

KIPP NYC PUBLIC CHARTER SCHOOLS

Title IX Policy

I. Overview

This policy is the KIPP NYC Public Charter Schools (“KIPP NYC”) Title IX Policy (the “Policy”). The Policy outlines, among other things, KIPP NYC’s nondiscrimination policy, grievance process, and training requirements related to Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) and its implementing regulations (34 C.F.R. 106) (“Title IX”).

II. Nondiscrimination Policy:

Title IX prohibits sex discrimination. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

KIPP NYC does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.

III. Title IX Coordinators

KIPP NYC designates the following individuals as its Title IX Coordinators:

Meeta Gandhi
KIPP NYC Chief Equity Officer
1501 Broadway
10th Floor, Suite 1000
New York, NY 10036
Mgandhi@kippnyc.org
Tel: 347-978-1202

Lakeshia Highsmith
KIPP NYC Chief People Officer
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Tel: 917-246-2068

Meeta Gandhi will lead reviews of matters pertaining to possible Title IX violations that only involve students. Lakeshia Highsmith will lead reviews of matters pertaining to possible Title IX violations that involve (i) students and staff or (ii) only staff. Meeta Gandhi will have ultimate oversight of the Title IX program.

Adopted as of June 2025

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

IV. KIPP NYC’s Response to Sexual Harassment

KIPP NYC will respond promptly in a manner that is not deliberately indifferent whenever any employee has actual knowledge of sexual harassment in its education program or activity against a person in the United States. “Education program or activity” includes locations, events, or circumstances over which KIPP NYC exercised substantial control over both the Respondent and the context in which the sexual harassment occurs.

KIPP NYC’s response to any report will treat Complainants and Respondents equitably.

The Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

V. Grievance Process for Formal Complaints

KIPP NYC has adopted the below grievance process that provides for the prompt and equitable resolution of Formal Complaints.

A. Complaints

1. Who May File

A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that KIPP NYC investigate the allegation of sexual harassment.

A Complainant is individual who is alleged to be the victim of conduct that could constitute sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. The phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

A Formal Complaint may also be filed by a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant.

2. Title IX Coordinator

The Title IX Coordinator may also complete and sign a Formal Complaint after learning of conduct that reasonably may constitute sexual harassment.

A Complainant may request that the Title IX Coordinator not proceed with a Formal Complaint. A Complainant's wishes will be respected unless the Title IX Coordinator determines that signing a Formal Complaint over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances.

The Title IX Coordinator will inform the Complainant that due to various federal and state laws and/or in order to protect the safety of the KIPP NYC community some circumstances require moving forward with a Formal Complaint, even if the Complainant requests otherwise.

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- The Complainant's request not to proceed with initiation of a Formal Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Formal Complaint;
- The risk that additional acts of sexual harassment would occur if a Formal Complaint is not initiated;
- The severity of the alleged sexual harassment, including whether the harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the harassment and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of KIPP NYC;
- The scope of the alleged sexual harassment, including information suggesting a pattern, ongoing sexual harassment, or sexual harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decision maker in determining whether sexual harassment occurred; and
- Whether KIPP NYC could end the alleged sexual harassment and prevent its recurrence without initiating a Formal Complaint.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents KIPP NYC from ensuring

equal access on the basis of sex to its education program or activity, the Title IX Coordinator may sign a Formal Complaint. If the Title IX Coordinator signs a Formal Complaint, they must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures. Regardless of whether a Formal Complaint is initiated, the Title IX Coordinator will take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that sexual harassment does not continue or recur within KIPP NYC's education program or activity.

The Title IX Coordinator is not required to comply with the above upon being notified of conduct that may constitute sexual harassment if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sexual harassment under Title IX or this part.

Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

3. Consolidation

KIPP NYC may consolidate Formal Complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent is involved, references within this Policy to a party, Complainant, or Respondent include the plural, as applicable.

KIPP NYC will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when KIPP NYC obtains prior written consent from the parents or eligible students to the disclosure of their education records. An "eligible student" is "a student who has reached 18 years of age or is attending an institution of postsecondary education."

B. Requirements of Title IX Grievance Process

KIPP NYC and the Title IX Coordinator will treat Complainants and Respondents equitably.

KIPP NYC will provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent and will follow this grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent. Remedies will be designed to restore or preserve equal access to KIPP NYC's education program or activity and may include the same individualized services identified as "supportive measures," but they need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

KIPP NYC requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Any individual designated as a Title IX Coordinator, investigator, decision-maker, Appeal Officer, or any person designated to facilitate an informal resolution process, will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

KIPP NYC presumes that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

KIPP NYC has established the following reasonably prompt timeframes for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes, and

- Within seven (7) business days of receipt of the initial complaint, KIPP NYC will complete a preliminary evaluation to decide whether to dismiss or investigate a complaint;
- If, following the preliminary evaluation, it is determined an investigation is warranted, KIPP NYC will promptly conduct an investigation. Depending on the facts and circumstances, the complaint may require extensive review and the time frame for completion will vary depending on the complexity of the investigation. KIPP NYC will strive to complete the investigation and determination within 120 calendar days from the date of the complaint.
- If the parties choose to engage in the informal resolution process, such process must be completed within ninety (90) days.
- Any appeals of final determinations or Dismissals of complaints must be filed within five (5) calendar days of the notification of the determination or Dismissal. Any appeal must specify the grounds for the appeal and provide any reasons or supporting evidence for why the ground is met. Any appeal will be decided within thirty (30) days.

The Title IX Coordinator will determine, on a case-by-case basis, whether a party has established good cause to be granted a reasonable extension of time to participate in any of the above described phases of the grievance process. The Title IX Coordinator will simultaneously provide written notification to the parties of the length of the extension granted and the reason for the extension. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

KIPP NYC will use the preponderance of the evidence standard to determine responsibility.

KIPP NYC will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

C. Notice of Allegations

Upon receipt of a Formal Complaint, KIPP NYC will provide written notice to known parties of the following:

- KIPP NYC’s Title IX grievance process and any informal resolution process;
- The allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
 - Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- The Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- The parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- The parties may inspect and review evidence; and
- Any provision in KIPP NYC’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, KIPP NYC decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided, KIPP NYC will notify the parties of the additional allegations.

D. Dismissal of a Complaint

KIPP NYC will investigate the allegations in a Formal Complaint.

KIPP NYC will dismiss a Formal Complaint of sexual harassment (“Dismissal”) if the conduct alleged in the Formal Complaint:

- Would not constitute sexual harassment even if proved;
- Did not occur in the recipient’s education program or activity; or
- Did not occur against a person in the United States.

KIPP NYC may dismiss a Formal Complaint of sexual harassment (“Dismissal”) if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the recipient; or

- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon a Dismissal, KIPP NYC will promptly send written notice of the Dismissal and the reason(s) therefore to the parties simultaneously.

KIPP NYC will provide the parties with an opportunity to appeal the Dismissal of a Formal Complaint. *See* Section V(I) (**Appeal of Determinations**).

When a Formal Complaint is dismissed, KIPP NYC will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sexual harassment does not continue or recur within KIPP NYC’s education program or activity.

E. Investigation

KIPP NYC will provide for adequate, reliable, and impartial investigation of Formal Complaints.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on KIPP NYC—not on the parties.

KIPP NYC will not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless KIPP NYC obtains that party’s voluntary, written consent to do so for a grievance process. If a party is not an “eligible student,” meaning “a student who has reached 18 years of age or is attending an institution of postsecondary education,” then KIPP NYC must obtain the voluntary, written consent of a “parent,” meaning “a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.”

KIPP NYC will provide an equal opportunity for the parties to present fact and expert witnesses, and other inculpatory and exculpatory evidence.

KIPP NYC will not restrict the ability of either parties to discuss the allegations under investigation or to gather and present relevant evidence.

KIPP NYC will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

KIPP NYC will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

KIPP NYC will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which KIPP NYC does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report, KIPP NYC will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

KIPP NYC will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to making a determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

F. Questioning the Parties and Witnesses

After KIPP NYC has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker will afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, 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. The decision-maker will explain to the party proposing the questions any decision to exclude a question as not relevant.

G. Determination Whether Sexual Harassment Occurred

Following an investigation, the decision-maker, who is not the same person as the investigator, will issue a written determination regarding responsibility. To reach this determination, the decision-maker will apply the preponderance of the evidence standard.

The written determination will include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of KIPP NYC’s code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that KIPP NYC will impose on the Respondent, and whether remedies designed to restore or preserve equal access to KIPP NYC’s education program or activity will be provided by the recipient to the Complainant; and
- KIPP NYC’s appeal procedures and permissible bases for the Complainant and Respondent to appeal.

KIPP NYC will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that KIPP NYC 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.

The Title IX Coordinator is responsible for effective implementation of any remedies.

H. Disciplinary Sanctions and Remedies

Following a written determination regarding responsibility finding that sexual harassment occurred, KIPP NYC may impose disciplinary sanctions on the Respondent and/or offer remedies to the Complainant.

In determining the appropriate sanctions, KIPP NYC will consider, among other things:

- The nature of the conduct at issue, including whether it involved violence;
- The impact of the conduct on the Complainant;
- The impact or implications of the conduct on the KIPP NYC community;
- Any previous conduct violations by the Respondent;
- Whether the Respondent has accepted responsibility for this conduct;
- Dishonesty during the investigation;
- Maintenance of a safe and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

Potential sanctions imposed on a Respondent may include, but are not limited to, the following:

- Reprimand,

- Required counseling,
- Restriction on school activities or extracurricular activities,
- Prohibition on holding a role in student organizations,
- Suspension, or
- Expulsion.

Potential remedies provided to a Complainant may include, but are not limited to, the following:

- Proactive and restorative circles (both peer- and staff-led),
- The writing of a statement of apology by the Respondent,
- A directive that the Respondent not contact the Complainant,
- Limiting or denying the Respondent’s access to all or parts of campus, participation in programs or activities, or the opportunity to hold leadership positions, or
- Academic accommodations for the Complainant.

I. Appeal of Determinations

The parties may appeal the determination or Dismissal within five (5) calendar days of the Title IX Coordinator’s notification.

Appeals may be made on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that could change the outcome of the matter and that was not reasonably available when the decision was made;
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome; and/or
- The sanction is substantially disproportionate to the violation.

If there is an appeal, KIPP NYC will:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

- Ensure that the Appeal Officer is not the same person as the decision-maker that reached the determination regarding responsibility or Dismissal, the investigator, or the Title IX Coordinator;
- Ensure that the Appeal Officer does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and is trained in accordance with Section X;
- Provide the parties a reasonable and equal opportunity to make 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 to both parties simultaneously.

The Title IX Coordinator will provide the parties with the name of the individual serving as the Appeal Officer and allow the parties to challenge their participation on the basis of conflict of interest or bias. Each party will be notified if the other party files an appeal and will be provided the opportunity to submit a responsive appeal statement within five (5) business days of being notified. Appeal statements should be no more than five (5) pages.

The parties will not appear before the Appeal Officer, whose decision on appeal will be based upon a review of the record of the proceedings. In making their decision, the Appeal Officer may consult with the KIPP NYC Trustees. The Appeal Officer will reach a final decision and communicate that decision to the parties within twenty (20) business days of the date the responsive statement is due, regardless of whether any responsive statement is submitted, unless the Appeal Officer determines that the circumstances of the appeal warrant an extension.

J. Supportive Measures

KIPP NYC will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to KIPP NYC's education program or activity or provide support during KIPP NYC's Title IX grievance procedures or during the informal resolution process. These supportive measures may include counseling, extensions of deadlines, modifications of class schedules, restrictions on contact applied to one or more parties, leaves of absence or other similar measures.

K. Informal Resolution

In lieu of resolving a Formal Complaint through KIPP NYC's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. KIPP NYC does not offer informal resolution to resolve a Formal Complaint that includes allegations that an employee engaged in sexual harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

KIPP NYC will not require or pressure the parties to participate in an informal resolution process, and it will obtain the parties' voluntary, written consent prior to engaging in any

informal resolution process. KIPP NYC will not require participation in an informal resolution process as a condition of enrollment or continuing enrollment, or employment or continuing employment, or the enjoyment of any other right.

Before beginning the informal resolution process, KIPP NYC will provide the parties notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- Prior to agreeing to an informal resolution, any party has the right to withdraw from the informal resolution process and to resume the grievance procedures;
- The parties' agreement to an informal resolution would preclude the parties from initiating or resuming grievance procedures arising from the same allegations; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The facilitator for the informal resolution process will not be the same person as the investigator or decision-maker in the grievance process, will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and will receive training as provided in Section X.

Potential terms that may be included in an informal resolution agreement include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of KIPP NYC's programs or activities or attendance at specific events, including restrictions that could have been imposed as remedies or disciplinary sanctions had KIPP NYC determined at the conclusion of the grievance procedures that sexual harassment had occurred.

VI. Jurisdiction

This Policy applies to all sexual harassment occurring in a KIPP NYC program or activity and against a person in the United States at the time the conduct occurred. A KIPP NYC program or activity includes locations, events, or circumstances over which the KIPP NYC exercised substantial control over both the Respondent and the context in which the sexual harassment occurs.

VII. Emergency Removal/Administrative Leave

KIPP NYC may remove a Respondent from its education program or activity on an emergency basis after undertaking an individualized safety and risk analysis and determining that there is an immediate threat to the physical health or safety of any student or other individual arising from

the allegations of sexual harassment justifies removal. KIPP NYC will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

KIPP NYC may place an employee Respondent on administrative leave from employment responsibilities during the pendency of the grievance procedures.

VIII. Students with Disabilities

If a Complainant or Respondent is an elementary or secondary student with a disability, the Title IX Coordinator WILL consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, 34 CFR 300.321, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 CFR 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, throughout KIPP NYC's implementation of its grievance process.

IX. Recordkeeping

KIPP NYC maintains for a period of at least seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to KIPP NYC's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, decision-makers, Appeal Officers, and any person who facilitates an informal resolution process. KIPP NYC makes these training materials publicly available on its website.

For each response to a report of sexual harassment, including those under Section IV for which there is no Formal Complaint, KIPP NYC will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, KIPP NYC will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to KIPP NYC's education program or activity. If KIPP NYC does not provide a Complainant with supportive measures, then KIPP NYC 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 KIPP NYC in the future from providing additional explanations or detailing additional measures taken.

X. Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the following:

- The definition of sexual harassment;
- The scope of KIPP NYC’s “education program or activity”;
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers and Appeal Officers receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, as set forth above.

Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

The materials used to train Title IX Coordinators, investigators, decision-makers, Appeal Officers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes and promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

XI. Notification Requirements

All KIPP NYC employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sexual harassment under Title IX.

XII. Confidentiality

KIPP NYC will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except in the following circumstances:

- As may be permitted by the FERPA statute (20 U.S.C. 1232g) or FERPA regulations (34 CFR part 99),
- As required by law; or
- To carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

XIII. Retaliation

KIPP NYC and any person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or

because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, or proceeding under this Policy.

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 purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Complaints alleging retaliation may be filed according to the process identified in Section III.

Appendix: Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to KIPP NYC's Title IX Coordinator or any KIPP NYC official who has authority to institute corrective measures on KIPP NYC's behalf, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only KIPP NYC official with actual knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Disciplinary sanctions means consequences imposed on a Respondent following a determination under Title IX that the Respondent violated KIPP NYC's prohibition on sexual harassment.

Dismissal means the dismissal of a complaint prior to investigation.

Formal complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in Section III for the Title IX Coordinator, and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party, and must comply with the requirements of this Policy and Title IX.

KIPP NYC refers to KIPP NYC Public Charter Schools.

Party means a Complainant or Respondent.

Remedies means measures provided, as appropriate, to a Complainant or any other person KIPP NYC identifies as having had their equal access to KIPP NYC's education program or activity limited or denied by sexual harassment. These measures are provided to restore or preserve that person's access to KIPP NYC's education program or activity after a recipient determines that sexual harassment occurred.

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

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

- (1) An employee of the recipient 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 recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Supportive measures means 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 or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include 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 or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must 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 the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX means Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) and its implementing regulations (34 C.F.R. 106).