DSST Public Schools
DPR and Title IX Procedures

PURPOSE: The DSST Network of Schools (collectively “the Network”) aims to provide a safe learning and working environment that is free from illegal discrimination and harassment against students, employees, or community members, including sex discrimination and harassment that is a violation of Title IX of the Education Amendments of 1972 (“Title IX”), regardless of whether a formal complaint is filed when a School in the Network is aware of potential violations of Title IX. The purpose of these procedures is to secure prompt and equitable resolution of sex discrimination and harassment complaints.

These procedures shall be available in every Network school site administrative office, posted on the Network website, in the Student and Family Handbook located on each school’s website and on the Network’s intranet website for employee access.

I. DEFINITIONS:

A. “Complainant” – Any student, parent, guardians or employee in the Network alleged to have experienced discriminatory action or treatment prohibited by Title IX.

B. “Complaint Submission Date” – the date on which a written Complaint was received by the Responsible Administrator.

C. “Day” – The calculation of days in complaint processing, except as otherwise expressly provided, shall exclude Saturdays, Sundays, and federal, state and school holidays or closures.

D. “Discrimination” – when a student, staff member or community member is denied or limited in the ability to participate in, or receive education benefits from, the School’s or Network’s services, activities or communities on the basis of that person’s sex. Harassment of a student, employee, or community member on the basis of their sex is a form of sex discrimination.

E. “Harassment” – is any unwelcome verbal, written, graphic, physical, or other conduct of a student, employee, or community member based on a sex that is sufficiently severe, pervasive, or persistent to either:
   a) interfere with a student’s or community member’s ability to participate in, or receive educational benefits from, the District’s services, activities, or opportunities; or
   b) alter an employee’s conditions of employment and create an abusive working environment.

Whether conduct is sufficiently severe, pervasive, or persistent to amount to harassment depends on a number of factors, including:
a) the type, frequency, and duration of the conduct;
b) the relationship between the individuals involved;
c) the age, education level, and number of individuals involved; and
d) the context in which the conduct occurred;

In some cases, a single severe act – such as an act of physical violence – can amount to harassment if the act is based on sex. When considering whether a single act amounts to harassment, the important question is the severity of conduct, not whether the conduct fits within the definition of any specific crime or basis for discipline. The more severe the conduct, the less the need to show a repetitive series of incidents.

F. “Neutral and Objective Investigator” – a designated investigator who is not the subject of a Complaint and is not a Complainant.

G. “Reporting Party” – the person raising a concern or allegation of discrimination or harassment in violation of Title IX. In some cases, the Reporting Party will be the Complainant. However, the Reporting Party can also be someone who observes alleged discrimination or harassment directed at a third party.

H. “Respondent” – the person alleged to be responsible for the conduct that forms the basis for the complaint.

I. “Responsible Administrator” – The Title IX Coordinator or Chief of Talent, the authorized designee of these individuals, or the administrator designated by the CEO, as appropriate.

J. “Sex-Based Harassment” – is harassment based on gender (including gender nonconformity and gender identity). Consistent with the general definition of harassment:

a) Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

b) Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in DSST Public Schools.

c) Title IX protects any person from sex discrimination, including both male and female students. A student may be sexually harassed by a school employee, another student, or a non-employee third party. A person may be sexually harassed by members of his or her own sex.

It is important to recognize that Title IX's prohibition against sexual harassment does not extend to legitimate nonsexual touching or other nonsexual conduct. For example, a high school athletic coach hugging a
student who made a goal or a kindergarten teacher's consoling hug for a child with a skinned knee will not be considered sexual harassment.

Similarly, one student's demonstration of a sports maneuver or technique requiring contact with another student will not be considered sexual harassment. However, in some circumstances, nonsexual conduct may take on sexual connotations and rise to the level of sexual harassment. For example, a teacher's repeatedly hugging and putting his or her arms around students under inappropriate circumstances could create a hostile environment.

K. “Title IX” of the Education Amendments of 1972 – “No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Sex discrimination under Title IX includes sexual harassment and sexual violence.”

II. COMPLAINT PROCEDURES

A. Filing of a Complaint. Any student, employee or community member in the Network who believes he or she has been the victim of sex discrimination or harassment, or has observed sex discrimination or harassment, may file a complaint under Title IX. Complaints may be filed in the matter identified below. For purposes of this Policy, the contact information for referenced Network Title IX Coordinators and Chief of Talent are as follows:

- Campus Title IX Coordinator
  - Conservatory Green Middle School
    - Jennifer Faase, Dean of Students
    - (303) 802-4120
    - Jennifer.Faase@scienceandtech.org
  - Conservatory Green High School
    - Edward Quinones, Dean of Students
    - (303) 802-4127
    - Edward.Quinones@scienceandtech.org
- Home Office Title IX Coordinator
  - Aubrey Lynch, Dir. Leadership Development
    - (303) 524-6324
    - Aubrey.Lynch@scienceandtech.org
  - Ericca Henderson, Mngr. of Employee Relations and Engagement
    - (303) 524-6324
    - Ericca.Henderson@scienceandtech.org
- Chief of Talent
  - Christine Nelson
    - (303) 524-6324
    - Christine.Nelson@scienceandtech.org
1. Students, Parents and Guardians. A student who wants to file a Title IX Complaint should submit that Complaint to the Campus Title IX Coordinator, or to the Home Office Title IX Coordinator by informing them when an incident has occurred either verbally or via email. The Title IX Coordinator who receives the Complaint will complete the online form recording the event within one week of receiving the complaint. The Complainant may request to attach a written narrative explaining the nature of the complaint to be included with the online form submitted by the Title IX Coordinator. The written narrative shall contain information that describes the conduct that has violated prohibitions against sex discrimination, including sexual harassment and sexual violence, and identify with reasonable particularity the respondent(s) and any witnesses to the alleged conduct.

2. Employees. An employee who believes he or she has been the recipient of a discrimination or harassment should follow the process identified for filing complaints under Title VII. Such complaints will be handled consistent with DSST’s complaint process for employees.

3. Witnesses to Title IX Violations. Any Network employee who either reasonably believes a student has been discriminated against based on sex or who receives a complaint of sex discrimination, harassment or violence from a student must immediately submit the online Complaint Form to the Campus Title IX Coordinator, the Home Office Title IX Coordinator, or to the Network Human Resources Department. This reporting obligation is in addition to a school employee’s reporting obligations to appropriate officials pursuant to law when the employee has a reasonable belief that a student is being sexually abused or subjected to other forms of abuse and neglect prohibited by law.

B. Time Limits. A Complaint under this procedure should be filed as soon as possible after the alleged discrimination, and no time later than 180 calendar days of the event(s) that form the basis of the Complaint.

C. Confidentiality.

1. Confidentiality regarding Complaints will be maintained to the greatest extent possible. Any information gathered during an informal procedure may be used during a formal procedure, if initiated. The Title IX Coordinator will discuss confidentiality standards with the Complainant initially. While there can be no assurance of complete confidentiality, Complaints under this procedure will be treated as sensitive information not to be shared with others except in limited circumstances. Examples of exceptions to maintaining confidentiality include:

- information the law requires to be reported.
- information imparted to others in supervisory positions in order to further an investigation or halt a discriminatory practice.
• information given to the respondent in order to have sufficient information to respond to the allegations.

2. The School and the Network will take all reasonable steps to investigate and respond to a complaint consistent with a request by the complaining party not to disclose his/her name. However, such requests for confidentiality may limit the ability to adequately investigate and respond to the allegations raised in the complaint.

3. Requests for confidentiality will also be evaluated in the context of the School’s or Network’s responsibility to provide a safe and nondiscriminatory environment for all students, and the request will be weighed against the following factors:

   • the Complainant’s age;
   • whether there have been other Complaints about the same individual; and
   • the Respondent’s right to receive information under FERPA and Network policies

III. PROCESSING OF A COMPLAINT. Upon receipt of a Complaint, the Title IX Coordinator to whom the Complaint has been filed shall initially review the written complaint to determine whether the matter falls within the scope of these procedures. If the Title IX Coordinator concludes it does not, that person will, within five (5) days after the Complaint Submission Date, inform the Complainant in writing that the matters alleged in the Complaint are not within the jurisdiction or authority of the Title IX Coordinator and therefore will not be investigated pursuant to these processes. Under these circumstances, the Title IX Coordinator may forward the matter to the Chief of Talent for review, if appropriate.

If the Title IX Coordinator to whom the Complaint has been filed concludes that the Complaint does raise questions of Title IX discrimination and/or harassment, then the Title IX Coordinator will meet with the Complainant to discuss the Complaint and to evaluate whether the Complaint should be subject to a formal or informal resolution process, as described below. During this meeting, the Title IX Coordinator will explain the avenues for informal and formal action to the Complainant, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation of how the procedure works. This meeting shall occur no later than five (5) days after the Complaint has been received.

IV. INFORMAL RESOLUTION PROCESS. Informal resolution may be an appropriate choice when the conduct involved in the Complaint is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process. The informal resolution process shall not be considered a precondition for the filing of a formal written complaint below:
A. Methods for informal resolution may include, but are not limited to, coaching the person on how to directly address a situation which is causing a problem; mediating the dispute with the parties; developing written behavior expectations of the alleged offender to redirect conduct; assisting with the resolution of a real or perceived problem; or arranging a documented meeting with the alleged offender that involves a discussion of the sex discrimination and sexual harassment policies and requirements for compliance.

B. It is not appropriate for a student who is complaining of harassment to be required to work out the problem directly with the individual alleged to be harassing him or her.

C. The Title IX Coordinator shall document any informal resolution, and a copy of such documentation shall be forwarded to the Network Human Resources Department within three (3) days of resolution.

D. Each party has the right to end the informal process and begin a formal process at any time during the pendency of the process, or upon conclusion of the process if the party is not satisfied with the outcome of the informal resolution process.

V. FORMAL COMPLAINT PROCEDURES: When the conduct in the Complaint has been repetitive in nature (either towards the same Complainant or directed at others as well), the allegations are egregious and/or of a serious nature in the opinion of the Title IX Coordinator, involves multiple Respondents, or when the parties request that the formal complaint process be followed, the following process will govern the investigation:

A. Investigation:

1. The Home Office Title IX Coordinator, or his or their Designee, shall identify a neutral, objective, and trained investigator to complete the investigation, and will oversee that an adequate, reliable and impartial investigation of the Complaint is conducted where the student is enrolled, the employee is assigned, and/or where the alleged discrimination occurred.

2. In the event that the Home Office Title IX Coordinator is not a neutral party, then the Network Chief of Talent shall designate a neutral, objective, and trained investigator to conduct the investigation. In the event that the Network Chief of Talent is not a neutral party, the Chief Executive Officer of the Network shall designate a Neutral and Objective Investigator to conduct the investigation.

3. Once the appropriate investigator is decided upon and the investigation is opened, if the investigation may lead to disciplinary action against the responding party, the school should provide written notice to the responding party of the allegations constituting a potential violation of DSST Public Schools sexual misconduct policy.
4. In conducting the investigation, the designated investigator shall interview all parties identified in the Complaint and other witnesses that the investigator determines may provide information relevant to resolving the complaint allegation(s). Both the Complainant and Respondent shall have the opportunity to identify witnesses to be interviewed and provide documentation or other evidence for the designated investigator to review.

5. The Home Office Title IX Coordinator will maintain documentation of all proceedings, which may include written findings of facts, transcripts, notes, or audio recordings compiled by the designated Investigator.

B. Resolution of Investigation.

1. Written determination. Upon completion of the investigation by the designated investigator, the Home Office Title IX Coordinator, or his or her Designee, shall consider the totality of the evidence and determine whether the preponderance of the evidence establishes that the alleged discrimination occurred (i.e., it is more likely than not that discrimination/sexual harassment/sexual violence occurred).

2. Notice. The Home Office Title IX Coordinator shall notify the Complainant, Respondent and the school where the harassment was alleged to have occurred in writing within twenty (30) days from the Complaint Submission Date of the results of the investigation.

3. If the Home Office Title IX Coordinator determines that the preponderance of the evidence does not support the allegations of discrimination, the Complainant may appeal the determination pursuant to the Appeal Rights described below. If the Home Office Title IX Coordinator determines that the preponderance of the evidence does support the allegations of discrimination, the Respondent may appeal the determination pursuant to the Appeal Rights described below.

4. If the Home Office Title IX Coordinator determines that the preponderance of the evidence supports the allegations of discrimination by the Respondent, the Home Office Title IX Coordinator shall provide written findings and conclusions supporting the determination. In addition, the written determination shall make recommendations for (A) immediately ending the discriminatory conduct; (B) ways to remedy the discriminatory effects of any discriminatory behavior on the complaining party and, if applicable, the network’s educational environment, and (C) the steps to be taken to prevent the recurrence of any discriminatory or harassing conduct found to have occurred. The recommendations of the Responsible Administrator shall become final and shall be implemented unless either party appeals as provided below.
C. Appeal Rights.

1. A party not satisfied with the resolution in Step 4, above, may submit a written appeal within five (5) days to the Network Chief of Talent via email at Christine.Nelson@scienceandtech.org. The written appeal shall state with particularity the nature of the disagreement, the reasons underlying such disagreement, and how the outcome would be changed by reconsideration of the determination.

2. The Network Chief of Talent or designee shall conduct a review of the record to determine whether the preponderance of the evidence supports the determination. The Network Chief of Talent or designee shall issue a written decision via email to the parties within ten (10) days of the receipt of the appeal. The Chief of Talent’s decision is a final decision.

VI. COMPLAINTS TO AN EXTERNAL AGENCY.

A Complainant or reporting party alleging sex discrimination, including a party who is not satisfied with the Network Chief of Talent’s decision, may file a complaint with the Officer of Civil Rights of the U.S. Department of Education in Denver, Colorado. Complaints may be filed with OCR via mail (1244 Speer Blvd., Suite 310, Denver, CO 80204), via email (OCR.Denver@ed.gov), or online (www.ed.gov/ocr). For additional information, call 303-844-5695, or email OCR.Denver@ed.gov.

VII. INTERIM MEASURES

Interim measures are designed to ensure safety while discrimination or harassment investigations are underway and should be put in place as early as possible. The guidelines below should help in establishing those measures.

Considerations:

- Severity of the alleged conduct, safety concerns, potential for traumatization, etc.
  - Example: A serious sexual assault is alleged, implement appropriate interim measures immediately to ensure safety. If the Complainant does not have ongoing concerns for their safety, interim measures may be simpler.
- Interim measures should place as minimal a burden as possible on the Complainant’s educational programming.

Planning Support:

- **Student to Student incidents:** Convene school mental health team, restorative practices coordinator, safety officer, and/or others as applicable to engage in a meaningful decision making process.
- **DSST Employee incidents:** Consult with the Home Office Title IX Coordinator.
- **Student and Employee incidents:** Involve the Home Office Title IX Coordinator and any others mentioned above to plan effectively.
VIII. DISCIPLINE.

Employees and students may be disciplined if it is determined through this procedure that discriminatory action, treatment, harassment or retaliation, has occurred in violation of federal or state laws or DSST Public Schools policies. The Home Office Title IX Coordinator shall refer the matter to the appropriate network administrator to initiate disciplinary proceedings against the Respondent and others, as necessary.

A. Students. If the recommended disciplinary consequences involve either a long-term suspension or expulsion, the student is entitled to pursue the hearing and appeal rights pursuant to Colorado law.

B. Employees. If the disciplinary consequence involves discharge or termination, the employee’s hearing and appeal rights will be governed by Colorado law and DSST Public Schools policies.

IX. NO RETALIATION

A. Students, employees or parents, or other reporting parties who make complaints in good faith, shall be free from retaliation, coercion, and reprisal in seeking resolution of their complaint. Furthermore, persons acting as witnesses to a complaint, in good faith, shall be free from reprisal.

B. Retaliation is a separate violation distinct from the initial underlying harassment or discrimination allegation. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against and individual. Claims of retaliation, submitted in good faith and in writing to the Network Chief of Staff via email at Christine.Nelson@scienceandtech.org, shall be investigated pursuant to these procedures. Individuals who engage in retaliation will be subject to discipline, regardless of whether there has been a finding of cause for the underlying complaint.

X. FALSE COMPLAINTS.

A. Individuals who knowingly file a false or misleading complaints alleging harassment, discrimination or retaliation are subject to appropriate disciplinary action, including, but not limited to, dismissal of the complaint.

C. If the preponderance of the evidence supports a finding that the Complainant submitted a false or misleading complaint alleging harassment, discrimination or retaliation, the complaint will be dismissed, and the student or employee who submitted the complaint will be recommended for discipline in a manner consistent with network policies and procedures.
For additional information about discrimination or to file a complaint, you may contact the Office for Civil Rights of the U.S. Department of Education at:

Caesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, Colorado 80204-3582