Liberty Common School
1725 Sharp Point Dr.
Fort Collins, CO 80525

Liberty Common High School
2745 Minnesota Dr.
Fort Collins, CO 80525

LIBERTY COMMON SCHOOL

SEXUAL HARASSMENT POLICY – TITLE IX

I. Policy Statement

Sexual harassment betrays the principles set forth in the Liberty Common School's (LCS) Foundational Stones and Capstone Virtues and is prohibited. In accordance with Colorado Statutes 22-30.5-120, 22-30.5-301, 22-32-109.1, and Title IX of the Education Amendments of 1972, LCS promotes prevention and effective, consistent responses to incidents of sexual harassment.

The purpose of this policy (Policy) is to make clear LCS's position on sexual harassment and to establish procedures for in investigating, reporting, and resolving instances where sexual harassment is known or alleged to have occurred.

Furthermore, sexual harassment and discrimination violate Title IX of the Education Amendments of 1972. LCS provides a safe place for learning, teaching, and gathering free from any form of sexual harassment, and the definitions and procedures herein are in keeping with that commitment.

II. Scope of Policy

This Policy applies to any complaints of sexual harassment that are brought against LCS students, faculty, or board members which is alleged to have occurred within an LCS educational program or activity. LCS investigates alleged incidents of sexual harassment without evaluation for severity, pervasiveness, offensiveness, or denial of equal educational access, because LCS deems all such alleged misconduct sufficiently serious to necessitate investigating.

III. Statement Regarding Privacy

LCS will endeavor to protect the privacy of all individuals involved in a report of sexual harassment. In any report under this Policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough investigation of the allegation(s). If the complainant insists that his or her name or personal

information not be disclosed, the Title IX Coordinator will inform the complainant that the ability to accommodate this request is considered within the context of reporting requirements of applicable federal and state statutes.

IV. Definitions

COMPLAINANT: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

EDUCATIONAL PROGRAM OR ACTIVITY: An LCS educational program or activity means locations, events, or circumstances over which LCS exercises substantial control over both the complainant and respondent, and the context in which sexual harassment occurs.

FORMAL COMPLAINT: A formal complaint is a report filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent. A formal complaint:

a) must include, at the time of filing a formal complaint, a participating complainant or a complainant attempting to participate in the education program or activity of the school with which the formal complaint is filed.
b) may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under the Final Rule, and by any additional method designated by the school.

INFORMAL RESOLUTION: LCS, in its sole discretion, may offer and facilitate informal resolution options, such as capstone research projects, apology letters, mediation, etc., so long as both parties give voluntary, informed, written consent to attempt an informal resolution in lieu of the procedures outlined herein.

PREPONDERANCE OF EVIDENCE STANDARD: The preponderance of evidence standard means there is sufficient evidence for a decision maker to conclude that it is more likely than not that the alleged sexual harassment occurred. LCS uses the preponderance of the evidence standard in assessing sexual harassment allegations and evidence.

RESPONDANT: An individual who has been reported to be the perpetrator of sexual harassment.

RETALIATION: Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group involved in the investigation and/or resolution of a sexual harassment allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group, not just a complainant or respondent, can engage in retaliation.

SEXUAL HARASSMENT: Sexual harassment includes:

a) any instance of quid pro quo harassment by an LCS employee;
b) any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access;

c) any instance of sexual assault (as defined in Title IX of the Education Amendments), including: intimate-partner and dating violence, domestic violence, indecent exposure, sexual exploitation, or stalking as defined in the Violence Against Women Act.

SUPPORTIVE MEASURES: Supportive measures are services reasonably available that are non-punitive, non-disciplinary, and are not unreasonably burdensome to the other party while designed to sustain equal educational access, protect safety, or deter sexual harassment.

TITLE IX COORDINATOR: The Title IX Coordinator is the employee designated by the LCS Headmaster to coordinate the School's efforts to comply with the Title IX obligations.

V. Procedures

1. **Reporting.** All members of the LCS community should report any instances of sexual harassment or retaliation that they have actual knowledge or reasonable suspicion of occurring.

   LCS cannot control to whom a complainant may speak to when making a sexual harassment complaint; however, all LCS employees will be trained to understand that reports of incidents are to be channeled to the LCS administration and the Title IX Coordinator. LCS administration and the Title IX Coordinator will receive all reports, including those made in person, by mail, phone, email, or through submission of the Title IX Reporting Form linked on the School's Title IX webpage.

   Reports of sexual harassment are never taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the complainant, the respondent, the school, and the greater community. Reports are processed with the highest confidentiality possible under the privacy guidelines of this Policy and applicable laws both before and after they have been submitted to school officials, and where appropriate, outside authorities.

   The Title IX Coordinator or administrator-designee will promptly contact the complainant to discuss the availability of supportive measures and to explain the process for filing a formal complaint. Supportive measures may be provided to a complainant with or without the filing of a formal complaint.

   Filing a Formal Complaint. A complainant may file a formal complaint (as defined herein) with the LCS administration and/or the Title IX Coordinator. Further, the Title IX Coordinator may file a complaint if in the Title IX Coordinator's opinion, investigation is necessary to maintain an appropriate educational environment as LCS. Retaliation for filing a complaint as defined

herein is prohibited. In addition to offering supportive measures, the Title IX Coordinator, together with the LCS administration, shall ensure no retaliation occurs.

Informal Resolution. At any time after the filing of a formal complaint and prior to a determination, LCS may offer and facilitate informal resolution options as defined herein, so long as both parties give written consent to attempt an informal resolution in lieu of this Policy's procedures.

2. **Investigation Procedures.** The first responsibility of the Title IX Coordinator is to determine if the alleged sexual harassment occurred within LCS's educational program or activity. A formal complaint alleging sexual harassment that is later determined to have occurred outside LCS's educational program or activity, or outside of the United States, shall be dismissed. A dismissal does not prevent LCS administration from pursuing an informal resolution or offering supportive measures if the misconduct falls outside the scope of this Policy.

   Conflict of interest or bias on the part of the Title IX Coordinator, investigator, decision-maker, or any person involved in the investigative process is prohibited. LCS will treat complainants and respondents equitably and with impartiality and will presume the respondent is not responsible for the alleged misconduct until a determination regarding responsibility is made at the conclusion of the investigation. LCS will credibly evaluate all relevant evidence without regard to status or position, and refrain from meting disciplinary sanctions until the investigation concludes.

   The investigator will:

   a) Provide written notice of allegations to all parties involved, and allow sufficient time to prepare a response before conducting any initial interviews.

   b) Commit to prompt time frames for conclusion of the investigative process, and ensure any delays are for appropriate grounds. These grounds may include but are not limited to considerations such as absence of a party, a party's advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

   c) Interview the complainant, the respondent, and provide an equal opportunity for each party to present witnesses for interview. The investigator will collect and objectively evaluate all evidence, and keep a complete record of the investigation.

d) Send each party the evidence gathered in electronic format or hard copy. The parties will have 10 days to submit a written response, which the investigator will consider prior to completing the investigative report.

e) Fairly summarize the evidence in the finalized investigative report and provide the final report to the parties. The parties will have 10 days to respond, at the end of which time the investigator will submit the complete and final report to the decision maker.

3. **Decision.** After reviewing all evidence and attaining the most complete picture possible of what was alleged to have occurred, the decision maker will apply the preponderance of the evidence standard to determine a final decision. LCS will dismiss allegations of conduct that do not meet the definition of sexual harassment herein. Misconduct that does not meet the sexual harassment definition but may violate other LCS policies will be referred to the appropriate school administrator.

   The decision maker will issue a written determination with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. Students face discipline up to and including suspension or expulsion. Faculty face a penalty up to and including termination.

   The written determination will be sent simultaneously to the parties along with information about how to file an appeal.

4. **Appeal.** Respondents or complainants my appeal to the LCS board of directors under the procedures outlined in the BOD's Policy Manual, only on the bases of:
   a) Procedural irregularity that affected the outcome;
   b) Newly discovered evidence that could affect the outcome; or
   c) Title IX personnel had a conflict of interest or bias that affected the outcome.

ADOPTED:

24 June 2021