



## **Title IX Grievance Policy For Students**

### **Title IX Grievance Process**

CEC has established the following timeframes for the major stages of the grievance procedures:

#### **Evaluation:**

- Upon CEC's receipt of actual knowledge of alleged sexual harassment, the Title IX Coordinator, or designee, shall contact the Complainant(s) and Respondent(s) to offer supportive measures and to discuss with the Complainant the process for filing a formal complaint.
  - Appropriate supportive measures are determined on a case-by-case basis in collaboration with CEC's administration, the Title IX Coordinator, and/or other appropriate school employees. Supportive measures may include, for example, counseling, extension of deadlines, restrictions on contact applied to one or more parties, and changes in class, work, or housing.
  - Supportive measures shall be confidential to the extent possible.
  - CEC presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- Once a complaint is received, the Title IX Coordinator will determine if the alleged conduct occurred in the school's education program or activity.
  - If the alleged conduct is not part of the education program or activity, the Title IX complaint will be dismissed, but the complaint may still move forward under other school policy or legal provisions.
    - A dismissal does not prohibit CEC from addressing the allegations in any manner it deems appropriate, including the continued availability of supportive measures and discipline for detrimental behavior off school property in violation of CEC's policy and procedures and/or state law.
- If a complaint is within the scope of this grievance process, the Title IX Coordinator shall start the investigation process.
- CEC requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

## Investigation:

The investigator will begin the investigation and adhere to the following:

- Notice. Upon initiation of CEC's Title IX grievance procedures, CEC will notify the parties of the following:
  - CEC's Title IX grievance procedures and any informal resolution process;
  - Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
  - Retaliation is prohibited, and
  - If CEC provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence upon the request of any party,

If additional allegations are discovered during the grievance process, the investigator shall issue an amended notice.

- Presumption of Non-Responsibility. The grievance process is a neutral fact-gathering process, and a Respondent is presumed **not** to have violated the policy. This presumption may be overcome only where there is sufficient evidence of a policy violation.
  - The investigator shall not draw any adverse inference from a Complainant or Respondent's decision not to participate in the formal resolution process.
  - However, the resolution process may proceed, and a finding of responsibility and imposition of any sanction(s) may occur without the Complainant or Respondent's participation.
- Timeframe for Grievance Process. Generally, the timeframe from the issuance of a notice of investigation through the release of the written determination will not exceed sixty (60) calendar days. At times, additional time may be needed, and parties will be notified if that is the case.
- Evidence
  - CEC will review all evidence gathered through the investigation and determine what is relevant and what is impermissible, regardless of relevance.
  - CEC will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
    - CEC will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
    - CEC will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
- Written Notice of All Meetings. Prior to any investigative interviews, hearings, or other meetings, a party shall receive written notice of the date, time, location, purpose, and participants to ensure the party is adequately prepared to participate.
- Investigation Report. Prior to the issuance of any findings, both parties shall have a reasonable amount of time to respond to the evidence or to the accurate description of the evidence. If either party wishes to correct or add to the evidence, submit arguments regarding the relevance of certain evidence, or suggest additional witnesses, they must notify the investigator during the review period. Corrections, arguments regarding relevance, additional

evidence, or new witnesses may not be submitted after the review period has ended and shall not be considered in an appeal.

- Extensions to Review Periods. A party who requires additional time to review the evidence or investigation report must request an extension, including stating the reason for the extension and a proposed new deadline. Such extensions are granted at the discretion of the Title IX Coordinator based on a showing of good cause.
- Submission of Investigation Report. Following the review period, the investigator shall submit the investigation report to the decision-maker for their review. The parties shall also receive copies of the investigation report.

### **Decision-making Process**

The decision-maker receives the investigation report and adheres to the following:

- Standards for Decision. The decision-maker shall consider all relevant evidence that is not otherwise impermissible.
  - The decision-maker will apply the preponderance of the evidence standard when deciding and must notify the Complainant and Respondent of the decision.
- Report. The decision-maker will prepare findings of fact and an analysis of whether the Respondent violated the policy. The decision must include:
  - a written determination regarding responsibility,
  - explain how and why the decision-maker reached the conclusions outlined in the report and,
  - detail any disciplinary, remedial, supportive, or other measures taken in response to the conduct.
- Report Distribution. Upon completion of the written determination, the decision-maker shall provide it to the Title IX Coordinator who shall simultaneously provide it to the parties.
  - The decision-maker's decision does not prejudice either the Complainant or the Respondent from seeking redress through state or federal agencies, as provided in law.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to a complainant and other people the CEC identifies as having had equal access to CEC's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions;
    - Nothing in this policy prevents the ordinary application of CEC'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 this Policy.
    - State and federal criminal laws may also apply to conduct prohibited by this Policy and criminal prosecution may take place independently of any investigatory or disciplinary action taken by the school. In the event of criminal charges, it is possible students will be assigned to an alternative educational setting pursuant to Colorado law and CEC disciplinary policy.
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within CEC's education program or activity;
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination; and

- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

CEC will not conduct live hearings under this Policy.

### **Questioning the Parties and Witnesses**

CEC provides a process that enables the decision-maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. When assessing witness credibility in a Title IX hearing, the decision-maker will consider factors such as:

- **Trustworthiness**: Whether the witness is telling the truth.
- **Conflict of Interest**: Whether the witness has something to gain from a particular slant of testimony.
- **Consistency**: Whether the witness's story is consistent in substance and chronology.
- **Plausibility**: Whether the information provided is inherently plausible.
- **Evidence**: Whether the evidence provided is consistent with other credible evidence.
- **Detail**: Whether the witness provides factual detail that can be assessed against general allegations, accusations, excuses, or denials.

### **Dismissal of a Complaint**

CEC may dismiss a complaint of sex discrimination if:

- CEC is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in CEC's education program or activity and is not employed by CEC;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and CEC determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- CEC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, CEC will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, CEC will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then CEC will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing.

When a complaint is dismissed, CEC will:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within School's education program or activity.

### **Appeal**

CEC will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a complaint.

If the dismissal occurs after the Respondent has been notified of the allegations, then CEC will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The investigation is closed after the decision-maker issues a decision unless either party appeals the decision within ten (10) calendar days by making a written request to the decision-maker detailing why the decision should be reconsidered.

### **Appeal Process**

If the dismissal is appealed, CEC will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision-maker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

### **Privacy**

CEC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

### **Retaliation and Intimidation**

Neither CEC 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 CEC's Network Grievance policy that would be applicable to a claim of sex discrimination (not including sexual harassment) by the person alleging retaliation.

### **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. All employees must report these concerns to CEC's Title IX Coordinator.

An individual is permitted to report to the CEC Governing Board in the event that there are allegations against the Title IX Coordinator.

### **CEC Title IX Coordinator**

Dr. Stephanie Livingston, Executive Director of Organizational Leadership and HR  
4424 Innovation Drive, Fort Collins, Colorado, 80525

Phone: (970) 377-0044

Fax: (970) 377-1144

[stephanie.livingston@coloradoearlycolleges.org](mailto:stephanie.livingston@coloradoearlycolleges.org)

Persons may report concerns to certain outside agencies.

### **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](mailto: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](mailto: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](mailto:DORA_CCRD@State.co.us)

Intake Unit: [DORA\\_CCRDIntake@State.co.us](mailto:DORA_CCRDIntake@State.co.us)