respond as required by 34 C.F.R. § 106.44(a): the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, which are available with or without a formal complaint, and explain how to file a formal complaint; and Success Academy will not impose disciplinary sanctions or other non-supportive measures on a respondent acting in good faith except through the process in Section V.

IV. Complaints of Sex Discrimination Other Than Sexual Harassment

A complaint alleging sex discrimination other than sexual harassment may be submitted to the Title IX Coordinator, who will promptly investigate and resolve it and notify the complainant of the outcome in writing.

V. Grievance Procedures for Formal Complaints of Sexual Harassment

A formal complaint may be filed with a Title IX Coordinator in person, by mail, or by email using the contact information in Section I. Success Academy will investigate and resolve every formal complaint through the following process, which complies with 34 C.F.R. § 106.45. **Investigator:** the Title IX Coordinator for the matter; **Decision-Maker (Scholars):** Executive, School Management; **Decision-Maker (Adults):** Executive, People & Organization; **Appeal Decision-Maker:** Chief Schooling Officer & Provost. These individuals and the Title IX Coordinator will be free from conflicts of interest or bias and trained as required by § 106.45(b)(1)(iii); the decision-maker will not be the Title IX Coordinator or the investigator, and the appeal decision-maker will not be any of them.

- The parties will be treated equitably. The respondent is presumed not responsible until a determination is made at the conclusion of the process; the burden of proof and of gathering evidence rests on Success Academy; all relevant evidence will be evaluated objectively; and the standard of evidence for all formal complaints, whether the respondent is a student or an employee, is the preponderance of the evidence. Success Academy will not use privileged information unless the privilege is waived, or a party's treatment records without the party's voluntary, written consent.
- Upon receipt of a formal complaint, the Title IX Coordinator will send the known parties written notice of these procedures and of the allegations as required by § 106.45(b)(2), and will dismiss the complaint where § 106.45(b)(3)(i) requires and may dismiss where § 106.45(b)(3)(ii) permits, with simultaneous written notice of any dismissal and the reasons.
- The investigation will be conducted as required by § 106.45(b)(5), including the parties' equal opportunity to present evidence and witnesses and to have an advisor of their choice, and at least 10 days to respond to the evidence and, separately, to the investigative report. No live hearing will be held; before a determination, the decision-maker will conduct the written-question process in § 106.45(b)(6)(ii).
- The decision-maker will issue a written determination containing the information required by § 106.45(b)(7)(ii), provided to the parties simultaneously. The Title IX Coordinator is responsible for implementing remedies.
- Either party may appeal a determination or dismissal by written notice to the Title IX Coordinator within 5 calendar days of receiving it, identifying one or more of the bases in § 106.45(b)(8)(i) that affected the outcome: a procedural irregularity, new evidence not reasonably available at the time, or a conflict of interest or bias. An appeal that does not identify one of these bases will be dismissed. Upon receipt of an appeal, the other party will be notified and both parties given 5 calendar days to submit a written statement, after which the appeal decision-maker will issue a written decision and rationale to both parties simultaneously.
- Success Academy will ordinarily issue the written determination within 60 school days of receiving a formal complaint and the appeal decision within 20 school days of receiving an appeal. Days on which school is not in session are not counted. Success Academy may temporarily delay the process or extend any time frame in these procedures for a limited period for good cause, including the absence or unavailability of a party, advisor, or witness; concurrent law enforcement activity; school recesses; the need for language

assistance or disability accommodation; or the complexity of the matter, with written notice to the complainant and respondent of the delay or extension and the reasons for it.

- Supportive measures available to either party include counseling, schedule or class changes, mutual no-contact directives, increased monitoring, and similar measures. A student found responsible may receive any sanction under the Code of Conduct, up to and including expulsion; an employee, any disciplinary action up to and including termination. Remedies for a complainant may include supportive measures and any other measure designed to restore or preserve equal access to the education program or activity.

VI. Retaliation

Retaliation is prohibited by 34 C.F.R. § 106.71. Complaints alleging retaliation may be filed with the Title IX Coordinator and will be handled under these procedures.