



## OVERVIEW

First Student and its subsidiaries (the “Company”) do not discriminate based on sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including employment. This Nondiscrimination Policy (the “Policy”) includes information specific to the 2020 and 2024 regulations of Title IX.<sup>1</sup>

The Company’s Nondiscrimination Policy and Grievance Procedures can be located by:

1. Going to the Company’s website(s): [FirstStudentInc.com](http://FirstStudentInc.com)
2. Requesting a copy through the Title IX Coordinator.

Below we have included the processes to follow to file a grievance based on sex discrimination, including who to contact and how First Student addresses each grievance.

## SCOPE

These policy and grievance procedures apply to First Student programs and activities in locations where First Student receives federal financial assistance.<sup>2</sup> In those locations, this Policy applies to all students, parents, employees, and third parties involved in First Student’s activities, both on and off school grounds. Complaints of sex discrimination in First Student programs and activities in locations where First Student does not receive federal financial assistance are not governed by this Policy. The Title IX Coordinator will route such complaints within the Company pursuant to other Company policies.

## DEFINITIONS

- **Complainant**
  1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations.
  2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the Company’s education program or activity at the time of the alleged sex discrimination.
- **Complaint:** An oral<sup>3</sup> or written request to the Company that objectively can be understood as a request for the Company to investigate and make a determination about alleged discrimination under Title IX or its regulations.
- **Relevant:** Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

<sup>1</sup> Some of the Company’s operations are in states where the 2024 Title IX Regulations are currently enjoined. In those states, as provided herein, provisions from the 2020 Regulations will govern the Policy.

<sup>2</sup> Those states currently include: Arizona, California, Illinois, Kansas, Louisiana, Michigan, Minnesota, Missouri, Ohio, Oregon, Pennsylvania, Washington, Wisconsin.

<sup>3</sup> In states where the 2020 Regulations apply, complaints must be in writing and must be signed by the Complainant.



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- **Respondent:** A person who is alleged to have violated the Company's prohibition on sex discrimination.
- **Retaliation:** Intimidation, threats, coercion, or discrimination against any person by the Company, a student, or an employee or other person authorized by the Company to provide aid, benefit, or service under the Company's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.
- **Sex-based harassment:** A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, which is:
  1. **Quid Pro Quo Harassment:** An employee, agent, or other person authorized by the Company to provide an aid, benefit, or services under the Company's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
  2. **Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Company's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is fact-specific inquiry that includes consideration of the following:
    - i. The degree to which the conduct affected the complainant's ability to access the Company's education program or activity.
    - ii. The type, frequency, and duration of the conduct
    - iii. The parties' ages, roles within the Company's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
    - iv. The location of the conduct and the context in which the conduct occurred.
    - v. Other sex-based harassment in the Company's education program or activity
  3. **Specific Offenses:**
    - i. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including dating or domestic violence or stalking.
    - ii. Dating violence meaning violence committed by a person:
      - Who is or has been in a social relationship of a romantic or intimate nature with the victim.
      - Where the existence of such a relationship shall be determined based on a consideration of the following factors.
        - The length of the relationship
        - The type of relationship
        - The frequency of interaction between the persons involved in the relationship.
    - iii. Domestic violence meaning felony or misdemeanor crimes by a person who:



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- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the Company, or a person similarly situated to a spouse of the victim.
- Is cohabiting, or has cohabitated, with the victim as a spouse or intimate partner.
- Shares a child in common with the victim.
- Commits acts against a youth or adult victim who is protected from these acts under the family or domestic violence laws of the jurisdiction.
- Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for the person's safety or the safety of others.
  - Suffer substantial emotional distress.
- **Supportive Measures:** Actions that can be taken to improve a party's access to educational services without unreasonable burden to either party. Some examples of this may include but are not limited to telling students they must sit apart on the bus, assigning a different driver to the route, or changing the route so the complainant and respondent do not ride together.

## POLICY

### Disclosure

The Company 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 and its regulations, including employment.

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

### Inquiries

Inquiries about Title IX may be referred to First Student's Title IX Coordinator, the U.S. Department of Education Office for Civil Rights, or both.

#### *First Student Title IX Coordinator*

Kristyn Seibert  
191 Rosa Parks Street, 8<sup>th</sup> Floor  
Cincinnati, OH 45202  
[EEO@firstgroup.com](mailto:EEO@firstgroup.com)  
(513)279-3771

#### *U.S. Department of Education*

Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202  
[OCR@ed.gov](mailto:OCR@ed.gov)  
(800)421-3481

### Retaliation Prohibited

It is a policy of First Student to support individuals who report actual or perceived discrimination, harassment, or unlawful conduct. Retaliation for complaining about discrimination, harassment, or retaliation, or for providing information relating to such complaints, is strictly prohibited, and will not be tolerated, regardless of the outcome of the complaint. In other words, individuals are protected for speaking up in good faith if they believe discrimination, harassment, or retaliation has taken place, and from providing information related to such



complaints, even if the complaint is ultimately not substantiated. Any employee who retaliates against a complaining individual or anyone involved in an investigation of a complaint will be subject to discipline, including up to termination of employment.

### Title IX Coordinator Responsibilities

The Title IX Coordinator plays a critical role in ensuring the Company or affiliates comply with Title IX regulations. This position is essential for fostering a safe, equitable environment free from sex discrimination, including sexual harassment and violence. Below are the key responsibilities of a Title IX Coordinator:

1. **Policy Development and Implementation:** Develop, implement, and update the Company's Title IX policies and procedures. Ensure the Company's policies are in compliance with federal, state, and local regulations related to Title IX. Disseminate Title IX policies to students, staff, and third parties, ensuring a widespread awareness.
2. **Training and Education:** Provide training and education programs on Title IX, including sex discrimination, sexual harassment, and sexual violence prevention, for students, staff, and third parties. Ensure all employees, especially those involved in the complaint process, receive appropriate training on how to handle Title IX issues.
3. **Oversight of Investigations:** Oversee and coordinate the Company's response to Title IX complaints, ensuring they handled promptly, thoroughly, and equitably. Conduct or supervise investigations of complaints involving sex discrimination, sexual harassment, or sexual violence. Ensure that investigations are impartial and that findings are based on a majority of the evidence.
4. **Grievance Procedures:** Manage and enforce the Company's grievance procedures for resolving Title IX complaints. Provide support and guidance to complainants and respondents throughout the grievance process. Ensure that interim measures, such as no-contact orders or academic accommodations, are provided, as necessary.
5. **Recordkeeping:** Maintain records of all Title IX complaints, investigations, and outcomes. Track patterns and trends in reported incidents to identify potential areas of concern and to inform policy and training initiatives.
6. **Reporting and Communication:** Serve as the primary point of contact for Title IX issues within the Company. Communicate with Company leadership, including the president and board of trustees, on Title IX compliance issues and concerns. Ensure the Company's Title IX-related information is easily accessible, including on the Company's website.
7. **Compliance Monitoring:** Regularly review the Company's Title IX policies, procedures, and practices to ensure ongoing compliance with federal regulations. Monitor and report on the effectiveness of the Company's Title IX efforts, making adjustments as needed.
8. **Support Services:** Coordinate support services for individuals affected by sex discrimination, including counseling, advocacy, and academic support. Ensure that both complainants and respondents have access to resources and information about their rights and options.
9. **Collaboration with External Agencies:** Serve as the liaison between the Company and external agencies, such as the Office for Civil Rights (OCR) and law enforcement, regarding Title IX compliance and investigations. Stay informed about developments in Title IX law and best practices by engaging with professional organizations and attending relevant training sessions.



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The Title IX Coordinator may delegate or assign responsibilities to others as needed. The Company requires that any Title IX Coordinator not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator.<sup>4</sup>

## Response to Sex Discrimination

If First Student has knowledge of activity that reasonably may constitute sex discrimination in its education program or activity it will respond promptly and effectively. The Title IX Coordinator will monitor First Student's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or this Policy and will take steps reasonably calculated to address such barriers. In most circumstances, the Company's goal is to complete the grievance process within 60 days. The Company will notify all relevant parties when more time is needed, and the grievance process may take longer than 60 days to complete.

## Pregnant Students<sup>5</sup>

When a student, parent, or guardian of a student, informs any employee of First Student that the student is pregnant, the employee will promptly provide that person with the name and contact information for the Title IX Coordinator and will inform the person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the recipient's education program or activity. This is not necessary if the employee reasonably believes that the Title IX Coordinator has already been notified about the student's condition.

The Title IX Coordinator must inform any pregnant student and parent or guardian who comes to them about the availability of the following services and must coordinate such services as necessary:

1. The Company will make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to its education program or activity for the pregnant student. Modifications must be individualized for the particular student and the Company will consult with the student as to what is necessary. A modification is not reasonable if it would fundamentally alter the nature of the Company's education program or activity.
2. A pregnant student has the right to accept or decline each such modification. An accepted modification must be implemented by the Company.
3. Reasonable modifications may include allowing a pregnant student to eat or drink on the bus, to sit in a particular seat, to alter a pickup or drop off location or other reasonable modifications.

## Training

All employees of the Company will be trained annually on the following:

1. The Company's obligation to address sex discrimination in its education program or activity.
2. The scope of conduct that constitutes sex discrimination under Title IX and this Policy, including the definition of sex-based harassment.

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<sup>4</sup> In states where the 2020 Regulations apply, the decisionmaker must be a different person from the investigator and may not be the Title IX Coordinator.

<sup>5</sup> The section of the Policy concerning Pregnant Students does not apply in states where the 2020 Regulations apply.



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3. All applicable notification and information requirements as to pregnant students and who complain about conduct that may constitute sex discrimination.

In addition to the above, those serving as investigators, decisionmakers, appeals officers must also be trained annually on:

1. The requirements of this Policy.
2. The Company's grievance procedures.
3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
4. The meaning of the term and application of the term "relevant" in relation to questions and evidence and the types of evidence that are impermissible or prohibited regardless of relevance.

While the Company may choose to implement training to operations nationwide, the following states are exempt from training due to current Title IX regulations or injunctions: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

## Grievance Procedures for Complaints of Sex Discrimination

### Overview

First Student has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

### Complaints

The following individuals have a right to make a complaint of sex discrimination, requesting that the Company investigate, and make a determination about alleged discrimination under Title IX:

1. Students or their parents or guardians on their behalf
2. Employees who were participating in the Company's educational program or activity at the time of the alleged harassment.
3. A person other than a student or the Company's employee who was participating in the Company's educational program or activity at the time of the alleged harassment.

The following individuals have a right to make a complaint of sex-based harassment, requesting that the Company investigate, and make a determination about alleged discrimination under Title IX:

1. Students or their parents or guardians on their behalf
2. Employees who were participating in the Company's educational program or activity at the time of the alleged harassment.
3. Title IX Coordinator



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The Company may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discriminations arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, reference below to a party, complainant, or respondent include the plural, as applicable. The Company will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). The Company will obtain written consent from the parents or eligible students to the disclosure of their education records.

## Basic Requirements

The Company will treat complainants and respondents equitably. First Student requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.<sup>6</sup>

The Company presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The Company will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The Company will objectively evaluate all evidence that is relevant and not otherwise impermissible or prohibited, including inculpatory (incriminating) and exculpatory (justifying) evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the Company to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Company obtains that party's or witness's voluntary, written consent for use in its grievance procedures.
3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's sexual conduct is offered to provide that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The

<sup>6</sup> States following the 2020 Title IX Regulations must have a decisionmaker that is someone other than the investigator who may also not be the Title IX coordinator.



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fact that prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

## Process Overview

The Company will act whenever it has actual notice of possible sex-based harassment or sex discrimination under Title IX, including when any employee of First Student learns of a possible violation of the Policy regardless of how they learn of it. These complaints may be made orally or in writing.<sup>7</sup>

Upon initiation of the Company's Title IX grievance procedures, the Company will notify the parties of the following:

1. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s).
2. Retaliation is prohibited.
3. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible or prohibited evidence or an accurate description of this evidence. If the Company provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible or prohibited evidence upon the request of any party.

If, in the course of an investigation, the Company decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the Company will notify the parties of the additional allegations.

Whenever the Title IX Coordinator learns of possible sex-based harassment or sex discrimination under Title IX, with or without a complainant, they will:

1. Reach out to the complainant to:
  - a. Provide and explain the grievance procedure so the complainant can decide whether to file a complaint.
  - b. Discuss and consider whether to provide supportive measures to the complainant with or without a complaint.
2. Make an assessment whether the conduct as alleged present an imminent and serious threat to the health or safety of the complainant or other person, or the conduct as alleged prevents the Company from ensuring equal access on the basis of sex to its education program or activity, such that the Title IX Coordinator must file a formal complaint in order to start an investigation, if the complainant is not interested in filing a complaint.
  - a. In making this determination, the Title IX Coordinator must consider, at a minimum, the following factors:
    - i. The complainant's request not to proceed with the initiation of a complaint.
    - ii. The complainant's reasonable safety concerns regarding initiation of a complaint.

<sup>7</sup> Complainants in states following the 2020 Title IX Regulations must submit their complaints in writing per the 2020 Title IX regulations.



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- iii. The risk that additional acts of sex discrimination would occur if a complaint were not initiated.
- iv. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the Company's educational program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- v. The age and relationship of the parties, including whether the respondent is a Company employee.
- vi. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals.
- vii. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred.
- viii. Whether the recipient could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

3. Determine whether the alleged conduct could not constitute sex discrimination under Title IX. If the alleged conduct could not constitute sex discrimination under Title IX and there is no complaint, the Title IX Coordinator will take no further action.

The Title IX Coordinator will offer the complainant supportive measures. If an investigation is initiated, they will also offer supportive measures to the respondent. Supportive measures must not unreasonably burden a party and are designed to protect the safety of the parties or the Company's educational environment.

The Company will provide a party with the opportunity to seek review from an appropriate and impartial employee of the Company's decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee cannot have been involved in the decision about imposing supportive measures. Parties will have the opportunity to seek review of supportive measures if circumstances change materially.<sup>8</sup>

Information about supportive measures will not be disclosed to any person to whom they do not apply, including the other party, unless necessary to impose the supportive measures or to ensure access to the Company's education program or activity.

If the complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members of the student's IEP team, or of the team responsible for the student's placement decision under 34 C.F.R. §104.35(c) to comply with the requirements of the Individual's with Disabilities Education Act, and Section 504 if the Rehabilitation Act.

On receipt of a Complaint, the Title IX Coordinator will:

1. Give notice of complaint to respondent, identifying the complainant, and the what and where of the allegations so the respondent can make a response.
2. Give a copy of the grievance to both parties.

<sup>8</sup> The ability to seek review of supportive measures does not apply in states where the 2020 Regulations apply.



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3. Inform both parties they have the right to an advisor, who may be an attorney, who may accompany them to all meetings that are part of the grievance process.
  - a. **The Company is not responsible for providing an advisor to either party.**
4. Inform the parties that retaliation is prohibited.
5. Inform the parties they are entitled to an equal opportunity to access the relevant and not impermissible or prohibited evidence gathered by the investigator.
6. Assign an investigator, who may be the Title IX Coordinator.

While conducting the investigation, the investigator:

1. May conduct in-person interviews.
2. Must allow parties an opportunity to provide information relevant to investigation.
3. Must presume the respondent is not responsible for the alleged conduct until the completion of the investigation and inform all parties of that presumption.
4. Must ensure the burden is on the Company, not the parties to conduct an investigation and gather evidence.
5. Must take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures, provided the steps do not restrict the ability of the parties to:
  - a. Obtain and present evidence, including speaking with witnesses.
  - b. Consult with their family members or advisors.
  - c. Prepare for or participate in the grievance procedures.
6. Must give all parties the opportunity to have an advisor and others with them during any meeting related to the investigation and must give parties the same opportunity to have any other persons with them during any meeting related to the investigation.
7. Must make available to the parties all information relevant to the allegations.
  - a. Parties must be given 10 days to respond to this information before the investigation is completed.
8. Must provide a written investigation report to the parties and provide them 10 days to respond to that report, including any additional questions that should be asked of the other party and witnesses.
9. Provide the final investigation report to the decisionmaker and the parties.

The decisionmaker:

1. Must consider all relevant, permissible evidence, both inculpatory (incriminating) and exculpatory (justifying), in reaching a decision.
2. Use the preponderance of the evidence standard in reaching a determination.
3. Render a written decision that is provided to the parties simultaneously that informs the parties of whether sex discrimination under this Policy occurred, including the rationale for such determination, and the procedures and permissible bases for the parties to appeal.<sup>9</sup>

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<sup>9</sup> In states where the 2020 Regulations apply, the written decision will include the following: (a) procedural history of the complaint, including meetings and interviews held; (b) findings as to whether the alleged conduct occurred for each allegation; (c) conclusion as to whether the Policy was violated as to each allegation and the rationale as to each conclusion; (d) any discipline imposed on the respondent; (e) whether supportive measures will be provided to the complainant.



### Dismissal of a Complaint

The Company may dismiss a complaint of sex discrimination if any of the following apply:

1. The Company is unable to identify the respondent after taking reasonable steps to do so.
2. The respondent is not participating in the Company's education program or activity and is not employed by the Company.
3. The complainant voluntarily withdraws any or all the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Company determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven.
4. The Company determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.<sup>10</sup> Before dismissing the complaint, the Company will make reasonable efforts to clarify the allegations with the complainant.

The Company will offer supportive measures to the complainant and also to the respondent if the dismissal is appealed.

Upon dismissal, the Company will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent is notified of the allegations, then the Company will also notify the respondent of the dismissal and the basis for dismissal promptly following notification to the complainant, or simultaneously if the notification is in writing.

The Company will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Company will also notify the respondent that the dismissal may be appealed.

The Company will also take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the Company's education program or activity.

## Appeal Procedures for Complaints of Sex Discrimination

### Appeal Dismissal of a Complaint

The complainant has the right to appeal the dismissal of their complaint on the following grounds:

1. Procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made.
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the Company will:

<sup>10</sup> In states where the 2020 Regulations apply, the Title IX Coordinator must dismiss a complaint on making such a finding.



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1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent.
2. Implement appeal procedures equally for the parties.
3. Ensure the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint.
4. Ensure the decisionmaker for the appeal has been trained consistent with the Title IX regulations.
5. Provide the parties with a reasonable and equal opportunity to make a statement in support of or challenging the outcome.
6. Notify the parties in writing of the result of the appeal with an explanation for the decision.

## Appeal of Determinations

To ensure that all parties have the opportunity to seek a review of the sex discrimination or sex-based harassment investigation decision the Company offers an appeal of determinations process. Any party directly affected by the determination has the right to appeal within fourteen calendar days of receiving the decision.

Appeals may be based on any of the following:

1. Procedural errors that could have affected the outcome.
2. New evidence not available at the time of the original determination.
3. Perceived bias or conflict of interest in the decision-making process.
4. Misinterpretation or misapplication of relevant policies or laws.

To initiate an appeal, the party must submit a written Notice of Appeal to the Title IX Coordinator within fourteen calendar days of receiving their final investigation results. The Notice of Appeal must include:

1. The party's (complainant or respondent) name and contact information (phone and email).
2. A copy of the original determination.
3. A detailed statement of the grounds for appeal.
4. Any supporting or mitigating documentation or evidence.
  - a. If not provided originally, where did the documentation or evidence come from and why was it not produced during the initial investigation.
5. The specific relief or outcome being sought.

Upon receipt of the Notice of Appeal, the Title IX Coordinator will respond in writing within ten business days and will conduct an initial review to determine whether the appeal is timely and meets the required grounds.

The appeal will be assigned to an impartial decisionmaker, who was not involved in the original determination. The decisionmaker will review all relevant documentation, including the original determination, the appealing party's submission, and any additional evidence.

The decisionmaker will deliberate based on the materials presented and the applicable policies and laws. The decisionmaker may:

1. Uphold the original determination.
2. Modify the determination.
3. Overturn the determination and remand the matter for reconsideration.



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The decision will be documented in writing, including the reasons for the decision, and communicated to all parties simultaneously within ten business days of the final hearing or submission.

The appeal decision of the decisionmaker is final and binding, unless otherwise specified by applicable law or policy.