

Policy – Student

E.13 – Discriminatory Harassment Policy (Title IX)

I. Policy Statement

Community Leadership Academy, Inc. (the "School") is committed to maintaining a learning and working environment free from discrimination based on sex or gender, including sexual harassment. This policy is adopted in accordance with Title IX of the Education Amendments of 1972 and relevant Colorado state laws. Provisions based on state law are effective immediately, while those based on federal law will take effect on August 1, 2024. Provisions consistent with current federal regulations may be applied before August 1. Title IX sexual harassment proceedings initiated before August 1, 2024, shall follow the provisions of Part 106 of Title 34 of the Code of Federal Regulations then in effect.

II. Title IX Overview

Title IX prohibits discrimination on the basis of sex or gender in any education program or activity receiving federal financial assistance. The School adheres to this federal mandate and is dedicated to ensuring that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity based on sex or gender.

III. State Discriminatory Harassment Law

Pursuant to Colorado Revised Statute § 22-1-143, the School has established policies to protect students from harassment and discrimination. Certain behaviors that do not meet the Title IX definition of sexual harassment may still violate Colorado law. The School will adhere to both federal and state laws where applicable, giving precedence to the law that offers greater protection against harassment.

IV. Applicability

This policy applies to all individuals associated with the School, including students, employees, volunteers, and parents. Discriminatory harassment based on any protected status is strictly prohibited, whether perpetrated by or against students, employees, or other individuals involved with the School.

V. Definitions

- **Complainant:** An individual alleged to have been subjected to conduct that violates Title IX or Colorado state harassment laws.
- **Confidential Employee:** An employee whose communications are privileged or confidential under federal or state law. This protection applies only to information received within the scope of duties related to confidentiality.
- **Conflict of Interest:** A situation where private interests conflict with official or professional responsibilities.
- **Dating Violence:** Violence committed by an individual in a romantic or intimate relationship with the victim, based on the nature of the relationship.

- **Domestic Violence:** A crime committed by a current or former spouse, intimate partner, or someone similarly situated under domestic or family violence laws.
- **Hostile Environment:** Unwelcome conduct based on protected status that is objectively and subjectively offensive, limiting a person's ability to participate in or benefit from the School's programs or activities.
- **Preponderance of the Evidence:** The standard of proof indicating that the claim is more likely true than not.
- **Protected Status:** Includes race, color, sex, sexual orientation, gender identity, national origin, and other statuses protected by law.
- **Quid Pro Quo:** When an aid, benefit, or service is conditioned on participation in unwelcome sexual conduct.
- **Reasonable Person:** A person under similar circumstances and with similar identities to the victim.
- **Respondent:** The individual reported to have engaged in conduct that could constitute sexual harassment.
- **Sexual Harassment:** As defined under Title IX and Colorado law, includes quid pro quo harassment, severe or pervasive unwelcome conduct, and specific acts such as sexual assault, dating violence, domestic violence, and stalking.
- **Supportive Measures:** Non-punitive, non-disciplinary services provided to ensure equal access to education.

VI. Policy Notification

The School will ensure this policy is communicated to students, parents, employees, and applicants. It will be available on the School's website and in various official documents. Distribution will be in English, and upon request, in Spanish. Key notifications include annual distribution to employees and parents and conspicuous posting within the School.

VII. Civil Rights Coordinator

The School appoints a Civil Rights Coordinator responsible for managing complaints of Discriminatory harassment, including those under Title IX. The Coordinator may serve as investigator and decision-maker or delegate these roles as necessary.

- **Coordinator:** Jessica Martinez
- **Phone:** 303-288-2711
- **Email:** jmartinez@clacharter.org

VIII. Reporting and Confidentiality

All employees and authorized volunteers, except for confidential employees acting in their capacity, must report any suspected discriminatory harassment to the Civil Rights Coordinator. Confidential employees must inform individuals of their reporting options and offer guidance on contacting the Title IX Coordinator.

IX. Grievance Process

A. Supportive Measures: Upon receiving a report, the Civil Rights Coordinator will offer supportive measures to the complainant, ensuring these measures are non-punitive and do not unreasonably burden the other party.

B. Formal Complaint: The Coordinator will determine whether a formal complaint is warranted, considering factors such as safety concerns, the severity of allegations, and the relationship between the parties.

C. External Investigations: This policy does not alter mandatory reporting obligations to outside authorities. The School will coordinate its investigation with law enforcement or child protective services when necessary.

D. Dismissal: Complaints that do not meet the definitions under Title IX or Colorado law may be dismissed, with notifications provided to all relevant parties.

E. Informal Resolution: Informal resolution may be offered, excluding cases of alleged sexual harassment by an employee against a student. Participation in informal resolution is voluntary.

F. Consolidation: The School may consolidate complaints involving multiple parties when allegations arise from the same facts or circumstances.

G. Notice to Respondent: The Coordinator will notify the respondent of a formal complaint, outlining the allegations and providing access to relevant evidence.

H. Emergency Removal: The School may remove an alleged offender from its programs if there is an immediate threat to safety, following an individualized safety assessment.

I. Investigation: The School will conduct a prompt, thorough, and impartial investigation, with a presumption of no responsibility for the respondent until proven otherwise by a preponderance of the evidence.

J. Remedies and Appeal: Remedies will be designed to restore equal access to education or employment. Parties may appeal decisions based on procedural errors, new evidence, or conflicts of interest.

K. Retaliation: Retaliation against anyone reporting or participating in an investigation is prohibited. Disciplinary action may be taken for knowingly false reports.

X. Record Retention

The School will retain records of harassment or discrimination reports, including supportive measures and training materials, for seven years.

XI. Employee Training

To ensure compliance with Title IX and Colorado state laws, all employees of Community Leadership Academy, Inc. must undergo training on recognizing and responding to harassment and discrimination. The specific training requirements are as follows:

1. Initial Training Upon Hire:

- **New Employees:** All new employees must complete comprehensive training on harassment and discrimination within the first 30 days of their employment. This training will cover the School's policies, including Title IX obligations, the definitions of sexual harassment, mandatory reporting responsibilities, and procedures for responding to complaints.

2. Annual Refresher Training:

- **All Employees:** Every employee must participate in annual refresher training. This training will reinforce knowledge of the School's harassment and discrimination policies, updates on any changes to federal or state laws, and best practices for creating a safe and supportive environment.

3. Role-Specific Training:

- **Title IX Coordinator, Investigators, and Decision-Makers:** Individuals in these roles must undergo specialized training at least annually. This training will focus on the specifics of the Title IX grievance process, including how to conduct fair and impartial investigations, how to make determinations based on a preponderance of the evidence, and how to effectively implement supportive measures and remedies.
- **Supervisors and Managers:** Employees in supervisory roles must receive training on preventing and addressing harassment and discrimination. This training will occur at least once every two years.

4. Training on Policy Updates:

- **All Employees:** Whenever there are significant updates to the School's harassment or discrimination policies or when there are changes in federal or state laws, all employees must receive updated training. This training will be provided within 60 days of the policy change.

5. Public Availability of Training Materials:

- **Transparency Requirement:** All training materials used for Title IX and harassment prevention will be made publicly available upon request.

These training requirements are designed to ensure that all employees are well-informed and prepared to uphold the School's commitment to a harassment-free environment, providing consistent education and reinforcement of these critical policies.

XII. Reporting Data to the Charter School Institute

By July 1 of each year, the School shall provide to the Charter School Institute a report that includes aggregated, non-personally identifiable information from the past 12 months. This report will cover:

- The number of formal harassment or discrimination complaints received by the School.
- The type of bias reported when harassment or discrimination was found.
- The time taken to complete each investigation and make findings related to each report.

Title IX Discriminatory Harassment Complaint Form

Instructions:

This form is to be used to report incidents of discriminatory harassment, including sexual harassment, under Title IX. Please complete the form to the best of your ability. If you need assistance in filling out this form, please contact the Title IX Coordinator, Jessica Martinez, at 303-288-2711 or jmartinez@clacharter.org.

Section 1: Complainant Information

- Name of Complainant:

○ _____

- Affiliation with the School (e.g., student, employee, parent, volunteer):

○ _____

- Grade/Position:

○ _____

- Contact Information:

○ Phone: _____ Email: _____

○ Address: _____

Section 2: Incident Information

- Date of Incident: _____

- Time of Incident: _____

- Location of Incident: _____

Section 3: Details of the Incident

- Please describe the incident(s) in detail. Include specific actions, behaviors, and any words spoken. Be as specific as possible.

○ _____

○ _____

○ _____

○ _____

- Was there anyone else present during the incident(s)? (Please provide names and contact information, if available):

○ _____

○ _____

○ _____

Section 4: Respondent Information

- Name(s) of the individual(s) you are filing the complaint against (Respondent):

○ _____

- Affiliation with the School (e.g., student, employee, parent, volunteer):

○ _____

Section 5: Evidence

- Please list any evidence you have that supports your complaint (e.g., emails, text messages, photos, witnesses):

- _____
- _____

Section 6: Desired Outcome

- What outcome are you seeking as a result of this complaint?

- _____
- _____

Section 7: Confidentiality

- Do you wish to keep your identity confidential? (Please note that confidentiality may limit the school's ability to fully investigate your complaint):

- Yes
- No

Section 8: Additional Information

- Is there anything else you would like to provide or request as part of this complaint?

- _____
- _____

Section 9: Signature

- Signature of Complainant: _____
- Date: _____

For Office Use Only

- Date Received: _____
- Received By: _____
- Complaint Number: _____
- Follow-Up Actions (Please attach additional sheets if necessary):

- _____
- _____

Submission Instructions

Please submit this completed form to the Title IX Coordinator:

- **In Person:** Jessica Martinez, [School Office Address]
- **By Mail:** [School Office Address]
- **By Email:** jmartinez@clacharter.org

Title IX Initial Investigation Form

Instructions:

This form is to be completed by the Title IX Coordinator or designated investigator upon receiving a complaint of discriminatory harassment, including sexual harassment. The purpose of this form is to document the initial investigation steps and gather relevant information for further investigation.

Section 1: Case Information

- **Case Number:** _____
- **Date Complaint Received:** _____
- **Received By:** _____

Section 2: Complainant Information

- **Name of Complainant:** _____
- **Affiliation with the School (e.g., student, employee, parent, volunteer):**
 ○ _____
- **Contact Information:**
 - Phone: _____ Email: _____

Section 3: Summary of Complaint

- **Date of Incident(s):** _____
- **Location of Incident(s):** _____
- **Summary of Allegations (briefly describe the nature of the complaint):**
 ○ _____
 ○ _____
 ○ _____

Section 4: Respondent Information

- **Name(s) of Respondent(s):** _____
- **Affiliation with the School (e.g., student, employee, parent, volunteer):**
 ○ _____

Section 5: Initial Assessment

- **Immediate Safety Concerns:**
 - Yes
 - No
 - **If yes, describe the concerns and actions taken:**
 ■ _____
 ■ _____
- **Supportive Measures Offered to Complainant:**
 - Counseling
 - Academic Accommodations
 - Schedule Modifications
 - No-Contact Order
 - Other: _____
 - **Date Supportive Measures Implemented:** _____
- **Supportive Measures Offered to Respondent:**
 - Counseling
 - Academic Accommodations
 - Schedule Modifications
 - No-Contact Order
 - Other: _____
 - **Date Supportive Measures Implemented:** _____

Section 6: Witness Information

- **Name(s) of Witness(es) Identified:** _____
- **Contact Information:**
 - Witness 1: _____
 - Witness 2: _____

Section 7: Initial Evidence Collection

- **Evidence Collected:**
 - Emails
 - Text Messages
 - Photos
 - Surveillance Footage
 - Witness Statements
 - Other: _____

Section 8: Mandatory Reporting

- **Was a mandatory report made to external authorities (e.g., police, child protective services)?**
 - Yes
 - No
 - **If yes, date of report:** _____
 - **Agency Reported To:** _____

Section 9: Preliminary Determination

- **Does the complaint fall under Title IX?**
 - Yes
 - No
 - **If no, provide rationale and next steps:**
 - _____
 - _____
- **Will the case proceed to a full investigation?**
 - Yes
 - No
 - **If no, provide rationale and case closure details:**
 - _____
 - _____

Section 10: Next Steps

- **Investigator Assigned:** _____
- **Date of Full Investigation Initiation:** _____
- **Additional Actions Required (e.g., gathering more evidence, conducting interviews):**
 - _____
 - _____

Section 11: Documentation and Signatures

- **Title IX Coordinator/Investigator Name:** _____
- **Signature:** _____
- **Date:** _____

Section 12: Attachments

- Complaint Form
- Supportive Measures Documentation
- Collected Evidence
- Witness Statements
- Other: _____

Submission Instructions

This form and all related documentation should be securely stored in the Title IX case file and retained in accordance with the School's record-keeping policy.