



3: Initiation of Title IX Grievance Procedure and Notice of Rights

1. You are receiving this notice because you (or your student) is alleged to be involved in an incident that resulted in the filing of a Title IX Formal Complaint. A Title IX investigation occurs when the school district receives allegations of conduct that may constitute sexual harassment under the implementing regulations of Title IX and a Formal Complaint has been filed, signed, and accepted by the Building Title IX Coordinator. If a Formal Title IX Complaint is filed by a Complainant and accepted by the Building Title IX Coordinator, prior to commencing an investigation the Title IX Coordinator reviews the allegations to determine whether the Complaint must be dismissed. If accepted, then the Building Title IX Coordinator will initiate the grievance procedure. The CCSD Title IX Grievance Procedure is identified in CCSD Board Policy AC-R-5.
2. Below are your rights as a Complainant (alleged subject of the sexual harassment) and Respondent (alleged perpetrator of the harassment), together referred to as "Parties", under Title IX:
 - a) You have the right to meet with the Title IX Coordinator and discuss and develop supportive measures to restore or preserve equal access to the school's education program or activities. You are not required to accept supportive measures.
 - b) Supportive measures cannot be disciplinary (including removing students from the learning environment, suspension, or expulsion), punitive, or place an unreasonable burden on other students.
 - c) Examples of support measures include:
 - Identifying a safe adult to report concerns
 - Check-ins with an identified safe adult
 - No contact agreements with other students
 - Changes in class schedules
 - Changes in seating/lockers/lunches/recesses
 - Leaves of absence
 - Increased supervision on campus
 - Extension of class assignment deadlines or other course-related adjustments
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 - *These are examples of supportive measures, but not an exhaustive list.
 - d) The school must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complaint, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, any witness except as may be permitted under



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FERPA 20 U.S.C. § 1232(g) or the implementing regulations, 34 CFR part 99, or as required by law. However, if a Formal Title IX complaint is filed, the Respondent has a right to receive all information related to the complaint. Further, some supportive measures (such as no contact agreements) require the identity of the Complainant to be shared with the Respondent.

- e) You have the right to an impartial and unbiased investigation and resolution of the allegations. The burden to investigate is on the Title IX Investigator, but both Parties have the right to gather evidence and/or information and provide it to the Title IX Investigator. Both Parties will also be afforded the opportunity to review all of the evidence and information gathered as part of the investigation and provide feedback.
- f) You have the right to not participate in the Grievance Procedures. If you decline to participate in the Grievance Procedures, your lack of participation will not be construed against you.
- g) The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.
- h) The Respondent maintains a presumption of non-responsible for the alleged conduct. The determination regarding responsibility shall not be made prior to the conclusion of the grievance process.
- i) The Complainant maintains the right to withdraw the Formal Complaint at any time by submitting a withdrawal in writing. The Complainant maintains the right to not be pressured or compelled to withdraw the Formal Complaint.
- j) You have the right to not be retaliated against. No school or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or declined to participate in any manner in an investigation or proceeding pursuant to Title IX. Parties have a right to file a complaint of retaliation with the Building Title IX Coordinator.
- k) The Formal Complaint may be informally resolved if both Parties agree in writing. Parties have the right to not be pressured or compelled to participate in Informal Resolution.
- l) Pursuant to Colorado law, all Cherry Creek School District employees are mandatory reporters. Therefore, allegations that rise to the level of mandatory reporting will be reported to law enforcement or the Department of Human Services. However, you at any time also have the right to file a criminal



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complaint with your local police department or report your concerns to the Department of Human Services.

- m) At any time, you have a right to file a complaint with the Federal Department of Education through the Office for Civil Rights (OCR- OCR@ed.gov).
- n) You have the right to notice of the allegations and to be provided with written notice of the date, time, location, participants, purpose of investigative interviews, as well as to be provided with sufficient time to prepare for such interviews, when your participation is invited or expected. You have the right to have an Advisor during the Grievance Procedure.

3. Initial Investigation Information:

- i. A copy of the Formal Complaint form is attached.
- ii. **Participant(s) Interviews (including Respondent and Complainant):**
 - A. Name of Participant(s)/role(s) and date/time/location of interviews:

B. Purpose of Investigative Interviews:

During the course of the investigation, information regarding any additional interviews or allegations will be provided to both Parties. Additional information and the Grievance Procedure can be found in CCSD Board Policy AC-R-5.

Under CCSD Board policy JICDA, lying or giving false information either verbally or in writing to a school employee may result in disciplinary consequences under the CCSD Conduct and Discipline Code.