Title IX Policies and Procedures - Collegiate Academy of Colorado

TITLE IX POLICIES AND PROCEDURES: SEX-BASED DISCRIMINATION AND SEXUAL HARASSMENT

Prohibition of Discrimination on the Basis of Sex

Collegiate Academy of Colorado (the "school") is committed to providing a working and learning environment that is free from discrimination based on sex (which includes sexual harassment). Given this, the school does not discriminate on the basis of sex in any of its education programs or activities. The school is required by Title IX of the Education Amendments of 1972 ("Title IX") and its regulations not to discriminate in such a manner.

Title IX's requirement not to discriminate in any of the school's education programs or activities extends to admission and employment. Inquiries about the application of Title IX and its regulations to the school may be referred to the school's Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both:

Title IX Coordinator
Paula Brock
Collegiate Academy of Colorado
8420 S. Sangre de Cristo Road
pbrock@collegiateacademy.net
303-972-7433 ext. 1140

Assistant Secretary for Civil Rights
U.S. Dept. of Education Office for Civil Rights
400 Maryland Ave., SW
Washington, D.C. 20202-1100
1-800-421-3481; 1-800-877-8339 (TDD)
202-453-6012 (Fax)
OCR@ed.gov

The school is committed to fostering an environment free from discrimination on the basis of sex. To the extent that any District policy or procedure regarding discrimination or harassment on the basis of sex (as defined by Title IX) conflicts with Title IX or its regulations, Title IX and its regulations will control.

Title IX of the Education Amendments of 1972

Title IX is a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The U.S. Department of Education's **Office for Civil Rights (OCR)** enforces Title IX.

Although Title IX is best known for breaking down barriers in sports for women and girls, Title IX and its regulations also require that schools adopt specific grievance procedures to address formal complaints of sexual harassment (as that term is defined by Title IX.)

The school's policies and procedures for addressing reports and complaints of sex-based discrimination (including sexual harassment) are intended to comply with Title IX and its regulations. To the extent that they conflict with Title IX or its regulations, Title IX and its regulations will control.

Title IX Coordinator

Who is the Title IX Coordinator?

The school has appointed a Title IX Coordinator to coordinate the school's efforts to comply with its responsibilities under Title IX and its regulations. The Title IX Coordinator's name and contact information are as follows:

Title IX Coordinator
Paula Brock
Collegiate Academy of Colorado
8420 S. Sangre de Cristo Road
pbrock@collegiateacademy.net
303-972-7433 ext. 1140

Who can contact the Title IX Coordinator?

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator, regardless of whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

How can I contact the Title IX Coordinator?

Any person can contact the Title IX Coordinator in person, by mail, telephone, or by electronic mail, or by using the contact information listed above. You can also contact the Title IX Coordinator via a verbal or written report.

Reports can be made to the Title IX Coordinator at any time, including during non-business hours, by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Sexual Harassment Under Title IX

What is sexual harassment?

Title IX defines sexual harassment as conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
- 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
- Sexual assault, dating violence, domestic violence, or stalking (see the Definitions section, below, for an explanation of these terms).

How does the school respond to reports of sexual harassment?

All students and employees are encouraged to report sexual harassment to the school. Upon receiving a report of sexual harassment in an education program or activity, the Title IX Coordinator will contact the complainant (the individual alleged to be the victim of conduct that could constitute sexual harassment) to discuss the availability of supportive measures* and explain the process for filing a formal complaint of sexual harassment

The school also reserves the right to remove a respondent (the alleged perpetrator of conduct that could constitute sexual harassment) from its education program or activity on an emergency basis, subject to the requirements of Title IX and its regulations.

**Notably, the respondent also has an equal right to supportive measures throughout the report and complaint process.*

What is a formal complaint of sexual harassment?

Either a complainant or the Title IX Coordinator can file a formal complaint alleging sexual harassment against a respondent.

To qualify as a formal complaint, the document must be filed by a complainant (a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint) or signed by the Title IX Coordinator. The document must allege sexual harassment against a respondent and request that the school investigate the allegation of sexual harassment.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the school's education program or activity.

How does the school respond to formal complaints of sexual harassment?

Formal complaints of sexual harassment trigger the grievance process prescribed by Title IX and its regulations. The school's grievance process for formal complaints of sexual harassment and complaints including allegations of sexual harassment is set forth below.

GRIEVANCE PROCEDURES

The school has two sets of grievance procedures for processing complaints of sex-based discrimination:

1. **Grievance Procedure for Complaints of Discrimination on the Basis of Sex that Do Not Include an Allegation of Sexual Harassment**
   The school will process complaints of discrimination on the basis of sex that do not include an allegation of sexual harassment under its standard investigation policies and procedures.
2. **Grievance Procedure for Formal Complaints of Sexual Harassment and Complaints including Allegations of Sexual Harassment**
   Formal complaints of sexual harassment and complaints including allegations of sexual harassment trigger a unique grievance process, described below.

Both of these grievance procedures provide for the prompt and equitable resolution of student and employee complaints alleging discrimination on the basis of sex, including sexual harassment.

How to File a Complaint of Discrimination on the Basis of Sex (including Sexual Harassment)

The school has established a number of methods for filing complaints of discrimination on the basis of sex (including sexual harassment). They include:

- Completing a paper complaint form, which is available in the school's counseling office, or speaking to any Administrator
- Contacting the Title IX Coordinator by any of the means set forth.

Students and employee may also contact the U.S. Department of Education's Office for Civil Rights to report discrimination by writing a letter or filing a complaint form available at: https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt

Is my formal complaint of sexual harassment subject to this grievance process?
Formal complaints of sexual harassment and formal complaints including allegations of sexual harassment trigger a unique grievance process required by Title IX and its regulations.

However, under certain circumstances, a formal complaint of sexual harassment may not be subject to the jurisdiction of Title IX and this grievance procedure. A formal complaint must be dismissed for purposes of sexual harassment under Title IX and its regulations if:

- The conduct would not constitute sexual harassment as defined in the Title IX regulations even if proved;
- The conduct did not occur in the school's education program or activity (as that term is defined by the Title IX regulations); or
- The conduct did not occur against a person in the United States.

Dismissing a formal complaint of sexual harassment for any of these reasons does not preclude action under another of the school's policies prohibiting misconduct.

The school also has discretion to dismiss a formal complaint as subject to this grievance process if the complainant submits a written request for withdrawal to the Title IX Coordinator, the respondent is no longer enrolled at or employed by the school, or the specific circumstances prevent the school from gathering evidence sufficient to reach a determination.

Parties are able to appeal dismissal decisions.

What are my rights during this grievance process?
During the grievance process for formal complaints of sexual harassment and complaints including allegations of sexual harassment, parties are guaranteed a number of rights, including:

- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Equal opportunity to (i) present witnesses and other evidence, and (ii) inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint.
- Privacy protections for records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional.
- Protections for information covered by a legally recognized privilege.
- Credibility determinations that are not based upon a person's status as a complainant, respondent, or witness.
- Objective evaluation of all relevant evidence.
- No conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.
- The right to an advisor of choice, who may be, but is not required to be, an attorney.
- No Retaliation.

How long will the grievance process take?
The grievance process (up to and including an appeals determination, if applicable) will be completed in a reasonably prompt time frame, which the school designates as 120 school days from receipt of the formal complaint.

Temporary delays or limited extensions of time frames may be permitted for good cause with written notice to the complainant and respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

What is the standard of evidence for determining responsibility?
The standard of evidence to be used for determining responsibility under this grievance procedure (and for all formal complaints of sexual harassment, including formal complaints against employees and students) is the preponderance of the evidence standard.

What happens during the investigation phase of the grievance process?
Upon receipt of a formal complaint, the Title IX Coordinator will provide the known parties written notice of: the grievance process (including informal resolution), allegations of sexual harassment, and other information required by Title IX and its regulations.

The specific steps of the investigation will vary based on the nature of the allegations and other factors. However, the school's inquiry will be prompt, thorough, and impartial. The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school and not the parties.

The investigation may include, but is not limited to, the following:

- Interviews of the parties and/or witnesses;
- Requests for written statements from the parties and/or witnesses; and/or
- Review and collection of relevant documentation or information.

Both parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the school does not intend to rely in reaching a determination of responsibility.

The investigator will create an investigative report that fairly summarizes the relevant evidence. Prior to completion of the investigative report, the school will send to each party (and their advisor(s), if any) the evidence subject to inspection and review. The parties will have 10 school days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator will send the final investigative report to each party (and advisor(s), if any) for their review and written response at least 10 days prior to providing a copy of the final investigative report to the decision-making panel. The investigative report will be advisory in nature and will not bind the decision-making panel to any particular decision, course of action, or remedial measure.

What happens after the investigative report has been finalized?
After receiving a copy of the investigative report and the parties' written responses (if any), the decision-making panel will give each party the opportunity to submit written, relevant questions that the party wants asked of any other party or witness. The decision-making panel will provide each party with the answers to those questions and will allow for additional, limited follow-up questions from each party.

The decision-making panel will then issue a written determination regarding responsibility in accordance with Title IX and its regulations. The written determination will include, among other things, the findings of fact supporting their determination, the rationale for their determination, and any disciplinary sanctions imposed on the respondent and/or remedies designed to restore or preserve equal access to the school's education program or activity for the complainant.

Can I appeal the panel's determination?
Any party can appeal the decision-making panel's determination regarding responsibility within 3 school days of its issuance. Any party may file an appeal by making a written request to the Title IX Coordinator detailing the reason for the appeal.

Parties can appeal on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-making panel had a conflict of interest or bias for or against complainants or respondents generally or against the individual complainant or respondent that affected the outcome of the matter.

Parties also have the right to appeal the district's mandatory or discretionary dismissal decision.

What is the appeal process?
Upon receipt of a timely appeal, the Title IX Coordinator will notify the parties that an appeal has been filed. The Title IX Coordinator will also appoint a reviewer to consider the appeal and notify the parties of the selected reviewer.

The reviewer will notify the parties of the appeal procedures and set a schedule for the parties to submit a written statement in support of, or challenging, the decision-making panel's determination.

Upon reviewing both parties' statements, the reviewer will issue a reasoned written decision describing the result of the appeal and rationale for the result. The reviewer's decision will be final and binding on the parties.

What remedies are available under this grievance procedure?
Remedies under this grievance procedure must be designed to restore or preserve equal access to the education program or activity. For students, the range of possible remedies may include but is not limited to: restorative conversations, safety escorts, or change of classes. For employees, the range of possible remedies may include but is not limited to: restorative conversations, no-contact order, or change of work assignment. The Title IX Coordinator is responsible for effective implementation of any remedies.

This grievance procedure may also provide for discipline or recommendations for discipline where a determination of responsibility for sexual harassment has been made against the respondent. For students, the range of possible discipline may extend from verbal counseling up to and including expulsion. For employees, the range of possible discipline may extend from verbal counseling up to and including termination. Recommendations for discipline will be pursued according to applicable District policies and procedures.

Is there an option for informal resolution?
At any time after a formal complaint has been filed (but before a determination regarding responsibility), the school may offer the parties the opportunity to engage in informal resolution of the formal complaint. However, informal resolution may not be offered or utilized where the allegations involve an employee sexually harassing a student.

The school's process.
The Title IX Coordinator must also provide the parties with a written notice as prescribed by Title IX and its regulations.

At any time prior to agreeing to a resolution resulting from an informal resolution process, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

ADDITIONAL RESOURCES

To review website Title IX information provided by the US Department of Health and Human Services please review their website at https://www.hhs.gov/

To review website Title IX information provided by the Special Ed Connection please review their website at https://www.specialedconnection.com
To review website Title IX information provided by Know Your IX please review their website at https://www.knowyourix.org/

To review sex trafficking prevention training for ages 8-11 years old, visit www.freedomfwd.org

IMPORTANT DEFINITIONS

CONSENT
The school has adopted a definition of consent consistent with the laws of the State of Colorado.

SEXUAL ASSAULT
Sexual assault is defined as:
– Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcible or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity
– Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
– Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
– Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
– Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
– Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

DOMESTIC VIOLENCE
Domestic violence as defined in **34 U.S.C. 12291(a)(8)**
Includes felony or misdemeanor crimes of violence committed —
– By a current or former spouse or intimate partner of the victim
– By a person with whom the victim shares a child in common
– By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
– By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Colorado
– By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Colorado

DATING VIOLENCE

Dating violence as defined in **34 U.S.C. 12291(a)(10)**
– Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on the victim's statement and with 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.

STALKING

Stalking as defined in **34 U.S.C. 12291(a)(30)**
– Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.