

TITLE IX POLICY AND GRIEVANCE PROCEDURES

(Effective for all complaints alleging misconduct occurring between August 14, 2020, and July 31, 2024)

Sexual Harassment under Title IX

Rocketship does not discriminate on the basis of sex in the education program or activity that it operates. Title IX (20 U.S.C. § 1681 *et seq.*; 34 C.F.R. § 106.1 *et seq.*) prohibits sex-based discrimination and harassment. In accordance with this law, discrimination and harassment on the basis of sex in education institutions, including in the education institution's admissions and employment practices, whether quid pro quo or hostile environment, 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 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 Title IX Compliance and Civil Rights Officer, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Definitions and Examples of Sexual Harassment:

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

1. Quid pro quo harassment, where an employee of the school conditions the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Hostile environment harassment, which is 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" 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).

Examples of sexual harassment may include but are 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 Compliance and Civil Rights Officer (who assumes the role of Rocketship's "Title IX Coordinator"):

Renita Thukral
 Title IX Compliance and Civil Rights Officer
 2001 Gateway Place, Ste. 230E
 San Jose, CA 95110
rthukral@rsed.org

The Title IX Compliance and Civil Rights Officer is the Rocketship staff member designated by Rocketship to coordinate its responsibilities under Title IX.

The Title IX Compliance and Civil Rights Officer may assign an administrative designee to fulfill part or all of the responsibilities under this Policy with respect to a specific report or complaint of sexual harassment. References to the Title IX Compliance and Civil Rights Officer in this policy should be construed to also refer to the Title IX Compliance and Civil Rights Officer'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 is encouraged to immediately report such sexual harassment to the Title IX Compliance and Civil Rights Officer. Students are expected to report all incidents of sexual harassment prohibited by this Policy and/or all other verbal or physical abuses. Any student who feels s/he is a target of sexual harassment or discrimination should immediately contact the Title IX Compliance and Civil Rights Officer, a teacher, a counselor, a staff person or a family member, so the student can get assistance in resolving the issue in a manner that is consistent with this Policy.

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.

Receiving and Responding to Reports of Sexual Harassment

When a complaint or report of sexual harassment is made under this policy, the Title IX Compliance and Civil Rights Officer 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 Title IX Compliance and Civil Rights Officer 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 Title IX Compliance and Civil Rights Officer 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 ninety (90) days. If the Title IX Compliance and Civil Rights Officer determines an investigation will take longer than ninety (90) days and needs to be delayed or extended due to good cause, the Title IX Compliance and Civil Rights Officer 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 Title IX Compliance and Civil Rights Officer 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 (but is not required to be) an attorney, and the parties may inspect and review evidence during the investigation process; 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 Compliance and Civil Rights Officer; 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.

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 Title IX Compliance and Civil Rights Officer 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 Title IX Compliance and Civil Rights Officer will promptly initiate a thorough and impartial investigation.

The investigation process is as follows:

- a. The Title IX Compliance and Civil Rights Officer will assign an investigator to investigate the allegations. The investigator will not be the same person as the Title IX Compliance and Civil Rights Officer, the decision-maker or the person hearing the appeal. Rocketship shall ensure the investigator (1) has no prior knowledge of the incident under investigation and (2) does not have a conflict of interest or bias for or against the complainant or respondent.
- 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. 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.
- f. 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 (who may be, but does not need to be, an attorney) of their choice present during any investigative meeting or interview.

g. The parties will not be prohibited from discussing the allegations under investigation or gathering and presenting relevant evidence.

h. 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.

i. Prior to completion of the final investigative report, Rocketship will send to each party and the party's advisor, if any, a copy of the draft investigative report and 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 final investigation report.

j. The investigator will complete a final investigative report that fairly summarizes relevant evidence.

k. Rocketship will send a copy of the final 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. Each party will have the opportunity to submit written, relevant questions that a party wants asked of any party or witness. Within a reasonable amount of time, Rocketship will provide each party with written answers to these written questions, and Rocketship will provide each party the opportunity to ask additional, limited follow-up questions.

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.

iii. 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 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 Title IX Compliance and Civil Rights Officer;
- 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 and their advisors (if any).

5. Determination of Responsibility

The Title IX Compliance and Civil Rights Officer will assign a decision-maker to review the final investigation report and the evidence and to render findings on the allegations. The decision-maker will not be the Title IX Compliance and Civil Rights Officer, investigator, or any individual who may have prior knowledge of the incident under investigation or who may have a conflict of interest. Rocketship will ensure all decision-makers do not have a 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, Rocketship’s policies and all pertinent federal and state laws to the facts;
- a statement of, and rationale for, 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 Right of Appeal

The Title IX Compliance and Civil Rights Officer will assign a person to handle the appeal. The person handling the appeal will not be the Title IX Compliance and Civil Rights Officer, investigator, decision-maker or any individual who may have prior knowledge of the incident under investigation or who may have a conflict of interest. Rocketship will ensure all persons handling appeals do not have a bias for or against complainants or respondents.

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. The written appeal should be submitted to the person who will handle the appeal, and the written appeal should include the grounds for the appeal.

Permissible grounds for appeal are:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;
- the Title IX Compliance and Civil Rights Officer, 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 person handling 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.

7. 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 Title IX Compliance and Civil Rights Officer 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.

8. Training

Rocketship will ensure the Title IX Compliance and Civil Rights Officer, investigators, decision-makers, any person who handles appeals, and any person who facilitates an informal resolution process receive training on the definition of sexual harassment, how to conduct an investigation and grievance process (including appeals and informal resolution processes), and how to serve impartially (including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias).

Rocketship will ensure investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Rocketship will ensure decision-makers receive training on evaluating evidence under the preponderance of the evidence standard and on issues of relevance. Any materials used to train Title IX Coordinators, investigators, decision-makers, any person who handles appeals, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

9. 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 the Title IX Compliance and Civil Rights Officer, investigators, decision-makers, any person who handles appeals and any person who facilitates an informal resolution process; and,
- records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.