

Vista Charter School: Harassment and Discrimination Investigation Procedures for Students

Adopted: [Insert Date]

Revised: [Insert Date]

State law requires public schools to adopt a specific policy setting forth procedures for responding to and investigating complaints of harassment and discrimination against students. This policy establishes fair, impartial, and prompt grievance procedures to encourage reporting and resolve complaints effectively. It stands separate from, and in addition to, Vista Charter School's Sex-based Harassment Investigation Procedures (Title IX).

I. Prohibitions and Protections Against Retaliation

Vista Charter School prohibits discrimination against any student. It is a strict violation of school policy for any student or staff member to harass students, or to retaliate against individuals who report harassment or discrimination, or those who participate in an investigation.

The school strictly prohibits retaliation against the complainant, respondent, or any person who files a complaint or participates in an investigation. Individuals found to have engaged in retaliatory behavior will be subject to immediate disciplinary measures.

II. Comprehensive Definitions

To ensure clarity, Vista Charter School operates under the following statutory definitions:

- **Harassment:** Unwelcome conduct or communication directed at a student based on their protected class (as defined in the Board's Nondiscrimination/Equal Opportunity Policy) that is objectively offensive to a reasonable individual who is a member of that same protected class. To constitute harassment, the conduct or communication must meet at least one of the following criteria:
 1. Submission to the conduct or communication is made a term or condition of access to educational services.
 2. 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.
 3. 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.
- **Identity-Based Harassment:** Under Colorado law, harassment explicitly includes the knowing or intentional use of a name other than a student's chosen name, or the persistent refusal to use a student's chosen name.
- **Retaliation:** Any adverse action taken against a person because they have reported logged behavior, filed a discrimination complaint, or participated/cooperated in an investigation.

III. Complaint Intake and Reporting Procedures

Vista Charter School encourages anyone who witnesses or experiences bullying on the basis of a protected class, harassment, discrimination, or retaliation to report it immediately.

1. Mandatory Staff Reporting

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

2. How to File a Complaint

Complaints can be made by phone, email, or in person. Submissions should include a detailed description of the alleged events, the dates occurred, and the names of the involved parties and any witnesses. Complaints should be made as soon as possible after the incident.

- **Compliance Officer:** Principal, Vista Charter School
 - **Address:** 1810 St. Mary's Dr., Montrose, CO 81401
 - **Phone:** 970-249-4470
 - **Email:** Robi Wells-Parker, rwells@vistacharter.org

3. Conflicts of Interest

No person can serve as the Compliance Officer in a matter where they have a bias or a conflict of interest regarding the parties, or if they are alleged to have participated in the prohibited conduct. If the Compliance Officer is the subject of the allegation, complaints must be redirected to:

- **Alternative Contact:** Assistant Principal / Board President
 - **Address:** 1810 St. Mary's Dr., Montrose, CO 81401
 - **Phone:** 970-249-4470
 - **Email:** [Insert Alternative Contact Email]

IV. Confidentiality & Equitable Treatment Standards

- **Confidentiality Expectations:** Throughout the investigation, the school will keep all information related to the report confidential to the extent possible. Confidentiality is maintained so long as it does not prevent the school from responding effectively to stop and prevent future prohibited conduct.
- **Equitable Treatment:** During an investigation, all parties will be treated equitably and will be provided an equal opportunity to present evidence. All parties have the right to have an advisor present during all stages of the investigation process.
- **Excused Absences:** Parties will be granted excused absences for any therapy, medical, legal, or victim's services appointments associated with the report.

V. Investigation Timelines and Initial Review

1. Overall Timeline

The school will make a good faith effort to complete a full investigation within **sixty (60) days** after receiving the complaint. An additional **thirty-day extension** is permissible for good cause. If the Compliance Officer requires an extension for any stage of the investigation, they must notify all parties in writing explaining the reason for the delay. The Compliance Officer will provide regular written status updates to both parties and their parents/legal guardians at the end of each stage, or at a minimum of every **fifteen (15) business days**.

2. Initial Evaluation

The Compliance Officer will review the intake to determine if the alleged conduct falls under harassment or discrimination. If the conduct does not implicate a protected class, the matter will be referred back to the Head of School or the appropriate administrative department. Potential criminal charges will be referred immediately to law enforcement. At the request of law enforcement, the school may delay its action for a reasonable time and notify the parties ; however, the school will not rely solely on a law enforcement investigation in lieu of its own response. The Compliance Officer may designees or qualified alternates to investigate due to capacity or bias concerns.

3. Initial Meetings

- **Complainant & Reporting Party:** Within **three to five (3–5) school days** of receiving the complaint, the Compliance Officer will meet with the complainant, reporting party, and their parents/guardians to collect details and discuss rights. If the complaint lacks merit, it may be dismissed in writing at this stage. If a complainant does not wish to proceed, the school may still elect to investigate if necessary to ensure general student safety.
- **Respondent:** As soon as possible after meeting with the complainant, the Compliance Officer will meet with the respondent (and their parents/guardians if the respondent is a student) to notify them of the specific allegations and obtain their response.

- **Mandatory Disclosures:** During initial meetings, both parties must receive basic information concerning supportive measures, policy copies, timelines, informal resolution options, confidentiality parameters, and advisor rights.

VI. Supportive Measures for Students

Promptly after receiving a complaint, the Compliance Officer will offer both the complainant and the respondent supportive measures.

Disability Accommodation: If a student with a disability is a party to the complaint, the Compliance Officer will collaborate directly with the student's 504 or IEP team to determine appropriate supportive measures. Supportive measures are non-punitive and designed to maintain educational access. They may include, but are not limited to:

- Mental health counseling access
- Extensions of deadlines or course-related adjustments
- Extra time for homework or tests, or opportunities to resubmit/retake assignments
- Remedying an impacted grade
- Excused absences or temporary home-bound instruction
- Modifications to class schedules
- Mutual restrictions on contact between the parties

VII. Informal vs. Formal Resolution Procedures

1. Informal Complaint Resolution

When deemed appropriate by the Compliance Officer, an informal resolution process may be utilized.

- **Restrictions:** Informal resolution can **only** be used if both parties are students and both voluntarily agree in writing without coercion. It **may not** be used if the underlying offense involves sexual assault, physical violence, or an adult staff member.
- **Termination:** No party can be forced to participate, and either party may end the informal process at any time to return to the formal process.
- **Reporting:** If resolved informally, the Compliance Officer must prepare a written report within **six to school seven (6–7) days** detailing the corrective or restorative measures agreed upon. A copy of this report will be shared with the Colorado Charter School Institute (CSI).

2. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the formal process applies.

- **Evidence Collection:** The Compliance Officer will interview parties and witnesses, request written statements, and review physical or documentary evidence. Evidence evaluated includes party credibility, behavioral changes after the incident, past patterns of misconduct, or actions taken to protest the conduct.
- **Standard of Evidence:** The school applies the **preponderance of the evidence** standard, meaning the investigator determines whether it is *more likely than not* that the discrimination or harassment occurred.

VIII. Written Determination and Disciplinary Processes

1. Investigation Report

No later than **forty-five to fifty (45–50) school days** following the receipt of the complaint, the Compliance Officer must prepare a comprehensive written report. The investigator will evaluate all relevant circumstances, including the frequency/severity of the conduct, power differentials, age differences, the use of slurs or degrading stereotypes, and the impact on the complainant's educational access.

The report must outline findings regarding responsibility, detail conclusions, and provide recommendations for disciplinary or supportive adjustments. If the Compliance Officer is not the Head of School, this report is advisory. If the Head of School serves directly as the Compliance Officer, the report will integrate final administrative determinations.

2. Disciplinary Action and Amelioration

As soon as practicable after receiving the report, the Head of School or a designee will determine final sanctions or restorative remedies, up to and including suspension or expulsion pursuant to the Board's Suspension/Expulsion Policy.

- **Complainant Protection Amnesty:** The complainant or reporting party **will not** be disciplined for student code of conduct infractions connected to the reported incident, including truancy, late arrival, drug/alcohol use, consensual sexual activity, trauma symptoms, or reasonable self-defense.
- **Concurrent Notification:** Within **three to five (3–5) school days** following the determination, all parties and their parents/guardians will be concurrently notified in writing of the final outcome and corrective actions. A copy of the report and final actions will be provided to the governing Board of Education.

IX. Resources and Outside Agencies

1. Support Hotlines

Affected individuals may utilize the following crisis lines at any time during or after an investigation:

- **National Domestic Violence Hotline:** 1-800-799-SAFE (7233)
- **National Sexual Assault Hotline:** 1-800-656-4673
- **Violence Free Colorado:** www.violencefreecolorado.org
- **The Crisis Center 24/7 Hotline:** 303-688-8484
- **Local Montrose Emergency Resources:** * Montrose County Sheriff's Office: 970-252-4010
 - Montrose Police Department: 970-252-5200

2. Outside Reporting Agencies

In addition to or as an alternative to the school's internal grievance process, individuals may file an external discrimination complaint directly with the following civil rights agencies:

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

LEGAL REFS.: * C.R.S. 22-1-143 (Harassment or discrimination student policy requirements)

- Title VI, Civil Rights Act of 1964
- Title IX, Education Amendments of 1972