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evidence, or new witnesses may not be submitted after the review period has ended and shall not be considered in an appeal.

- x Extensions to Review Periods. A party who requires additional time to review the evidence or investigation report must request an extension, including stating the reason for the extension

- x Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

CEC will not conduct live hearings under this Policy.

Questioning the Parties and Witnesses

CEC provides a process that enables the decision-maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. When assessing witness credibility in a Title IX hearing, the decision-maker will consider factors such as:

- x Trustworthiness: Whether the witness is telling the truth.
- x Conflict of Interest: Whether the witness has something to gain from a particular slant of testimony.
- x Consistency: Whether the witness's story is consistent in substance and chronology.
- x Plausibility: Whether the information provided is inherently plausible.
- x Evidence: Whether the evidence provided is consistent with other credible evidence.
- x Detail: Whether the witness provides factual detail that can be assessed against general allegations, accusations, excuses, or denials.

Dismissal of a Complaint

CEC may dismiss a complaint of sex discrimination if:

- x CEC is unable to identify the Respondent after taking reasonable steps to do so;
- x The Respondent is not participating in CEC's education program or activity and is not employed by CEC;
- x The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and CEC determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- x CEC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, CEC will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, CEC will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then CEC will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing.

When a complaint is dismissed, CEC will:

- x Offer supportive measures to the Complainant as appropriate;
- x If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- x Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within School's education program or activity.

Appeal

CEC will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a complaint.

If the dismissal occurs after the Respondent has been notified of the allegations, then CEC will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

- x Procedural irregularity that would change the outcome;
- x New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- x The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The investigation is closed after the decision-maker issues a decision unless either party appeals the decision within ten (10) calendar days by making a written request to the decision-maker detailing why the decision should be reconsidered.

Appeal Process

If the dismissal is appealed, CEC will:

- x Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- x Implement appeal procedures equally for the parties;
- x Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- x Ensure that the decision-maker for the appeal has been trained consistent with the Title IX regulations;
- x Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- x Notify the parties of the result of the appeal and the rationale for the result.

Privacy

CEC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Retaliation and Intimidation

Neither CEC nor any person may intimidate, threaten, coerce, or discriminate against an individual because such individual has exercised rights under, participated in, or declined to participate in, any proceeding under this Policy.

Claims of retaliation may be filed under CEC's Network Grievance policy that would be applicable to a claim of sex discrimination (not including sexual harassment) by the person alleging retaliation.

Employee Reporting Obligation

All employees are obligated to report any actual knowledge they have that causes them reasonably to believe there has been conduct that constitutes sexual harassment. All employees must report these concerns to CEC's Title IX Coordinator.

An individual is permitted to report to the CEC Governing Board in the event that there are allegations against the Title IX Coordinator.

CEC Title IX Coordinator

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Persons may report concerns to certain outside agencies.

Colorado Charter School Institute