Vista Charter School — Title IX Sexual Harassment Policy

1. Purpose and Legal Compliance

Vista Charter School aims to provide a safe learning and working environment that is free from sex-based discrimination and sexual harassment for students, employees, and community members. The purpose of these procedures is to ensure prompt and equitable resolution of all such complaints.

Vista Charter School prohibits sexual harassment under Colorado and federal law, including violations of Title IX of the Education Amendments of 1972 ("Title IX"), Title VII of the Civil Rights Act of 1964, and the Colorado Anti-Discrimination Act. Vista Charter School's prohibition extends to all forms of illegal sexual harassment, including conduct based on sexual stereotypes, sexual orientation, and transgender status. This policy incorporates the changes implemented under the revised Title IX regulations issued by the United States Department of Education that became effective August 14, 2020.

This policy will be available on Vista Charter School's website and within administrative offices and handbooks.

2. Definitions

Unless context requires otherwise, the following definitions apply within this policy:

- **Appeals Panel:** The persons designated to hear an appeal under this policy. The Appeal Panel shall consist of two members of the Vista Charter School Board who are not implicated in the Complaint as a Respondent or witness, designated by the Board as a whole. The Appeal Panel may include a third person as a non-voting advisor (such as the school's general counsel, special counsel, or another appropriate person). In no event shall a member of the Appeal Panel or advisor to the panel be the Title IX Coordinator, Investigator, or Decision Maker.
- **Complainant:** A person who is alleged to be the target of conduct that could constitute sexual harassment. This includes a possible complainant, such as an individual identified by a third party as a possible victim of sexual harassment.
- **Decision Maker:** The person who 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 Vista Charter School's Head of School, unless the Head of School 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 Title IX Coordinator or an Investigator , must not have a conflict of interest in the Title IX matter , and must be trained as required by federal law.
- **Education Program or Activity:** The locations, events, or circumstances in which Vista Charter School exercises substantial control over a Respondent and the context in which alleged sexual harassment occurs.
- **Investigator:** A person trained to evaluate objectively the credibility of witnesses,精 synthesize evidence, and consider the unique circumstances of each situation involved in an alleged act or pattern of sexual harassment. A Title IX Coordinator may act as an 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 and must be trained as required by federal law.
- **Title IX Coordinator:** A person designated as a Title IX Coordinator of Vista Charter School. The Title IX Coordinator may delegate responsibility on a case-by-case basis. Vista Charter School must prominently post to its website and otherwise make known the identity and contact information for the Title IX Coordinator. The Title IX Coordinator must be trained as required by federal law and cannot also act as the Decision Maker.
- **Parties:** The Complainant(s) and Respondent(s) in an individual matter.
- **Respondent:** An individual alleged to have engaged in sexual harassment.
- **Sexual Harassment:** Conduct that satisfies one or more of the following:

1. Conduct of a school director or employee that conditions an aid, benefit, or service of Vista Charter School, including employment, on participation in unwelcome sexual conduct (i.e., *quid pro quo* harassment).
2. Conduct of a school employee who is engaging in sexual misconduct involving a student.
3. Unwelcome conduct 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 Vista Charter School's education program and activities.
4. Conduct that constitutes sexual violence, dating violence, domestic violence, or stalking under federal law.

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

3. Reporting Obligations and Initial Response

Employee Reporting Obligation

All Vista Charter School 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. All such reports must be made directly to the Title IX Coordinator.

Response to Actual Knowledge Report

Upon receiving an actual knowledge report, the Title IX Coordinator shall promptly and confidentially contact the Complainant to:

- Discuss the availability of Supportive Measures.
- Consider any request for Supportive Measures.
- Inform the Complainant that Supportive Measures are available without regard to whether the Complainant does or does not file a formal complaint.
- Explain the process for filing a formal complaint, if applicable.

Without regard to whether a formal complaint is filed, the Title IX Coordinator shall complete the mandated *Actual Knowledge Report Form* (detailed in Exhibit 1) for each actual knowledge report received.

4. Formal Complaint Procedures

Filing a Formal Complaint

Any person (including a Complainant) may report sexual harassment in person, by mail, by telephone, or by email to the Title IX Coordinator at any time. The formal complaint report must include:

1. The nature of the alleged violation.
2. The names of the person(s) responsible for the alleged violation (if known).
3. Any other relevant background information.

A Complainant (or their parent or guardian, if appropriate) or the Title IX Coordinator may sign a formal complaint; a third-party reporter is not permitted to sign it. At the time of filing a complaint, the Complainant must be participating in or attempting to participate in Vista Charter School's education program or activities (including employment).

Upon the filing of a formal complaint, the Title IX Coordinator shall offer Supportive Measures (if not already provided) to both the Complainant and the Respondent. Complainants will be asked to complete the *Sexual Harassment (Title IX) Complaint Form* (detailed in Exhibit 2), though completing this form is not an absolute requirement to file a complaint.

Mandatory Documentation Note: If supportive measures are not offered in response to a report or a formal complaint, the Title IX Coordinator must document in detail within school records why such a failure was reasonable under the circumstances.

5. Urgent Measures, Leaves, and Safety Plans

- **Administrative Leave:** Vista Charter School may place a Respondent who is an employee on administrative leave while allegations are investigated and resolved.
- **Emergency Removal:** Vista Charter 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 strictly subject to compliance with the requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, as applicable.
- **Safety Plans:** If a Complainant and Respondent remain in Vista Charter School pending or following an investigation, the Title IX 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 must be documented in writing.

6. Informal Resolution

If and only if a formal complaint is filed, and 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 an informal resolution process at any time before signing a written agreement to a defined process.
- Agreements to informal resolution that would completely displace a formal investigation (e.g., binding arbitration) require explicit approval from the Title IX Coordinator.
- Once all Parties have executed a written agreement to an informal resolution without objection by the Title IX Coordinator, that agreement becomes binding by its terms.
- The Title IX Coordinator may disapprove of alternative dispute resolution for certain complaints, including but not limited to complaints of sexual violence, or refuse to approve agreements containing onerous terms, and instead proceed with a formal investigation.
- If informal resolution is attempted and proves unsuccessful, the matter may return to the formal investigation pipeline.

7. The Investigation Process

Written Notice of Formal Complaint

The Title IX Coordinator will provide written notice to the Complainant and the Respondent of the allegations of a formal complaint and the Title IX grievance process, including any opportunity for informal resolution. This notice (outlined in Exhibit 3) must be issued promptly and include:

- Sufficient detail to permit the Respondent to prepare a response (including a description of the conduct alleged, the date and location of the conduct, and the names of the involved parties, if known).
- 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.
- A notice of the Complainant's and Respondent's rights to have an attorney or non-attorney advisor of their choice.
- A statement of the right of the Complainant and Respondent to inspect and review any evidence gathered.
- A statement prohibiting the provision of false statements or false evidence.

If additional allegations arise during the course of the investigation, the Investigator will provide written notice of such additional allegations to the Parties.

Evidence Gathering and Sharing

The Investigator will investigate the allegations in a Formal Complaint by collecting relevant documents, interviewing parties and witnesses, and receiving evidence submissions or witness lists from the parties.

- **Evidence Review:** The Investigator will provide the Complainant and Respondent (and advisors, if any) with an equal opportunity to review all evidence directly related to the allegations. If possible, evidence will be provided in an electronic format that does not permit downloading or copying.
- **Party Response:** The Parties may submit a written response to the Investigator within a designated number of calendar days upon receipt or inspection of the evidence.
- **No Live Hearing:** Vista Charter School will not conduct live hearings under this policy.
- **Evidence Restrictions:** Evidence that is privileged by law, as well as evidence of sexual predisposition or prior sexual behavior, is neither admissible nor relevant (unless offered to prove that a person other than the Respondent committed the alleged conduct, or to prove legally recognized consent).

Final Investigation Report

The Investigator will create an investigative report that fairly summarizes relevant evidence. The Investigator will consider all relevant evidence discovered and consider any written responses submitted by the Parties , conducting follow-ups with witnesses or obtaining further documentation if needed. The final report must be provided to the Parties and the designated Decision Maker.

8. Determination of Responsibility

Burden of Proof

The Respondent is presumed not responsible for sexual harassment. The burden of proof to overcome this presumption requires showing that a violation of the prohibition on sexual harassment is more likely than not (the **Preponderance of the Evidence** standard).

Written Questions Process

The Decision Maker must afford each Party the opportunity to submit written, relevant questions that they want asked of any Party or witness.

1. The Decision Maker will give the Parties five (5) calendar days to submit these relevant questions.
2. The Decision Maker will review the investigative report, party responses, and the proposed questions.
3. The Decision Maker shall either exclude questions as irrelevant (providing an explanation to the proposing party) or submit the questions for answer and distribute those answers to each Party.
4. The Decision Maker shall allow limited follow-up questions from either Party.

Decision Maker's Final Decision

The Decision Maker shall determine the question of responsibility. A decision may not be rendered until at least 10 days after the distribution of the Final Investigation Report. The final determination must be in writing and must include:

- A statement of the allegations that may constitute sexual harassment.
- A summary of the process followed from receipt of the formal complaint through determination (including notices provided, interviews, site visits, and evidence-gathering methods).
- Findings of fact.
- Conclusions regarding the application of any code of conduct or employment policy to the facts.
- A statement of, and rationale for, the conclusions as to each allegation.
- Disciplinary sanctions imposed on the Respondent, if any.
- Remedies designed to restore or preserve the Complainant’s equal access to Vista Charter School's programs and activities.
- A clear statement of the process and bases for appeal (detailed in Exhibit 4).

9. Dismissal of Complaints

Mandatory Dismissal

If the Title IX Coordinator determines that the allegations of a formal complaint do not meet the definition of Sexual Harassment, did not occur in Vista Charter School’s educational program or activity, or did not occur in the United States, the Title IX Coordinator **shall** summarily dismiss the complaint.

Discretionary Dismissal

The Investigator **may** dismiss the complaint if:

- The Respondent withdraws from Vista Charter School or terminates employment with the school.
- The Complainant requests a formal withdrawal of the complaint in writing.
- Specific circumstances prevent an investigation that permits a determination based on appropriate evidence.

Regardless of a Title IX dismissal, Vista Charter School may take separate disciplinary or corrective action against a Respondent under its student Code of Conduct or standard employment policies. A notice of summary dismissal must include the process and bases for an appeal, alongside information on alternative grievance paths.

10. Appeals Process

Filing an Appeal

An appeal may be filed within five (5) calendar days of receiving a notice of determination of responsibility or a notice of summary dismissal. The appeal notice (using the format in Exhibit 5) must be filed with the Decision Maker and identify the party filing, the decision being appealed, and which of the following three permitted grounds is being relied upon:

1. A procedural irregularity affected the outcome of the matter.
2. New evidence not available at the time of the determination of responsibility or summary dismissal could affect the outcome of the matter.
3. The Investigator or Decision Maker had a conflict of interest or bias against a Party, against all complainants, or against all respondents.

Appeal Evaluation Process

Upon receiving a notice of appeal, the Decision Maker shall notify both Parties (or the Complainant in the case of a summary dismissal) that an appeal has been filed.

- Each Party has ten (10) calendar days to file a brief written statement supporting or challenging the outcome.
- The Decision Maker will initiate the formation of the Appeals Panel (consisting of two Board members and an optional non-voting advisor).
- The Appeals Panel will be provided with copies of the notice of appeal, party statements, the formal complaint, and the summary dismissal or investigative report/determination of responsibility. Parties may attach relevant documents produced during the process to their statements.
- The Appeals Panel shall issue a written decision describing the appeal and the rationale for its final decision simultaneously to the Parties.

11. Sanctions, Remedies, and Protections

Remedies

Upon a final determination that a Complainant was sexually harassed, Vista Charter School may offer remedies to restore or preserve access to its educational programs and activities. These may include Supportive Measures or actions similar to supportive measures that contain a disciplinary component toward the Respondent. Remedies may be kept confidential as deemed necessary by the school.

Disciplinary Sanctions

Respondent Target	Permitted Sanctions & Corrective Actions

Respondent Student	Mandatory participation in counseling services; revocation of extra-curricular privileges (including sports); no-contact orders; schedule changes; short-term or long-term suspension; expulsion; or change of placement authorized by law.
Respondent Employee	Mandatory participation in counseling services; no-contact orders; job reassignment; suspension without pay; or termination of employment.

Prohibitions on False Evidence and Retaliation

- **False Evidence:** Complainants, Respondents, and witnesses are prohibited from making knowing false statements or providing evidence known to be false. Vista Charter School may take disciplinary or corrective action against a person violating this rule. Inconsistencies between evidence and an investigative report do not inherently prove a knowing use of false evidence , and discipline for false evidence is not considered retaliation.
- **Retaliation Prohibited:** Neither Vista Charter School nor any person may intimidate, threaten, coerce, or discriminate against an individual because they exercised rights under, participated in, or declined to participate in any Title IX proceeding. Claims of retaliation may be filed under Vista Charter School's general grievance policy applicable to standard sex discrimination claims.

12. Policy Administration and Review

- **Extensions of Time:** The Title IX Coordinator, Investigator, Decision Maker, or Appeals Panel may extend any time limit under this policy for good cause shown.
- **Confidentiality:** The identities of reporters, Complainants, Respondents, alleged perpetrators, and witnesses shall not be made public except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, or as needed to conduct an investigation or judicial proceeding.
- **Record Retention:** All records created under this policy (including training materials, investigative records, informal resolution records, disciplinary records, supportive measures, decisions, remedies, and appeals) shall be maintained securely for seven (7) years.
- **Staff and Board Training:** All school staff and the governing board shall receive basic Title IX training covering the definitions of sexual harassment and reporting obligations. Individuals serving as Title IX Coordinators, Investigators, informal resolution mediators, Decision Makers, or Appeals Panel members must complete advanced training regarding investigations, report preparation, appeals, identifying privileged/irrelevant evidence, impartiality, and avoiding sex stereotypes.
- **Code of Conduct Interaction:** Nothing in this policy prevents the ordinary application of Vista Charter School's student Code of Conduct or standard employment practices to issues other than sexual harassment, provided actions are not retaliatory.
- **Policy Review:** The Board will review this policy and make appropriate updates should the federal Title IX regulations published at 85 Fed. Reg. 30572 (May 19, 2020) be amended, repealed, replaced, or held unlawful by a court of competent jurisdiction.

13. Contact Information and Outside Agencies

Vista Charter School Title IX Coordinator Contact

Title IX Coordinator: Brady Downey **Address:** 1810 E Niagara Rd, Montrose, CO 81401 **Phone:** (970) 249-4470 **Email Address:** bdowney@vistacharter.org
The Title IX Coordinator is available at any time to receive reports of sex discrimination or sexual harassment.

Outside Reporting Agencies

Persons may also report concerns directly to the following regulatory bodies:

- **Colorado Charter School Institute (CSI)** 1525 Sherman St, B76, Denver, CO 80203 Phone: 303-866-3299 | csi_info@csi.state.co.us
- **Office for Civil Rights (OCR) — U.S. Department of Education** Cesar E. Chavez Memorial Building, 1244 Speer Blvd., Suite 300, Denver, CO 80204 Phone: (303) 844-5695 | OCR.Denver@ed.gov
- **Equal Employment Opportunity Commission (EEOC) — Denver Field Office** 950 17th Street, Suite 300, Denver, CO 80202 Phone: 1-800-669-4000 | TTY: 1-800-669-6820
- **Colorado Civil Rights Division (CCRD)** 1560 Broadway, Suite 825, Denver, CO 80202 Phone: 303-894-2997 | General Inquiries: DORA_CCRD@State.co.us

Policy Exhibits & Standardized Forms

Exhibit 1: Actual Knowledge Report Form

(To be completed by the Title IX Coordinator upon receipt of any report)

1. Date of Report: _____
2. Name of Reporter: _____
3. Name of Complainant: _____
4. Name of Respondent: _____
5. Summary of Report (Attach additional pages if needed): _____
6. Was the report discussed with the Complainant? [ ] Yes [ ] No Date: _____
7. Was the Complainant informed of available Supportive Measures? [ ] Yes [ ] No
8. Was the Complainant given an explanation of the formal complaint process? [ ] Yes [ ] No
9. Were Supportive Measures requested? [ ] Yes [ ] No | Will they be provided? [ ] Yes [ ] No
10. If any answer to questions 7 through 9 is “No,” fully explain why: _____
11. Formal Complaint filed by Complainant/Guardian? [ ] Yes [ ] No
12. Formal Complaint filed by Title IX Coordinator? [ ] Yes [ ] No

Coordinator Signature: _____ **Date:** _____

Exhibit 2: Sexual Harassment (Title IX) Complaint Form

(Optional formal intake form to be submitted to the Title IX Coordinator)

- **Complainant Name:** _____
- **Parent/Guardian Name (if applicable):** _____
- **Address / Phone / Email:** _____
- **Role at School:** [ ] Student [ ] Employee [ ] Parent/Guardian [ ] Other
- **Advisor Contact Information (if chosen):** _____
- **Respondent Name(s) & Relationship to School:** _____
- **Factual Description of Conduct:** Describe the facts, dates, times, locations, and any potential witnesses or evidence (text messages, emails, etc.) below. Attach extra sheets if necessary.

  _____
- **Impact and Desired Outcome/Remedy:** _____

Signature: _____ **Date:** _____ *Check status: [ ] Complainant [ ] Parent/Guardian [ ] Title IX Coordinator*

Exhibit 3: Written Notice of Formal Complaint Template

(To be issued on Vista Charter School Letterhead to both parties upon formal opening of investigation)
Date: [Insert Date] **Notice:** A formal Title IX complaint alleging sexual harassment has been filed. [Insert Name] will serve as the Investigator. The Respondent is legally presumed not responsible for the alleged

conduct; responsibility will be evaluated by an independent Decision Maker using the preponderance of the evidence standard at the conclusion of the grievance process.

Summary of Allegations: * Complainant Name: _____ * Respondent Name: _____ * Date(s) & Location of Alleged Conduct: _____ * Description of Alleged Conduct: _____

Your Rights in This Process: 1. You have the right to an advisor of your choice (including an attorney at your own expense) who may attend all meetings and proceedings. 2. You have an equal opportunity to identify witnesses, submit documentation, and suggest questions for the investigator to pose. 3. You have the right to inspect and review all evidence gathered during the investigation before the final report is completed. 4. Submitting knowingly false statements or evidence violates school policy and will result in disciplinary action.

Exhibit 4: Notice Concerning Determination of Responsibility Cover Template

(To accompany or be integrated into the final written decision distributed to the parties)

Date: [Insert Date] **To:** [Insert Party Name]

Please find attached the formal written determination of responsibility regarding the formal Title IX complaint. This determination may be appealed by either party within five (5) calendar days of this notice. Appeals are strictly limited to the following three grounds: 1. A procedural irregularity occurred that affected the outcome of the matter. 2. New evidence has become available that was not reasonably accessible as of the date of this decision, which could affect the outcome. 3. The Investigator or the Decision Maker exhibited conflict of interest or bias against you or against your position as a complainant/respondent.

If you wish to appeal, please submit a formal *Notice of Appeal* (Exhibit 5) directly to the Decision Maker.

Exhibit 5: Notice of Appeal Form

(To be filed with the Decision Maker within 5 days of a dismissal or final determination)

- **From (Appealing Party Name & Contact):** _____
- **To (Decision Maker Name):** _____
- **Appealed Action:** [ ] Summary Dismissal [ ] Determination of Responsibility dated: _____

Grounds for Appeal (Check all that apply and provide summary details below):

- [ ] **Procedural Irregularity:** A procedural error affected the outcome of the matter.
- [ ] **New Evidence:** New evidence is available that was not accessible at the time of decision and could alter the outcome.
- [ ] **Bias/Conflict of Interest:** The Investigator or Decision Maker was biased against me or persons in my position.

Provide Summary Details of Ground(s) Selected: _____

Signature of Appealing Party: _____ **Date:** _____