

## Policy - School

### E.13 – Harassment and Discrimination Investigation Procedures for Students

Community Leadership Academy/Victory Preparatory Academy (CLA/VPA) prohibits discrimination against any student. It is a violation of policy for any student or staff member to harass students or retaliate against those who report harassment or discrimination or participate in a harassment investigation.

For the purposes of this policy, **harassment** is unwelcome conduct or communication directed at a student based on their protected class, as described in the Board's Nondiscrimination/Equal Opportunity Policy, that is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following criteria:

- Submission to the conduct or communication is made a term or condition of access to educational services.
- Submission to, objection to, or rejection of the conduct or communication is used or threatened to be used as a basis for educational decisions affecting the student.
- The conduct or communication interferes with a student's ability to participate in the school's educational services or creates an intimidating, hostile, or offensive educational environment.

Under Colorado law, **harassment** also includes the knowing or intentional use of a name other than a student's chosen name, or the refusal to use a student's chosen name.

CLA/VPA has adopted the following grievance procedures to encourage reporting and ensure that the investigation and resolution of complaints of harassment and discrimination against students are fair, impartial, and prompt. Allegations of sex-based discrimination or sex-based harassment arising under Title IX must follow the procedures specifically outlined in the Board's **Sex-Based Harassment Investigation Procedures Policy**.

#### Investigation Process

Throughout the investigation, CLA/VPA will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The school will make a good faith effort to complete the investigation within sixty days after the complaint, with an additional thirty-day extension possible for good cause. 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.

Promptly after receiving a complaint, the compliance officer will offer the complainant and respondent supportive measures and inform the parties that they may request additional supportive measures throughout the investigation. If a student with a disability is involved, the compliance

officer will collaborate with the student's 504/IEP team to determine appropriate supportive measures.

**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 schedules
- Restrictions on contact between the parties involved in the report of harassment or discrimination.

During the investigation, all parties will be treated equitably and will be provided an 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.

### 1. Making a Complaint

Any person who witnesses or experiences bullying, harassment, discrimination, or retaliation against students is encouraged to report the conduct to the school's compliance officer. Complaints may be made by phone, email, in person, or through an online form. The complaint should include a detailed description of the alleged event(s), the date(s), name(s) of the involved parties, and any witnesses. Complaints should be made as soon as possible after the incident.

#### **Compliance Officer:**

Jessica Martinez

[JMartinez@CLAcharter.org](mailto:JMartinez@CLAcharter.org)

(303) 288-2711

#### **Complaint Form (attached to this policy)**

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 prohibited conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following school employee:

Jessica Martinez

[JMartinez@CLAcharter.org](mailto:JMartinez@CLAcharter.org)

(303) 288-2711

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.

## 2. Evaluation by Compliance Officer

The compliance officer will review the complaint to determine whether the alleged conduct constitutes harassment or discrimination. 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 request by 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. The compliance officer will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation but may consider any evidence shared by law enforcement in making 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, or insufficient capacity due to other matters. The term “compliance officer” refers to the compliance officer or their designee.

## 3. Initial Meetings with the Parties

After determining that the allegations, if proven true, would constitute harassment or discrimination, the compliance officer will meet with the complainant and any reporting party and their parents/guardians within three to five school days following receipt of the complaint. The compliance officer will:

- Provide the complainant with information outlined in section (c) below.
- Collect additional information necessary to complete the complaint and determine whether the allegations, if proven true, constitute prohibited discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the complaint may be dismissed, and the complainant will be notified in writing. If the complaint is dismissed, 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 investigation, the compliance officer may continue the investigation if necessary to stop any harassment or discrimination and ensure the safety of the school environment.

The compliance officer will meet with the respondent as soon as possible to obtain a response to the complaint and to provide the respondent with a chance to respond to the allegations.

### **Information provided at the initial meetings:**

- Available supportive measures
- Copies of the Board Nondiscrimination/Equal Opportunity Policy
- Timeline for the investigation process and the school's legal obligations
- Possibility of resolving the complaint informally with agreement from all parties
- Confidentiality of the process, within the limits necessary for effective school action
- Right to have an advisor present during all stages of the investigation
- Right to excused absences for therapy, medical, legal, or victim's services appointments associated with the report

#### 4. Informal Complaint Resolution

When appropriate, the compliance officer may initiate an informal resolution process. Informal resolution may only be used if both parties are students, both parties agree voluntarily, and the agreement is documented in writing. Informal resolution is not appropriate for all types of complaints, such as those involving sexual assault or violence. No party will be forced to participate in informal resolution, and either party may request to end the informal process at any time.

If a resolution is achieved through informal resolution, no further action is required. However, within six to seven school days after informal resolution, the compliance officer will prepare a written report detailing the process and any corrective or restorative measures taken. A copy of the report will be shared with the Colorado Charter School Institute.

#### 5. Formal Complaint Resolution

If informal resolution is unavailable or unsuccessful, the compliance officer will proceed with formal complaint resolution. This involves collecting evidence, including witness interviews, documents, and written statements. Evidence may also include prior incidents of misconduct, changes in behavior, and reactions from the complainant and respondent.

The compliance officer will prepare a written report within forty-five to fifty school days of receiving the complaint. The report will determine whether discrimination or harassment occurred based on the preponderance of the evidence standard. In making this decision, the compliance officer will consider all relevant circumstances, including the severity of the conduct, frequency, context, and impact on the complainant.

#### 6. Disciplinary Measures and Outcome

After receiving the compliance officer's findings, the Head of School or designee will determine appropriate disciplinary or corrective actions, including suspension or expulsion, in accordance with the Board's Suspension/Expulsion Policy.

The reporting party or complainant will not be disciplined for acts connected to the reported incident, such as truancy, late arrival, or reasonable self-defense against the respondent. All parties and their parents/guardians will be notified of the final outcome of the investigation and any corrective or restorative actions taken within three to five school days.

## Resources

Throughout or after the investigation, affected individuals may access the following resources:

- **National Domestic Violence Hotline:** 1-800-799-7233
- **National Sexual Assault Hotline:** 1-800-656-4673
- **Violence Free Colorado:** <https://violencefreecolorado.org/>
- **The Crisis Center 24/7 Hotline:** 303-688-8484

## Outside Agencies

A person may file a discrimination complaint with the following agencies:

- **U.S. Department of Education, Office for Civil Rights (OCR):** 1244 Speer Blvd., Suite 310, Denver, CO 80204  
Phone: 303-844-5695  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)
- **Federal Equal Employment Opportunity Commission (EEOC):** 303 E. 17th Ave., Suite 410, Denver, CO 80203  
Phone: 800-669-4000  
Website: <https://www.eeoc.gov/>
- **Colorado Civil Rights Division (CCRD):** 1560 Broadway, Suite 825, Denver, CO 80202  
Phone: 303-894-2997  
Email: [DORA\\_CCRD@state.co.us](mailto:DORA_CCRD@state.co.us)

## CLA/VPA Harassment and/or Discrimination Complaint Form

This form is intended for students, parents, staff, or community members to report allegations of harassment or discrimination based on a protected class as outlined in the school's Harassment and Discrimination Investigation Procedures for Students. This includes, but is not limited to, conduct related to race, gender, sexual orientation, disability, and other protected classes. Please fill out the form to the best of your ability. If you need assistance in completing the form, please contact the Compliance Officer.

### Complainant Information:

Full Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Relationship to the School: (Select one)

Student Parent/Guardian Staff Member Other: \_\_\_\_\_

If student, Grade Level: \_\_\_\_\_

### Incident Details:

Date(s) of Alleged Incident(s): \_\_\_\_\_

Location(s) of Alleged Incident(s): \_\_\_\_\_

Name(s) of the Individual(s) Involved in the Incident(s): \_\_\_\_\_

Name(s) of Any Witnesses (if applicable): \_\_\_\_\_

Description of the Incident(s):

(Please provide a detailed description of the alleged harassment or discrimination, including what happened, where, and how it affected you or others. If there is more than one incident, please describe each one separately.)

# COMMUNITY LEADERSHIP ACADEMY

## Complaint Category:

Please check the box that best describes the nature of the complaint:

Harassment (based on protected class)

Discrimination (based on protected class)

Retaliation (for reporting harassment or discrimination)

Other (please specify): \_\_\_\_\_

## Additional Information:

Has the incident been reported previously? (Select one) Yes No

If yes, to whom was it reported? \_\_\_\_\_

What actions, if any, were taken after the initial report? \_\_\_\_\_

## Supporting Documentation:

Please provide any relevant evidence (e.g., emails, text messages, photos, etc.) that support your complaint. Attach copies of the documents to this form.

- Attach evidence (if applicable)
- No evidence attached

## Preferred Resolution:

Please describe the outcome or resolution you would like to see from this investigation:

## Signatures:

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian Signature (if the complainant is a student under 18):

\_\_\_\_\_ Date: \_\_\_\_\_

## Submission Instructions:

Please submit the completed complaint form to the Compliance Officer or use the school's designated online submission portal. If you require assistance or need the form in an alternative format, please contact the Compliance Officer at: Jessica Martinez [JMartinez@CLAcharter.org](mailto:JMartinez@CLAcharter.org) (303) 288-2711

## For School Use Only:

Complaint Received By: \_\_\_\_\_ Date Received: \_\_\_\_\_

Compliance Officer Assigned: \_\_\_\_\_

Next Steps/Actions Taken: \_\_\_\_\_

Date of Investigation Completion (estimated): \_\_\_\_\_