Caprock Academy
Sexual Harassment (Title IX) Policy and Procedure

1. Prohibition. The School's organizing documents, charter contract, and policies commit it to prohibiting, trying to prevent, and correcting discrimination based on all characteristics protected by federal, state, or local law, or charter-authorizer requirements, including sex or gender. This prohibition and protection extends to all School education programs and activities and applies to all school staff, students, parents, visitors or other actors over whom the School is in a position to exercise an appropriate degree of supervision or control. The School also recognizes that harassment (as defined in law) is one form or manifestation of prohibited discrimination. Therefore, all school staff and students, and any other persons whose behavior occurs on school grounds or in school activities, or whose other activities are under School supervision are prohibited from engaging in sexual harassment. Consistent with *Bostock v. Clayton County,* 590 U.S. ___ (2020), and applicable Colorado law, sexual harassment includes harassment based on sexual stereotypes (gender expression), sexual orientation, and transgender status (gender identity).

2. Definitions. Unless context requires otherwise:

Appeal Panel means the persons designated to hear an appeal under this policy. The Appeal Panel shall be two members of the Board not implicated in the Complaint as Respondent or witness, designated by the Board as a whole. The Appeal Panel may include a third person as a non-voting advisor in hearing the appeal, which may be the School's general counsel, special counsel, or other appropriate person. In no event shall a member of the Appeal Panel or advisor to the appeal panel be the Coordinator, Investigator, or Decision Maker.

Complainant means a person who is alleged to be the target of conduct that could constitute sex-based discrimination or harassment. "Complainant" includes a possible complainant, such as an individual identified by a third party as a possible victim of sexual harassment.

Coordinator means a person designated at the Title IX coordinator of the School. The Coordinator may serve as the Investigator or may delegate that responsibility on a case by case basis. The School may designate more than one Coordinator. The School shall prominently post to its website and otherwise make known the Coordinator(s) as those are assigned from time to time.

Decision Maker means the person who receives a recommendation regarding a complaint of sexual harassment from the Coordinator, assesses the relevant evidence and decides if the burden of proof has been met to determine that a respondent has engaged in sexual harassment. The Decision Maker shall be the School's chief executive officer, unless the chief executive officer is implicated in the complaint as a Respondent or witness, in which case the Board shall designate an independent Decision Maker. The Decision Maker may not be the Coordinator or an Investigator.

Education program or activity means locations, events, or circumstances in which the School exercises substantial control over a Respondent and the context in which alleged sexual harassment occurs.

Investigator means a person trained to evaluate objectively the credibility of witnesses, synthesize evidence and take into account the unique circumstances of each situation involved in an alleged act or pattern of sexual harassment. The Coordinator may be the investigator or may delegate that responsibility to a qualified outside investigator. An investigator may not have a conflict of interest in a matter under investigation.

Parties means the Complainant(s) and Respondent(s) in an individual matter.

Respondent means an individual alleged to have engaged in sex-based discrimination or sexual harassment.

Sexual harassment means conduct ―

- of a school director or employee or other person that conditions an aid, benefit, or service of the school for any person (including but not limited to the benefits of employment and education) on participation in unwelcome sexual conduct (that is, *quid pro quo* harassment);
- of a school employee, student, or other person who is engaging in sexual misconduct involving an employee, student or other person;
- that is unwelcome and that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to employment or to the school's education program and activities; or
- that constitutes sexual violence, dating violence, domestic violence, or stalking. See 20 U.S.C. § 1092(F)(6)(A)(v) & 34 U.S.C. § 12291(a)(10).

Supportive Measures means non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to the School's educational programs and activities (including employment), without unreasonably burdening and other party, and offered without charge. Supportive Measures may include, without limitation, counseling, mentoring, class modification, schedule changes, monitoring, supervision, or restorative justice activities, as deemed appropriate by the Coordinator.

3. Employee Reporting Obligation. All employees are obligated to report any actual knowledge they have that causes them reasonably to believe there has been conduct that constitutes sexual harassment. Parents, students, or others may also make actual knowledge reports. Such reports must be made to the Coordinator

4. Response to Actual Knowledge Report. Upon receiving an actual knowledge report, the Coordinator shall promptly and confidentially contact the Complainant. The Coordinator must (a) discuss the availability of Supportive Measures; (b) consider any request

for Supportive Measures, (c) inform the Complainant that Supportive Measures are available without regard to whether the Complainant does or does not file a formal complaint; and (d) explain the process for filing a formal complaint, if applicable. Without regard to whether a formal complaint is filed, the Coordinator shall complete the form attached as Exhibit 1 for each actual knowledge report.

Formal Complaint. Any person (including a Complainant) may report sexual harassment, in person, by mail, by telephone or by email to the Coordinator at any time. The report must include the nature of the alleged violation; names of the person(s) responsible for the alleged violation (if known); and any other relevant background information. A valid formal complaint can only be and must be signed by a Complainant (or their parent or guardian, if appropriate) or the Coordinator, but not a third-party reporter. . At the time of a complaint, the Complainant must be participating in or attempting to participate in the School's education program or activities (including employment). Upon filing of a formal complaint, the Coordinator shall offer Supportive Measures (if not already offered or provided) to both the Complainant and Respondent. Complainants will be asked to complete the form in Exhibit 2 to this policy. Completion of this form by a complainant is not required to file a complaint.

5. Failure to Offer Supportive Measures. If supportive measures were not offered in response to a report or a formal complaint, the Coordinator must document in detail why such failure was reasonable under the circumstances.

6. Alternative Dispute (Informal) Resolution. If and only if (a) a formal complaint is filed, and (b) the complaint does *not* concern alleged harassment of a student by a School employee, the Parties may voluntarily agree in writing to an alternative form of dispute resolution, such as restorative justice procedures, mediation, fact-finding, or arbitration. Parties may withdraw from such a process at any time before written agreement to a defined process. Agreements to informal resolution that would displace formal investigation (e.g., binding arbitration) require approval of the Coordinator. Once all Parties have executed a written agreement to alternative disputes resolution, without objection by the Coordinator, that agreement is binding by its terms. The Coordinator may disapprove of the use of alternative dispute resolution for certain complaints, including but not limited to complaints of sexual violence, or refuse to approve certain agreements, including but not limited to those containing onerous terms, and proceed with formal investigation. If informal resolution is attempted and unsuccessful (e.g., a restorative justice process that does not reach the hoped-for resolution), the matter may return to formal investigation.

7. Administrative Leave — Emergency Removal — Safety Plans. The School may place a Respondent who is an employee on administrative leave while allegations are investigated and resolved. The School may remove a Respondent who is a student if removal is necessary to protect the student or another person from an immediate threat to physical health or safety. Removal of a student who is on an IEP or Section 504 plan is subject to compliance with requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, as applicable. If a Complainant and Respondent remain in the School pending or following investigation the Coordinator shall determine if a safety plan is

advisable and, if so, initiate the process for creating a written safety plan. A decision not to create a safety plan should be documented in writing.

8. Presumption of Innocence — Burden of Proof — Equitable Treatment. At the outset of any investigation, the Respondent is presumed not responsible for sexual harassment. The burden of proof to overcome the presumption is that a violation of the prohibition on sexual harassment is more likely than not; that is, shown by a preponderance of the evidence. Throughout each investigation, the Complainant and Respondent shall each be treated with respect and in an equitable manner.

9. Summary Dismissal — Relation to Discipline. If the Investigator determines that the allegations of a formal complaint do not meet the definition of Sexual Harassment (or other prohibitions specific to this policy) or did not occur in the School's educational program or activity, *or* did not occur in the United States, the Investigator *shall* summarily dismiss the complaint. If the Respondent withdraws from the School or terminates employment with the School, or the Complainant requests withdrawal of the complaint, or other specific circumstances prevent an investigation that permits a determination based on appropriate evidence, the Investigator *may* dismiss the complaint. Regardless of such dismissal, the School may take whatever separate disciplinary or corrective action is appropriate against a Respondent under its student Code of Conduct or under its employment policies and practices. Notice of summary dismissal shall include a statement of the process and bases for an appeal and whether other actions or forms of grievance processing will take place.

10. Investigation — General Principle. The Investigator shall investigate each formal complaint that is not referred to alternative dispute resolution and not summarily dismissed. Investigation includes evaluation of all available evidence, including witness interviews, review of relevant documents, and consultation with other staff as needed.

11. False Evidence Prohibited. Complainants, Respondents, and all witnesses are prohibited from making any knowing false statement or providing other evidence known to be false in any investigation. The School may take disciplinary or corrective action against a person making false statements or submitting other false evidence. Inconsistencies between evidence and an investigative report or determination of responsibility do not prove a knowing use of false evidence. Discipline for a knowing use of false evidence is not retaliation as otherwise prohibited by this policy.

12. Written Notice of Formal Complaint. The Coordinator or Investigator, as appropriate, will provide written notice to the Complainant and the Respondent of the allegations of a formal complaint and this process, including any opportunity for alternative dispute resolution. The notice must include:

a. Sufficient detail to permit the Respondent to prepare a response. This includes a description of the conduct alleged, the date and location of the conduct and the names of the Complainant and other involved parties, if any.

b. A statement that the Respondent is presumed not to be responsible for the conduct and that responsibility will be determined at the conclusion of the process.

c. A notice of the Complainant's and Respondent's rights to have an attorney or non-attorney advisor.

d. A statement of the right of the Complainant and Respondent to inspect and review any evidence.

e. A statement of the prohibition on providing false statements or evidence.

If additional allegations arise and require investigation, the Coordinator or Investigator will provide written notice of such additional allegation to the Complainant and Respondent. A form of the notice required by this paragraph is Exhibit 3 to this policy.

13. Privileged and Irrelevant Evidence. Evidence that is privileged by law and evidence of sexual predisposition or prior sexual behavior (unless offered to prove either that a person other than respondent committed the alleged conduct or to prove legally recognized consent) is neither admissible nor relevant in this process.

14. Initial Collection of Evidence. The Complainant and Respondent will have a reasonable opportunity to present witnesses and other evidence to the Investigator. The School will not restrict the ability of either Party to gather evidence or discuss the allegations. Such evidence must be provided within 21 days of receipt of the written notice of the formal complaint. The Investigator will meet with each Party and give that Party at least 24 hours' advance written notice of the date, time, location, and purpose of the meeting.

15. Access to Evidence — Parties' Written Response. Once all evidence is collected, the Investigator will provide the Complainant and Respondent (and representatives, if any) with an equal opportunity to review all evidence directly related to the allegations of the formal complaint. If possible, the evidence will be provided in an electronic format that does not permit downloading or copying. The evidence shall include all exculpatory and inculpatory evidence and any evidence that the Investigator will not rely upon. Within 10 calendar days of receipt or inspection of the evidence, the Parties may submit a written response to the Investigator.

16. No Live Hearing. The School will not conduct live hearings under this Policy.

17. Investigative Report — Parties' Responses — Proposed Questions. The Investigator will consider all the relevant evidence discovered during the investigation and consider any written response to the evidence submitted by a Party. Following the date by which any written response must be submitted, the Investigator will promptly prepare and issue a written investigation report that fairly summarizes the relevant evidence discovered during the investigation. The investigative report must be provided to the Parties and the Decisionmaker. The report must include or be accompanied by a notice that the Parties may submit a written response to the report and proposed written, relevant questions the Party wants asked of any

other Party or witness. A form of such notice is provided in Exhibit 4. Such response and proposed questions must be provided to the Decision Maker within five calendar days of the transmission of the report.

18. Written Questioning. The Decision Maker must review the investigative report and the Parties' responses and proposed questions, if any. The Decision Maker shall either exclude questions as irrelevant, with an explanation to the Party proposing the question, or submit the questions for answer and provide each Party with such answers. The Decision Maker shall allow limited follow-up questions from either Party.

19. Decision. No sooner than 10 days after the distribution of the investigative report, the Decision Maker shall determine the question of responsibility. Such determination must be based on facts the Decision Maker finds to be more likely than not, and the written decision must include:

a. A statement of the allegations that may constitute sexual harassment;

b. A summary of the process followed from receipt of the formal complaint through determination, including notices provided, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

c. Findings of fact;

d. Conclusions regarding application of any code of conduct or employment policy and practice to the facts;

e. A statement of, and rationale for,

   i. the conclusions as to each allegation;

   ii. disciplinary sanctions, if any, on the Respondent; and

   iii. Remedies, if any, designed to restore or preserve the Complainant's equal access to the School's programs and activities (including employment, if applicable).

f. A statement of the process and bases for appeal. A form for this statement is provided in Exhibit 5 and may accompany the determination of responsibility (as illustrated in Exhibit 5) or be incorporated into that document.

20. Appeal — Filing and Grounds. An appeal may be filed within five calendar days of notice of a determination of responsibility or summary dismissal. The notice need only identify the Party filing the appeal, the decision or dismissal appealed from and which of the three grounds listed in 20(a) through (c) below will be relied upon. An optional form of notice that may be used is provided in Exhibit 6. An appeal shall be filed with the Decision Maker. Appeals will *only* be permitted on the following grounds:

a. A procedural irregularity affected the outcome of the matter;

b. New evidence not available at the time of the determination of responsibility or summary dismissal could affect the outcome of the matter; or

c. The Investigator or Decision Maker had a conflict of interest or was biased against a Party or biased against all complainants or all respondents.

21. Appeal — Process. The Decision Maker, upon receiving a notice of appeal, shall provide a notice to both Parties (or, in the case of appeal of a summary dismissal, to Complainant) that the appeal has been filed and that each Party has five calendar days to file a brief written statement supporting or challenging the outcome. A form of such notice is provided in Exhibit 7. The Decision Maker shall also initiate the formation of an Appeals Panel. The Appeals Panel shall be provided with copies of the notice of appeal, statements of the parties challenging or supporting the decision appealed, the formal complaint and, as appropriate, either the summary dismissal or the investigative report and determination of responsibility. Either Party may attach other documents produced during the process to their statement supporting or challenging the outcome. The Appeals Panel shall provide a written decision describing the appeal and the rationale for its decision simultaneously to the Parties. If the Appeals Panel is evenly divided on the proper outcome to the appeal, the summary dismissal or determination of responsibility shall be upheld.

22. Remedies. Upon determination that a Complainant was sexually harassed the School may —

a. Offer the Complainant any remedies that will restore or preserve the Complainant's access to the School's educational program and activities (including employment). These may include Supportive Measures or actions similar to supportive measures that have a disciplinary component toward the Respondent. Remedies may be kept confidential as deemed necessary by the School.

b. Impose any disciplinary sanctions on a Respondent Student, including mandatory participation in counseling services; revocation of extra-curricular privileges (including, but not limited to sports); no-contact orders; schedule changes; short-term or long-term suspension or expulsion, or change of placement as otherwise authorized by law.

c. Impose any disciplinary sanctions on a Respondent employee, including mandatory participation in counseling services, no-contact orders, reassignment; suspension without pay; or termination of employment.

23. Time Limits — Inference from Refusal to Provide Evidence. The Coordinator, Investigator, Decision Maker or Appeals Panel may extend any time limit for good cause shown. At all events, the School will endeavor to reach a determination of responsibility or other resolution within 120 days. The Investigator or Decision Maker may consider the advantages of receiving a report of a parallel law enforcement or other investigation in determining the timeline for investigative activities or a determination of responsibility but shall not unduly delay the process to assure such receipt. The Investigator and Decision Maker are

permitted, but not required, to draw adverse factual inferences from the refusal or failure of a Complainant or Respondent to be interviewed or provide other requested evidence.

24. Confidentiality. The identities of persons who made a report of sexual discrimination or harassment, the Complainant, the Respondent, any person reported to have been a perpetrator, and any witness shall not be made public except as provided in the Family Educational Rights and Privacy Act (FERPA), as otherwise provided by law, or as needed for the conduct of any formal investigation or judicial proceeding,

25. Retaliation & Intimidation. Neither the School nor any person may intimidate, threaten, coerce, or discriminate against an individual because such individual has exercised rights under, participated in, or declined to participate in, any proceeding under this policy. Claims of retaliation may be filed under the School grievance policy that would be applicable to a claim of sex discrimination (not including sexual harassment) by the person alleging retaliation.

26. Records. All records created of activity under this policy, including, without limitation, training materials, investigative records, alternative dispute resolution records, disciplinary records, supportive measures, decisions, remedies and appeals, shall be maintained for seven years.

27. Training. All School staff and the School's governing board shall receive basic Title IX training that includes, without limitation, the definition of sexual harassment and the obligation of school employees and officials to report suspected sexual harassment to the Coordinator. Any person who will serve as a Coordinator, Investigator, alternative dispute resolution practitioner, Decision Maker, or member of an Appeals Panel must have had or receive appropriate advanced training on Title IX — specifically, as applicable and without limitation, on all matters covered in basic training, conducting investigations, methods of alternative dispute resolution, preparation of investigative reports, preparation of determinations of responsibility, conducting appeals, identification of privileged or irrelevant evidence (including treatment of evidence of prior sexual conduct), impartiality, avoidance of prejudgment, and avoiding use sex stereotypes.

28. Posting & General Notifications. The School shall place in its student/family and employee handbooks, and post prominently on its website —

a. The name or title, office address, electronic mail address, and telephone number of the Coordinator(s);

b. The availability of the Coordinator(s) to receive at any time a report of sex discrimination, including any complaint of sexual harassment (whether or not by the person alleged to be the victim);

c. A statement of the School policy to not discriminate on the basis of sex in any education program or activity it operates or in employment

d. A copy of or link to this policy and related School policies forbidding and providing procedures for receiving and processing complaints of sex discrimination.

e. A copy of or link to training materials used by the School to comply with paragraph 28, above.

29. Code of Conduct and Employment Policy and Practice Held Harmless. Nothing in this policy prevents the ordinary application of the School's student Code of Conduct or employment policies and practices to matters or issues other than sexual harassment, provided this is not done in retaliation under paragraph 26. For clarity, matters and issues other than sexual harassment includes misconduct that was alleged to be sexual harassment but is another form of misconduct or matters that are first revealed as a result of proceedings under this policy.

30. Policy Review. The Board will review this policy and make appropriate changes, if any, should the Title IX regulation published at 85 Fed. Reg. 30572 (May 19, 2020) be amended, repealed, replaced, or held unlawful in any part in a final and unappealable judgment by a court of competent jurisdiction.

You May Contact the School's Title IX Coordinator at:

Caprock Academy Title IX Coordinator
Trish Mahre.
Director of Title IX Services
Mahre & Mahre, Attorneys at Law

Phone: 970-270-5055

Email: Trish@mahrelaw.com

Persons may report concerns to certain outside agencies. These include:

Colorado Charter School Institute
1525 Sherman St, B76
Denver, CO 80203
Phone: 303-866-3299
Fax: 303-866-2530
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
(303) 844-5695
(303) 844-4303 (fax)
OCR.Denver@ed.gov

Denver Field Office
Equal Employment Opportunity Commission
950 17th Street
Suite 300
Denver, CO 80202
1-800-669-4000
303-866-1085 (fax)
1-800-669-6820 (TTY)
844-234-5122 (ASL Video Phone)

Colorado Civil Rights Division
1560 Broadway, Suite 825
Denver, CO 80202
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

Authority: 20 U.S.C. § 1681, *et seq.*
34 C.F.R. §§ 106.8, 106.30, 106.44, 106.45 & 106.71.
C.R.S. §§ 24-34-101, *et seq.*
Bostock v. Clayton County, 590 U.S. ___ (2020).
Rosenberg v. Bd. of Educ., 710 P.2d 1095 at n. 11 (Colo. 1985).

Exhibit 1
Actual Knowledge Report
(to be completed by the Title IX Coordinator)

1. Date: _____

2. Name of Reporter: _____

3. Name of Complainant: _____

4. Name of Respondent: _____

5. Summary of Report: _____

_____

_____

Attached pages? □ No □ Yes — Number? ___

6. Was the report discussed with Complainant? Yes □ No □ Date:_____

7. Was the Complainant:

   Informed of available Supportive Measures, with or without a formal complaint? Yes □ No □

   Given an explanation of the process for filing a formal complaint? Yes □ No □

8. Were Supportive Measures requested? Yes □ No □

9. Will Supportive Measures be provided? Yes □ No □. If yes, describe: _____

_____

10. If an answer under 6 through 9 above is "No," fully explain why (attach pages if needed):

_____

_____

Attached pages? □ No □ Yes — Number? ___

11. Formal Complaint filed by/for Complainant? Yes □ No □

12. Formal Complaint filed by Title IX Coordinator? Yes □ No □

_____ _____
Signature of Title IX Coordinator Date

Exhibit 2
Sexual Harassment (Title IX) Complaint Form

Instructions for filling out this form: If you believe that you have been the victim of sexual harassment, please fill out this form and submit it by hand delivery, electronic mail, or U.S. mail to the School's Title IX Coordinator. **You are not required to use this form and may file a complaint by any other reasonable means, orally or in writing.** If the victim of sexual harassment is a minor, the form my be completed and signed by a parent or guardian. A person believed to be a victim of sexual harassment is the "complainant."

If you are reporting sexual harassment you witnessed or know of against another person, please report this to the School's Title IX Coordinator. **Do not use this form**. Please identify for the Coordinator the victim, the alleged perpetrator; the date, time and place of the conduct; and other factual details. **Under federal law, only an alleged victim (for themselves or, for a minor, through a parent or guardian) or the Title IX Coordinator has the right to file a complaint.**

Please print or type when completing this form**. If needed, attach additional sheets and indicate the number of additional pages below.**

Name of complainant: _____

Parent or guardian (if applicable) _____

Address: _____

Telephone number: _____

Email address: _____

I am an/a: ☐ Employee ☐ Student ☐ Parent/Guardian ☐ Other (_____)

You have the right to be represented by an advisor (who may be an attorney, advocate or someone else) during the complaint process. If you have an advisor, please provide contact information. You may provide this information at a later time.

Name: _____

Address: _____

Telephone number: _____

Email address: _____

A person alleged to have committed sexual harassment is called the "respondent." Please identify the respondent(s) and indicate their relationship to the School.

_____

☐ Employee ☐ Student ☐ Parent/Guardian ☐ Other (_____)

Please describe the facts and circumstances giving rise to this complaint. **If needed, attach additional sheets and indicate the number of additional pages below.**

When and where did these events occur? Provide dates, times, and locations, if possible.

Please provide the names of anyone else you believe is a victim of such conduct:

Please provide the names and contact information of anyone who may have witnessed the alleged conduct.

If you have reported this to another person, please state to whom you reported the behavior and provide their contact information (if known).

If you reported to a School employee, please state when, to whom, and what response you received. Please note such a report was not required.

Please list below any evidence that you believe is relevant. This could include audio or visual media, physical objects, online materials, text messages, voicemail messages, screen captures, emails, or any other item. Please include any information in the possession of the School or the Respondent that may be helpful (such as emails, pictures, or video).

Is there any other information you believe would be helpful? For example, if this conduct constituted harassment or misconduct on some other grounds, you may explain that here.

Please explain how this conduct has impacted you. This includes any injuries as well as impacts on your ability to access or benefit from the School's education program or activities or from your employment.

Please describe the outcome or remedy you seek.

Please provide below your physical or digital signature.

Signature: _____

Name (printed): _____

Check one: ☐ Complainant ☐ Parent/Guardian ☐ Title IX Coordinator

Date: _____

Notice to Complainant: This document is a legal record requesting a formal investigation. Please keep a copy of this completed form and any supporting documentation for your records.

If your complaint is found not to support a claim of sexual harassment, but would be proper under any other School policy, the School will notify you and proceed to consider your complaint under the proper policy.

Exhibit 3
Written Notice of Formal Complaint

[To be promptly prepared and provided by the Coordinator or Investigator to the Complainant and Respondent after a formal complaint is filed, if the complaint is not summarily dismissed.]

[School Letterhead]

[Date]

PLEASE TAKE NOTICE THAT, a formal complaint alleging sexual harassment has been filed with the School. I will be the Investigator in this process and will submit an investigative report with findings and recommendations.

In such complaints the alleged victim is referred to as the Complainant and the alleged perpetrator is referred to as the Respondent. One purpose of this notice is to assure that both the Complainant and Respondent are aware of certain rights they may exercise in this process. Another purpose is to allow the Respondent to be prepared to appropriately participate in this process. When a party is a minor, the parent or guardian will be given this notice. The terms "Complainant" and "Respondent" may in some cases refer to a representative of a minor.

At the outset of this process, the Respondent is presumed not to be responsible for the conduct alleged. Responsibility will be determined at the conclusion of the process.

Complainant: _____

Respondent: _____

Summary of the Complaint:

Date(s) of conduct: _____

Location of conduct: _____

Names of other parties, if any:_____

_____

Description of the conduct alleged. This is a summary intended to provide sufficient detail to allow the Respondent to prepare a response. (Additional pages may be attached)

_____

_____

_____

_____

Both the Complainant and the Respondent have a right to be advised by an attorney or non-attorney of their choice, at their own expense.

Both the Complainant and the Respondent have the right to collect and submit evidence in this process. Please submit such evidence directly to me. Such evidence must be submitted within 21 days of receipt of this notice.

During this process both the Complainant and Respondent will be given the opportunity to inspect and review all evidence that I have gathered.

Submitting knowingly false statements or evidence is a violation of School policy and will result in disciplinary consequences. Such consequences are not "retaliation." Mere disagreement between the parties, or between a party and a school official investigating or deciding this matter does not, by itself, demonstrate knowing submission of false evidence.

If a party refuses to cooperate, I am empowered to nonetheless finish the investigation and issue a report. I may also decide that a party refusing to respond to questions or provide evidence means that they have no basis for disputing certain factual issues.

I will be following up as needed during the investigation. Please contact me with any questions or concerns.

/s/ Investigator

Exhibit 4
Notice to Parties Concerning Investigative Report

[At the conclusion of the investigation this notice will accompany the investigative report and be provided by the Investigator to the Complainant, the Respondent, and the Decision Maker.]

[School letterhead]

[Date]

[Addressee]

Attached to this notice is a copy of the investigative report on an allegation of sexual harassment in which you are [the Complainant/the Respondent/the Decision Maker].

Further proceedings in this matter will be handled by the [Decision Maker/Other Title], who is:

[Name/Title]
[Street address]
[fax]
[email]

The Complainant and the Respondent each have the right to submit a written response to this report. The Complainant and the Respondent each also have the right to submit proposed written, relevant questions they want the Decision Maker to ask of the other Party or a witness. **Any written response or proposed questions must be provided to the [Decision Maker/Other Title] within five (5) days of receipt of this report.**

I want to thank everyone for their efforts in this investigative process.

/s/ [Investigator]

Exhibit 5
Notice to Parties Concerning Determination of Responsibility

[This notice is to accompany the transmission of, or be incorporated into, the determination of responsibility to the Complainant and Respondent. The form given here is of a cover letter.]

[School Letterhead]

[Date]

[Addressee]

Please find attached the determination of responsibility in this matter. This determination can be appealed on one or more of the following three grounds:

- You believe a procedural irregularity affected the outcome of the matter;
- You have new evidence not available as of the date of this decision that could have affected the outcome of this matter; or
- You believe either I was biased, or the Investigator was biased, against you or biased against all persons in your position (that is, all complainants or all respondents).

If you wish to appeal, please send me a notice identifying the ground(s) on which you are appealing. An optional form of notice of appeal is provided in Exhibit 6 to the Caprock Academy Sexual Harassment (Title IX) Policy and Procedure. If an appeal is filed, I will forward your notice of appeal to an Appeals Panel formed under the School's sexual harassment policy and provide you with a further notice of details of that process.

/s/ [Decision Maker]

Exhibit 6
Notice of Appeal

[This illustrates one proper form for filing a notice of appeal. This may be used by a Complainant in response to a summary dismissal or by a Complainant or Respondent in response to a determination of responsibility.]

[Date]

From: [Name and Contact information of party filing the appeal]

To: [Name, Title and Contact information of Decision Maker]

To Whom it May Concern:

I am appealing the (check one) □ Summary Dismissal □ Determination of Responsibility in this matter dated [date]. I believe (check appropriate boxes and summarize details, if desired):

□ A procedural irregularity affected the outcome of the matter. Describe (optional):
_____

_____

□ I have new evidence not available as of the date of this decision that could have affected the outcome of this matter. Describe (optional): _____

_____

_____

□ The (check as appropriate □ Investigator or □ Decision Maker was biased against me or biased against all persons in my position. Describe (optional):_____

_____

_____

/s/ [Complainant or Respondent]

Exhibit 7
Notice to Parties of Appeal

[To be provided by the Decision Maker to the Complainant in the event of appeal of a summary dismissal, or to the Complainant and Respondent in the event of appeal of a determination of responsibility.]

[School letterhead]

[Date]

[Addressed to Complainant in cases of appeal of summary dismissal or to the Complainant and Respondent in cases of appeals of determination of responsibility.]

This will confirm that I have received a notice of appeal in this matter. If you did not file the notice of appeal, it is attached. You may file a brief written statement challenging or supporting the outcome in this matter within five (5) days of receipt of this notice. The notice of appeal and such written statements will be provided to the Appeals Panel, together with the formal complaint and, as appropriate, either the summary dismissal or the investigative report and determination of responsibility.

You may attach other documents from this proceeding to your written statement.

/s/ [Decision Maker]