

TITLE IX POLICY

POLICY STATEMENT

University Prep Schools is committed to fostering an environment that is free from all forms of harassment and discrimination. In accordance with Title IX of the Education Amendments of 1972 (Title IX), students, employees, and candidates for admission to any educational program and/or employment are protected against sex discrimination including sexual harassment. Title IX prohibits sex discrimination in education programs and activities in federally funded schools at all levels.

APPLICATION

Title IX protects University Prep Schools students, employees, and applicants for admission and employment from all forms of sex discrimination, including sexual harassment, sexual violence, and discrimination or harassment based on sexual orientation or pregnancy.

This Policy shall be applied to allegations made by and/or against any University Prep Schools employee, volunteer, vendor, contractor or visitor. Allegations of sex discrimination perpetrated by students are subject to the Title IX Policy of the Code of Conduct and all applicable Code of Conduct policies.

This procedure applies to sexual misconduct or retaliation committed by an employee, volunteer, vendor, contractor or visitor if that sexual misconduct or retaliation occurs:

1. On campus, or
2. Off campus, if: a) in connection with a school program or activity; b) in a manner that poses an obvious and serious threat of harm to any member of the School Community; or c) that may have the effect of creating a hostile educational environment for any member of the School community.

PROHIBITED CONDUCT

Sex discrimination can take many forms and can be perpetrated by students, staff members or employees, volunteer, vendors, contractors, or visitors to the school such as a parent or guardian.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment includes unwelcome conduct when:

- i. Submission to such conduct or communication is made either an explicit or implicit condition of utilizing or benefiting from the services, activities, or programs of University Prep Schools;

- ii. Submission to, or rejection of, the conduct or communication is used as the basis for a decision to exclude, expel or limit the harassed student in the terms, conditions or privileges of University Prep Schools, or
- iii. The harassment substantially interferes with the student's education, creates an intimidating, hostile, or offensive environment, or otherwise adversely affects the student's educational opportunities.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature or based on a person's sex or sexual orientation. This also includes a request for sexual favors or other verbal or physical conduct of a sexual nature where such conduct has the purpose or effect of interfering with a student's educational performance by creating an intimidating, hostile or offensive educational environment.

Conduct is considered unwelcome if the person did not request or invite it and considered the conduct to be undesirable or offensive. A person's submission to the conduct or failure to complain does not mean that the conduct was welcome, invited, or consensual.

Sexual Violence

Sexual violence refers to physical sexual activity perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence includes, but is not limited to, conduct that is criminal in nature, such as rape, sexual assault, dating violence, and sexually motivated stalking.

Gender-Based Harassment

Gender-based harassment is unwelcome conduct based on a person's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical threats, attacks, or other hateful conduct based on a person's sex or failure to conform to sex stereotypes.

POLICY VIOLATIONS

An Employee, volunteer, vendor, contractor or visitor who violates the Title IX Policy is subject to discipline up to and including termination from employment. They may also be subject to criminal and/or civil prosecution in accordance with the law. Third parties who violate the Title IX Policy may also be subject to removal/ a ban from University Prep Schools' premises, activities, and/or functions and may also be subject to criminal and/or civil prosecution in accordance with the law.

RETALIATION

Individuals can make complaints under the Title IX Policy without fear of retaliation or reprisal. University Prep Schools will not tolerate retaliation or reprisal against any person who makes a complaint under this Policy or participates in an investigation into a complaint made under this Policy. Filing an intentionally false complaint may result in disciplinary action up to and including termination from employment.

COMPLAINT PROCEDURE

Individuals may make complaints under the Title IX Policy with his or her supervisor, School Director, or the Title IX Coordinator. The following staff member is designated as the Title IX Coordinator with respect to any Title IX complaint of unlawful sex discrimination including sexual harassment, sexual violence, or gender-based harassment:

Curtis L. Lewis, Ph.D., Chief of Teaching and Learning
Detroit 90/90 - University Prep Schools
485 W. Milwaukee Suite 300C
Detroit, MI 48202
Office: (313) 887-1613
curtis.lewis@uprepschools.com

Employees may contact the Title IX Coordinator to:

- File a complaint or make a report of sex discrimination;
- Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential sex discrimination;
- Notify University Prep Schools of an incident or policy or procedure that may raise potential Title IX concerns;
- Get information about available resources including confidential resources and support services relating to sex discrimination, and
- Ask questions about University Prep Schools' policies and procedures related to sex discrimination including its Title IX Policy.

In the absence of the Title IX Coordinator, or if the complaint involves the Title IX Coordinator, the individuals may contact:

Sarah Laird, CPA, Executive Director of Finance
Detroit 90/90 – University Prep Schools
485 W. Milwaukee Suite 300C
Detroit, MI 48202
Phone: (313) 887-1613
sarah.laird@uprepschools.com

RECEIPT OF COMPLAINT

Complaints may be received orally or in writing. The complaining party will be asked to provide a written statement of the complaint. If the complaining party is unable or unwilling to provide a written statement, the Title IX Coordinator or designee shall prepare a written summary of the oral statement and the complaining party will be asked to confirm its accuracy and sign the written statement. If the complaining party refuses to provide a written statement or refuses to participate in the investigation after making a complaint, University Prep Schools reserves the right to continue its investigation into the complaint and issue a determination based on the investigation.

Although University Prep Schools does not limit the timeframe for reporting a complaint under the Title IX Policy, to promote a timely and efficient investigation, University Prep Schools strongly encourages individuals to report a concern or possible violation of this Policy as soon as possible.

REPORTING

Employees are required to **immediately but no later than two (2) days** notify their supervisor or the designated Title IX Coordinator, if he or she suspects or knows that any student or person is the victim of sex discrimination, including sexual harassment and/or sexual violence. Employees are required to **immediately but no later than two (2) days** notify their supervisor or the designated Title IX Coordinator, if he or she suspects or sexual contact or activity between an employee and a student. Employees will be required to provide a written statement detailing their report.

INFORMAL RESOLUTION PROCESS

The complaining party and the respondent may voluntarily agree to participate in an informal resolution process that does not involve a full investigation and determination. Prior to the informal resolution process commencing, both parties will receive written notice of the charges and allegations and will be advised of their option to engage in a formal resolution process. If University Prep Schools determines that the complaint is appropriate for an informal resolution process, and both parties agree to an informal resolution process, University Prep Schools may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution. University Prep Schools reserves the right to prohibit the informal resolution process for complaints involving an employee and a student.

FORMAL RESOLUTION PROCESS

INVESTIGATIONS

If the parties choose not to engage in the informal resolution process, or choose to stop the informal resolution process at any time, University Prep Schools will conduct a prompt and full

investigation into any complaints made under the Title IX Policy. An investigation will afford both the complaining party and the respondent a full and fair opportunity to be heard, submit documentation and evidence supporting or rebutting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of the Title IX Policy and will be informed that they are protected from retaliation.

Investigations may be conducted by the Title IX Coordinator or another University Prep Schools employee. University Prep Schools reserves the right to obtain or consult with a third-party investigator or resource at any time during the complaint, investigation, or determination process.

The investigator will conduct an adequate, reliable, impartial and prompt investigation. In most cases, the investigator will meet separately with the complainant, respondent, and reporter (if applicable), and interview any witnesses identified by them. An audio and/or video recording may be made of an interview if appropriate under the circumstances. The investigator will also review other relevant information gathered during the investigation, including any police investigatory documents and student or personnel records that may be available. A different or less formal response to the report may be warranted depending upon the nature of the report and the circumstances involved.

At any time during the course of an investigation, the complainant, respondent, or a witness may provide a written or verbal statement or other supporting materials, or identify other potential witnesses.

Prior to and during the investigation, the Title IX Coordinator or designee will meet with the complaining party and discuss remedial measures to impose during the investigation. These measures may be both remedial (designed to address a complaining party's safety and well-being and/or continued access to educational opportunities) or protective (involving action against a respondent). Remedial measures may be temporary or permanent and may include but are not limited to: no contact orders, campus escort service, counseling and emotional support services, academic schedule modifications, academic accommodations, and a leave of absence. Depending on the circumstances, the respondent may be eligible for remedial measures.

If a person declines to participate, the School may continue to investigate and/or proceed in the matter and issue findings/decisions based on available information. If the complainant wishes to withdraw his/her complaint at any time, the investigator will determine whether or not to continue to pursue the complaint and shall consider the risk to other students and to the Schools. The complainant and the respondent shall be afforded equal opportunity to have others present.

NOTICE TO RESPONDENT

Prior to any interview with the respondent, the respondent will be informed in writing of the charges and allegations alleged to the extent required by law.

CONFIDENTIALITY

University Prep Schools will endeavor to maintain the confidentiality of all parties to the extent possible consistent with University Prep Schools' responsibility to investigate and resolve any violation of the Title IX Policy. All parties to a complaint, including the complaining party, respondent, and witnesses, will be advised that their identities and information disclosed may be disclosed during the course of the investigation and that confidentiality cannot be guaranteed.

All records obtained during the course of the investigation will be maintained as required by law.

EXPECTATIONS OF TRUTHFULNESS

During the course of an investigation, all parties, including the complaining party, respondent, and witnesses, are expected to provide truthful and forthcoming information. Employees who are found to provide knowingly false statements or information will be subject to discipline up to and including termination from employment.

ADVISORS

During the course of the investigation, all parties, including the complaining party, respondent, and witnesses, may have an advisor present. Advisors may not be attorneys, another witness, or any individual with a conflict of interest in the investigation unless approved by University Prep Schools. All parties will have equal access to an advisor. Advisors may not be disruptive to or interfere with the investigation and University Prep Schools reserves the right to take appropriate measures to ensure an advisor does not disrupt or interfere with the investigation.

TIMEFRAME OF INVESTIGATION

Although certain investigations may require additional time, University Prep Schools will attempt to complete an investigation into allegations of violations of the Title IX Policy within 60 days of receiving the complaint. Circumstances outside of the investigator's control may occur which could broaden this time frame, such as the unavailability of witnesses. University Prep Schools will keep the complaining party and the respondent reasonably informed of the timeframe of the investigation and any delays.

DETERMINATION

At the conclusion of the investigation, University Prep Schools will make a determination based on the preponderance of the evidence standard (*e.g.* more likely than not) as to whether a violation of the Title IX Policy can be substantiated.

If the investigation determines that a violation of the Title IX Policy cannot be substantiated, the following actions will be taken:

- i. The investigation will be closed.
- ii. The investigation findings, summary of investigation, and any remedial measures will be discussed with the complaining party and respondent both verbally and in writing.
- iii. The Title IX Policy will be distributed to all parties involved in the investigation.
- iv. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file and/or in an employee personnel file as required by law.

If the investigation determines that a violation of the Title IX Policy can be substantiated, the following actions will be taken:

- i. The investigation will be closed.
- ii. The Title IX Coordinator or designee will recommend what corrective and/or remedial action is necessary to resolve the complaint and prevent recurrence of unlawful discrimination.
- iii. The investigation findings, summary of investigation, and any remedial measures and/or corrective action will be discussed with the complaining party and respondent both verbally and in writing.
- iv. Appropriate discipline will be imposed after considering the evidence, and the totality of the circumstances, which includes the relationship, age, maturity, and developmental level of the parties, as permitted by state and federal law, up to and including termination from employment.
- v. All actions and disciplines will be documented and placed in the respondent's personnel and/or student record.
- vi. The Title IX Policy will be distributed to all parties involved in the investigation.

- vii. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file and/or in an employee personnel file or student record as required by law.

APPEAL RIGHTS

The complaining party and respondent shall have the right to appeal any determination by submitting a written appeal to the Central Management Office's CEO within three (3) school days of his or her receipt of the determination. The decision of the CEO or designee following the appeal will be final.

TRAINING AND POLICY DISTRIBUTION

University Prep Schools shall publicize and distribute the Title IX Policy as follows:

- i. The Title IX Policy will be distributed to all schools, administrators, staff members, employees, and counselors on an annual basis.
- ii. The Title IX Policy will be incorporated in the Code of Conduct which will be distributed to students on an annual basis.
- iii. Further publication and distribution will occur at the discretion of University Prep Schools.

Training sessions on the Title IX Policy and the prevention of unlawful discrimination shall be held periodically for all administrators, staff members, and employees.