Policy SE –0.0 (Family handbook)– Harassment/Non-discrimination Policy

Caprock Academy Charter School ("Caprock Academy") is committed to providing a safe learning and work environment where all members of Caprock Academy are treated with dignity and respect. It is critical to this commitment that anyone who may have experienced discrimination or harassment in the context of the school's educational programs, activities, or employment can report their concerns without fear of retaliation. Caprock Academy will adhere to all applicable federal and state definitions.

This policy is designed to foster a climate that provides preventative measures and encourages the reporting of discrimination, harassment, and related retaliation. The school administrators will engage in prevention efforts, train the school community, respond to all complaints promptly, provide supportive measures, and develop fair and equitable processes to investigate and address complaints of discrimination, harassment, and related retaliation and ensure all parties are treated fairly and impartially.

This policy defines prohibited conduct and guides individuals to the specific policy governing the applicable reporting and response processes. Complaints of harassment or discrimination against a student and complaints of bullying against a student based on membership in a protected class should be made pursuant to the school's Harassment and Discrimination Investigation Procedures. Complaints under Title IX should be made under the school's Sex-based Harassment Investigation Procedures Policy.

- **Title IX Compliance Officer:** Karin Ranta-Curran, J.D.
  Employment Matters LLC
  Phone: 970-243-1771 Ext. 1198
  Email: titleix@caprockacademy.org
- **Title IX Complaint Form Link:** Sexual Harassment (Title IX) Complaint Form

Supportive measures and prompt response times are required components of all policies.

Harassment, Discrimination, and Retaliation Prohibited
Discrimination, harassment, and bullying based on a protected class are prohibited at Caprock Academy, as well as at any school-sponsored or school-sanctioned activity or event on school property (or off school property when such conduct is connected to the school) or at any school curricular or non-curricular activity or event. Retaliation for reporting harassment or for participating in any way in an investigation of harassment or discrimination is also prohibited.

School Action
Caprock Academy encourages anyone, students, parents and family members, volunteers, educators, or staff members—who witnesses bullying, harassment, discrimination, or retaliation to report the conduct by making a complaint in accordance with the appropriate Board policy. All school staff who witness or receive complaints of harassment or discrimination are required to promptly share any such complaints with the Compliance Officer or their designee ("hereafter referred to as "Compliance Office").

Caprock Academy will take appropriate action to promptly and impartially investigate allegations of discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual who files the complaint and/or any person who participates in the investigation. When appropriate, the school will take additional action during the investigation to protect against further discrimination, harassment, or retaliation.

To the extent possible, all complaints of discrimination and harassment will be kept confidential. Students or employees who knowingly file false complaints or make false statements in an investigation may be subject to discipline in accordance with Board policies as well as state and federal law. No student, employee, or member of the public may be subject to adverse treatment in retaliation for any good faith complaint of harassment or discrimination under this policy. Upon determining that incidents of discrimination or harassment are occurring in

particular school settings or activities, Caprock Academy will implement measures designed to stop discrimination or harassment and otherwise remedy the problem in those areas or activities.

Any student or employee who engages in discrimination or harassment will be disciplined according to applicable Board policies as well as state and federal law. This includes the protections afforded to students with disabilities. Caprock Academy will take reasonable action to restore lost educational or employment opportunities to the complainant(s) and others impacted.

The Compliance Officer will refer any potential criminal charges to law enforcement.

Notice and Training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration provides notice of this policy to all Caprock Academy staff and students provided via physical copy to each incoming staff member, student and their parent or guardian upon request. Community training materials regarding sex-based discrimination and sexual harassment (Title IX) are available to the public on Caprock Academy's website. Developmentally appropriate instruction related to harassment, discrimination, and bullying will be delivered to all Caprock Academy students as part of the anti-bullying program.

Students and employees will receive periodic training related to recognizing and preventing unlawful discrimination and harassment. Caprock Academy employees must receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not be limited to:

- awareness of groups protected under state and federal law and/or targeted groups;
- how to recognize and react to unlawful discrimination and harassment; and
- proven harassment prevention strategies.

Status: PENDING
Adopted: XXX, XX, 20XX
Revised:

Harassment and Discrimination Investigation Procedures

Caprock Academy Harassment and Discrimination Policy can be found on the school's website and will be distributed annually to parents and guardians of all students. Physical copies will be provided to all students in sixth through twelfth grade annually. Additional copies will be given upon request and provided in Spanish if needed. Caprock Academy prohibits discrimination against any student or staff member. It is a violation of policy for any student or staff member to harass students or staff, or to retaliate against those who report harassment and/or discrimination or those who participate in a harassment investigation. Caprock Academy will adhere to all applicable federal and state definitions.

Making a Complaint

Any person who witnesses or experiences bullying on the basis of protected class, harassment, discrimination, or retaliation against students or staff are encouraged to report the conduct to school staff.

Any staff member who receives information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to the Compliance Officer.

Complaints should be made through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged event(s) occurred, and name(s) of the party/parties involved, including any witnesses. Hard copies are available at the front office if needed.

The complaint should be made as soon as possible after the incident.

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- **Harassment and Discrimination Compliance Officer-** Evan Hunt; Head of School
- **Harassment and Discrimination Form Link:**

No person can serve as the Compliance Officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct, or if they are alleged to have participated in the prohibited conduct. If the Compliance Officer is alleged to have participated in the prohibited conduct, complaints may be made to the following school representative:

- **Caprock Academy Board of Directors**
  board@caprockacademy.org (which can be found on the Caprock Academy website)

If the Title IX Compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following school representative:

- **Caprock Academy Head of School- Evan Hunt:**
  970-243-1771 ext. 1116
  e.hunt@caprockacademy.org

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

Complaint Process

Throughout the complaint, Caprock Academy will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. Caprock Academy will make a good faith effort to complete an investigation within sixty days after the complaint, with an additional thirty-day extension possible for good cause. The Compliance Officer or their designee will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

A Compliance Officer will offer the complainant and respondent supportive measures and inform the parties that they may request additional supportive measures throughout the investigation by contacting the Compliance Officer.

In addition, if a student with a disability is a party, the Compliance Officer will collaborate with the student's 504/IEP team to determine appropriate supportive measures and will discuss these options with the student and their parent/guardian.

Supportive measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; extra time for homework or tests; the opportunity to resubmit homework or retake a test; remedying an impacted grade; excused absences; the opportunity for home instruction; modifications to class or work schedules; and restrictions on contact between the parties to a report of harassment or discrimination.

During the investigation, all parties will be treated equitably and will be provided equal opportunity to present evidence. Any questions that arise during the investigation should be directed to or forwarded to the Compliance Officer. The Compliance Officer will provide regular written updates about the status of the investigation to both parties and their parents/legal guardians at the end of each stage of the investigation, but at least every fifteen business days.

Evaluation by Compliance Officer

The Compliance Officer will review the complaint to determine whether the alleged conduct constitutes harassment, discrimination, or Title IX violation. The Compliance Officer will refer the matter back to the Head of School or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The Compliance Officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the Compliance Officer will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The Compliance Officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence shared by law enforcement in making any determinations.

The Compliance Officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

Initial Meetings with the Parties

The following details are actions to be taken by the Compliance Officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- **Initial meeting with Reporting Party (if any) and Complainant:** Within five school days following receipt of the complaint, the Compliance Officer will meet with the complainant and any reporting party and, if applicable, their parents/guardians.

  The purpose of the initial meeting is for the Compliance Officer to:

  - provide the complainant with the information detailed in paragraph, as outlined below; and
  - collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute prohibited discrimination or harassment.

  If the Compliance Officer determines there is no merit to the allegations, the Compliance Officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the Compliance Officer may meet with the respondent to advise them of the allegations and offer supportive measures.

  If the complainant does not want to proceed with the next steps of the investigation, the Compliance Officer may elect to proceed with the investigation, if necessary, to stop any harassment or discrimination and otherwise ensure the safety of the school environment.

- **Initial Meeting with Respondent:** As soon as possible after meeting with the complainant and any reporting party, the Compliance Officer will meet with the respondent and, if this individual is a student, their parents/guardians, in order to obtain a response to the complaint. At the initial meeting, the Compliance Officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.
- **Information Provided at the Initial Meetings:** The Compliance Officer will provide to both the complainant and respondent the same basic information, including:
  - available supportive measures;
  - copies of the Board Nondiscrimination/Harassment Policy;
  - timeline for the investigation process and the school's legal obligations;
  - the possibility of resolving the complaint informally upon agreement of all parties;

- that the information collected is confidential, so long as confidentiality does not prevent the school from responding effectively to prohibited conduct and preventing future prohibited conduct;
- all parties have a right to have an advisor present during all stages of the investigation; and
- parties will be granted excused absences for any therapy, medical, legal, or victim's services appointment associated with the report.

Informal Complaint Process

When the Compliance Officer deems it appropriate, an informal resolution process may be instituted. Informal resolution is not appropriate in all circumstances. It may only be used if both parties are students or both parties are staff, and both parties voluntarily agree (non-coerced) and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other acts of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within seven school days following the conclusion of the informal resolution process, the Compliance Officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the school will take to prevent future discrimination or harassment. A copy of the report will be shared with the Colorado Charter School Institute.

Formal Complaint Process

If the informal process is inappropriate, unavailable, or unsuccessful, the Compliance Officer will engage in the formal complaint process.

Collect Evidence: The Compliance Officer will collect evidence. Evidence may be collected by interviews with parties and witnesses, reviewing any available physical or documentary information, requesting written statements, or other appropriate methods at the Compliance Officer's discretion. Evidence may include but is not limited to evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct.

Determination

No later than sixty days following the conclusion of the investigation, the Compliance Officer will prepare a written report which determines whether discrimination or harassment occurred. The Compliance Officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the Compliance Officer, including:

- the degree to which the conduct affected the complainant's ability to participate in or benefit from the school environment;
- the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment;
- the identity of and relationship between the respondent and the complainant;
- the context of the incident, including school size and location of the incident and/or other incidents at the school;
- whether the conduct was threatening;
- the use of epithets, slurs or other conduct that is humiliating or degrading;
- whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- ages and number of respondents and complainants involved;
- patterns of misconduct of the respondent;
- real or perceived power differentials between the parties;
- any other relevant circumstances.

The decision must include a written determination regarding responsibility, explain how and why the Compliance Officer reached the conclusions outlined in the report, detail any supportive measures or disciplinary sanctions already taken, and recommendations for future disciplinary measures.
The Compliance Officer's report is advisory and must not bind the Head of School or their designee or the school to any particular course of action or remedial measure.

Disciplinary Measures and Outcome

As soon as practicable after receiving the Compliance Officer's findings and recommendations, the Head of School must determine any sanctions or other actions deemed appropriate, pursuant to Policy SE 4.0 Discipline~~/Discharge~~ and/or other appropriate corrective or restorative actions.

To the extent permitted by federal and state law, all parties, including the employees, parents/guardians of all students involved, must be concurrently notified in writing of the final outcome of the investigation and any corrective or restorative action taken by the school within five school days following the Head of School´s determination.
A copy of the Compliance Officer's report, and any corrective, disciplinary or restorative actions shall be provided to the Board of Education.

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

Safe2Tell 1-877-542-7233 www.safe2tell.org

National Domestic Violence Hotline: 1−800−799−SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Violence Free Colorado: https://www.violencefreecolorado.org/

The Crisis Center 24/7 Hotline: 303-688-8484

Grand Junction Police Department 555 Ute Avenue, Grand Junction, CO 81501
(970)242-6707

Outside Agencies

In addition to, or as an alternative to, filing a complaint pursuant to this policy, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Colorado Charter School Institute
1525 Sherman St, B76
Denver, CO 80203
Phone: 303-866-3299
Fax: 303-866-2530
Email: csi_info@csi.state.co.us

Office for Civil Rights
United States Department of Education

Cesar E. Chavez Memorial Building
1244 Speer Blvd., Suite 300
Denver, CO 80204
Phone 30344-5695
Fax 303-844-4303
Email: OCR.Denver@ed.gov

Equal Employment Opportunity Commission
Denver Field Office
950 17th Street, Suite 300
Denver, CO 80202
Phone: 800-669-4000
Fax 303-866-1085
TTY 800-669-6820
ASL Video Phone 844-234-5122

Colorado Civil Rights Division
1560 Broadway, Suite 825
Denver, CO 80202
Phone 303-894-2997 (para español, oprima dos)
711 TTD - Relay
303-894-7830
General Inquiries: DORA_CCRD@State.co.us

Intake Unit: DORA_CCRDIntake@State.co.us

Adopted: XXX, 20XX

LEGAL REFS.:

C.R.S. 22-1-143 *(harassment or discrimination – policy required)*