

**STRIVE Prep**

**SEX/GENDER-BASED HARASSMENT and  
DISCRIMINATION**

**Policy and Procedure Process**

Updated August 2021



This sexual harassment policy and procedure process sets forth the grievance process, including the investigative and determination process, for all reports of sex based harassment and discrimination, including those governed by Title IX and those covered separately by STRIVE Prep's behavior and discipline policies.

When the process or procedure differs between a Title IX or STRIVE Prep process, such will be noticed.

## Sexual Harassment/Discrimination/Title IX

All students and staff at STRIVE Prep have a right to feel safe and respected. Consistent with federal civil rights laws (Title VI, Title IX, Americans with Disabilities Act, Section 504, and Age Discrimination Act), state law, and STRIVE Prep policies **STRIVE Prep does not discriminate on the basis of color, ethnicity, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, ancestry, age, marital status, veteran status, disability, or any other status protected by local, state or federal law, in admission into, access to, or treatment within its educational programs or activities or in employment.** Harassment is a form of prohibited discrimination. STRIVE Prep prohibits retaliation against any individual for making a good-faith complaint or participating in good faith in an investigation of discrimination or harassment. All forms of discrimination and harassment, including sexual harassment, will not be tolerated.

Per Title IX, STRIVE Prep does not discriminate on the basis of sex in the education program or activity that it operates.

STRIVE Prep’s grievance policy provides for the prompt and equitable resolution of all student and employee complaints of alleged discrimination or harassment. STRIVE Prep shall promptly respond to all concerns and complaints of unlawful and prohibited discrimination and/or harassment; take action in response when unlawful prohibited discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all involved in unlawful and prohibited discrimination and/or harassment complaints as required by state and federal law. In all situations as required by law and in those other circumstances as deemed appropriate by STRIVE Prep, the complaint shall be referred to law enforcement for investigation.

STRIVE Prep has adopted the following procedures to promptly and equitably address concerns and complaints about prohibited and unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing. Please note, knowingly making false statements or knowingly submitting false information to a STRIVE Prep staff member and/or in connection with a claim or allegation of harassment and/or discrimination is strictly prohibited and may result in disciplinary action.

### Definitions

<b>Complainant</b>	Individual who is alleged to be the victim of conduct that could constitute sexual harassment
<b>Respondent</b>	Individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

<p><b>Title IX Formal Complaint</b></p>	<p>A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that STRIVE Prep investigate the allegation of sexual harassment</p>
<p><b>Education Program or Activity</b></p>	<p>Includes locations, events, circumstances over which STRIVE Prep exercised substantial control over both the respondent and the context in which the sexual harassment occurs</p>
<p><b>Supportive Measures</b></p>	<p>Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed.</p> <p>May include, but not be limited to, counseling, extension of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absences, increased security or monitoring of certain areas of campus or similar measures</p>
<p><b>Emergency Removal</b></p>	<p>Removing a respondent from the STRIVE Prep’s education program or activity on an emergency basis, provided that the STRIVE Prep has undertaken an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arises from the allegations of sexual harassment justifies removal and provides the respondent with notice and an opportunity to challenge the decision immediately following removal</p>
<p><b>Title IX Standard of Proof</b></p>	<p>STRIVE Prep has adopted the <b>preponderance of the evidence standard</b>. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Evidence/Information only needs to be greater than a 50% likelihood of being true under the preponderance of evidence standard (essentially it is a finding that more likely than not the evidence/allegation is true)</p>

**STRIVE Prep prohibits Sex Based Discrimination and Harassment.**

**Title IX Sexual Harassment:**  
 Conduct on the basis of sex that satisfies one or more of the following:

<p>An employee of STRIVE Prep conditions the provision of an aid, benefit, or service of the STRIVE Prep on an individual's participation in unwelcome sexual conduct; or</p>				
<p>Unwelcome conduct, determined by a reasonable person to be <i>so severe, pervasive, and objectively offensive</i> that it effectively denies a person equal access to STRIVE Prep's educational program or activity; or</p>				
<p><b>Sexual Assault*</b>: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation<sup>1</sup>.  <u>Sex Offenses, Forcible</u>: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="padding: 5px;"> <p><u>Forcible Rape</u>: (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.</p> </td> </tr> <tr> <td style="padding: 5px;"> <p><u>Forcible Sodomy</u>: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p> </td> </tr> <tr> <td style="padding: 5px;"> <p><u>Sexual Assault With An Object</u>: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p> </td> </tr> <tr> <td style="padding: 5px;"> <p><u>Forcible Fondling</u>: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical</p> </td> </tr> </table>	<p><u>Forcible Rape</u>: (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.</p>	<p><u>Forcible Sodomy</u>: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p>	<p><u>Sexual Assault With An Object</u>: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p>	<p><u>Forcible Fondling</u>: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical</p>
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<sup>1</sup> <https://ucr.fbi.gov/nibrs/2012/resources/nibrs-offense-definitions>

incapacity.

Sex Offenses, Nonforcible: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence\***: means violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.

**Domestic Violence\***: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking\***: The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

### **To Report Sexual Harassment or Discrimination:**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or harassment), in person, by mail, by telephone or by electronic mail. You may contact STRIVE Prep's Title IX Coordinator or you may report the alleged discriminatory or harassing behavior to any STRIVE Prep employee.

**STRIVE Prep's Title IX Coordinator is Lyndsay Lau, Sr. Director of Culture. Ms. Lau can be reached at [reportdiscrimination@striveprep.org](mailto:reportdiscrimination@striveprep.org), by phone at: 720-772-4301 or by mail at STRIVE Prep - Central Office 2480 W. 26th Ave., Suite B-360 Denver, CO 80211.**

### **Grievance Procedures**

Individuals with knowledge of alleged sexual harassment or discrimination are encouraged to report such behavior immediately to the Title IX Coordinator, STRIVE Prep HR, the school principal or any STRIVE Prep employee.

STRIVE Prep's grievance procedure will treat all complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies are designed to restore or preserve equal access to STRIVE Prep's education program and activities. Remedies will be appropriate for the situation, as determined by the relevant state and federal policies and STRIVE Prep, and need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

**Please note:** In addition to the Title IX definition of sexual harassment, STRIVE Prep prohibits sexual harassment as outlined in its Discrimination and Harassment Policy. Allegations of sexual harassment will be reviewed under the Title IX policy and STRIVE Prep's discrimination and harassment policy, and in cases where behavior or conduct does not meet the Title IX definition of sexual harassment, but does violate STRIVE Prep's discrimination and harassment policy, the Title IX complaint will be dismissed and the discrimination and harassment grievance process will be followed.

### **General Response to Sexual Harassment and Allegations of Sexual Harassment**

Upon receiving actual knowledge of sexual harassment or an allegation of sexual harassment in a STRIVE Prep education program or activity, the STRIVE Prep Title IX Coordinator, or designee, will begin the Initial Inquiry process as well as promptly contacting the complainant. A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### **Contacting the Complainant**

The Title IX Coordinator will discuss with the complainant the availability of supportive measures, consider the complainant's wishes with respect to supportive measures before implementation of such measures, inform the complainant of the

availability of supportive measures with or without filing a formal complaint and explain the process for filing a formal complaint.

**Initial Assessment**

This stage of the grievance process involves a prompt preliminary assessment by STRIVE Prep’s Title IX Coordinator, or designee, to determine if there is the alleged behavior/complaint meets the necessary criteria to move forward under Title ix, or alternatively, under another STRIVE Prep behavior process. This assessment inquiry is not an investigation into the merit of the allegations.

If the complaint/allegation meets the necessary criteria to move forward, STRIVE Prep will initiate an investigation that is thorough, reliable, impartial, prompt and equitable. This investigation determines whether a STRIVE Prep policy has been violated. If so, STRIVE Prep will promptly implement an effective remedy designed to restore or preserve equal access for the complainant to STRIVE Prep’s education program or activity, while providing the appropriate supportive measures to all parties involved.

If the behavior or conduct does not meet the Title IX definition of sexual harassment, but does violate [STRIVE Prep’s General Discrimination and Harassment Prohibition](#), the complaint will be resolved according to those policies and procedures.

**Resolution Timeframe**

STRIVE Prep aims to bring all allegations to a resolution within a thirty (30) to forty-five (45) business day time period, which can be extended for good cause<sup>2</sup> by the Title IX Coordinator with written notice to the parties<sup>3</sup>.

The timeline for resolution begins with STRIVE Prep receiving actual knowledge of sexual harassment or an allegation of sexual harassment. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to STRIVE Prep’s Title IX Coordinator, the school principal, HR Department or any STRIVE Prep employee.

Stage of Grievance Process	Timeline
Initial Inquiry of Complaint	1-3 business days
Investigation	10-15 business days

<sup>2</sup> Good cause may include the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity, the need for language assistance or accommodations of disabilities. Please note, business day time frames include only those days that STRIVE Prep is in session. Please see the school or network calendar available on the STRIVE Prep website for current vacation and holiday dates.

<sup>3</sup> Allegations that do not meet the definition of sexual harassment under Title IX but do violate STRIVE Prep’s General Sexual Harassment Policy may be subject to a shorter resolution timeframe.



Formal and Informal Resolution Options	10-14 business days
Appeals	<ul style="list-style-type: none"> <li>• 3 business days to request an appeal from determination of responsibility decision</li> <li>• 5-7 business days from submission of appeal for final determination</li> </ul>

Upon notice of actual knowledge, the Title IX Coordinator, or designee, will engage in a **preliminary inquiry** to determine if reasonable cause exists to believe that the conduct, as alleged, meets the definition of Sexual Harassment under Title IX or is a violation of STRIVE Prep’s General Sexual Harassment Policy or another STRIVE Prep behavior/conduct policy. This initial inquiry is not an investigation into the merit of the allegations. The initial inquiry typically is 1-3 business days in duration.

From there, the allegation can lead to a formal or informal investigation under Title IX, STRIVE Prep’s General Sexual Harassment Policy or another STRIVE Prep behavior/conduct policy, if relevant, or the allegation may be dismissed. The investigation stage of the grievance process typically starts within days of the preliminary inquiry’s conclusion.

**Investigations** range from days to weeks, depending on the nature and complexity of allegations, with STRIVE Prep commonly aiming for a 10-15 business day window to completion. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which STRIVE Prep aims to complete in 10-14 business days from the end of the investigation.

From there, **Appeals** may be requested, with a three day window to file appeal requests once a formal determination is reached, a three-day window to grant or deny the appeal request, and another 7-10 business days for a final resolution to be reached.

**Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services, offered to the complainant, as appropriate and as reasonably available and without fee or charge. Supportive measures are offered both before and after the filing of a formal complaint and in cases where no formal complaint has been filed. As appropriate, supportive measures will also be offered to the respondent.

Supportive measures are designed to restore or preserve equal access to STRIVE Prep's education program or activities, including measures designed to protect the safety of all parties, the safety of STRIVE Prep's education environment and to deter sexual harassment.

Supportive measures offered may include, but not be limited to:

- Counseling
- Extensions of academic deadlines or other academic related adjustments
- modifications of class (or work) schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Leaves of absences
- Increases security and monitoring of certain areas of campus and;
- Other similar measures as appropriate.

To the extent possible while still allowing STRIVE Prep to provide the appropriate supportive measures, STRIVE Prep will maintain confidentiality as to the supportive measures offered and implemented.

### **Emergency Removal**

There may be times when it is necessary to remove a respondent, on an emergency basis, from STRIVE Prep's education program or activities prior to the resolution of a complaint. Emergency removals will only occur when a determination has been made, after an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, and such threat justifies the emergency removal. The respondent will receive notice of the emergency removal and will have an opportunity to appeal this decision following the removal.

Removal from a specific class, schedule change or transitioning to remote learning does not constitute an emergency removal<sup>4</sup>. STRIVE Prep will adhere to all District and state regulations regarding in and out of school suspensions and will follow all removal guidelines applicable for students with IEPs/504s.

### **Administrative Leave**

Respondents that are STRIVE Prep staff members may be placed on administrative leave, at the discretion of STRIVE Prep, during the pendency of the grievance process.

### **Range of Disciplinary Measures and Remedies**

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<sup>4</sup> Due to COVID precautions, if a student is removed from their cohort the student may need to be placed in isolation prior to a schedule change to another cohort.

Upon a finding of responsibility, STRIVE Prep will impose disciplinary measures that are dependent on the specific facts, the type of remediation necessary and any other factors relevant, as determined by STRIVE Prep staff.

The range of possible disciplinary sanctions and remedies that may be implemented, include but are not limited to:

- In or out of school suspensions
- Permanent escort
- Referral for expulsion
- General or specific mandatory education aimed to educate the respondent (may also include the general school environment depending on the circumstances) about sexual harassment and to prevent reoccurrence
- Permanent class/schedule change for the respondent
- Loss of technology privileges
- Loss of privileges related to extracurricular activities
- Morning or after school detention
- Loss of school day non academic time (recess, free time)
- Other disciplinary sanctions as appropriate

### **Standard of Evidence**

STRIVE Prep has adopted the **preponderance of the evidence standard**. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Evidence/Information only needs to be greater than a 50% likelihood of being true under the preponderance of evidence standard (essentially it is a finding that more likely than not the evidence/allegation is true). This standard will be applied in all formal complaints, against students and staff members.

### **Informal Resolution Process**

In limited circumstances, an informal resolution process is available for Title IX Sexual Harassment complaints<sup>5</sup>. The informal resolution process does not involve a full investigation or determination of responsibility. Informal resolution can occur at any time prior to a determination of responsibility.

Prior to initiating any informal resolution process, the Title IX Coordinator must approve for its use given the specific circumstances of the complaint and facts alleged. Generally, informal resolution is used when the parties agree to resolve a report informally rather than through formal investigation and resolution, and when the Title IX Coordinator is able to support the resolution informally by providing agreed-upon remedies to resolve the situation. Informal resolution remedies can

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<sup>5</sup> The informal resolution process is prohibited in resolving employee-student cases of sexual harassment

include, but not be limited to, mediation, restorative practices, educational requirements, sanctions and other appropriate alternative resolution procedures.

Informal resolution is permitted in the following circumstances:

- A formal complaint must be filed.
- The informal process may be used at any point prior to reaching a determination of responsibility.
- The Title IX Coordinator approves the informal resolution process
- The parties provide voluntary, written consent to use the informal process.

Prior to the implementation of the informal resolution process, each party will receive written notice that includes the following:

- A summary of the reported misconduct/allegations;
- The requirements of the informal resolution process, including the circumstances under which, once completed, it precludes the parties from changing their minds and reverting to a formal grievance process;
- The right of the parties to withdraw from the informal resolution process and resume the formal grievance process;
- Any consequences resulting from participating in the process, including what sanctions could result, as well as any records that will be maintained and/or could be shared; and
- Whether the resolution would be binding on the parties.

For more information on the informal resolution process, please refer to [informal resolution process document].

### **Grievance Process for Formal Complaints of Title IX Sexual Harassment**

STRIVE Prep's formal grievance process will treat all parties equitably by providing remedies designed to restore or preserve equal access to STRIVE Prep's education program and activities where a determination of responsibility has been made against a respondent, will offer supportive measures (both to the claimant and respondent, as appropriate) before, during and after the grievance process, and will impose appropriate disciplinary sanctions after a determination of responsibility has been determined.

#### **Process for filing a Formal Complaint:**

After receiving actual knowledge of sexual harassment or an allegation of sexual harassment, the Title IX Coordinator will contact the complainant regarding filing a formal complaint and share the following complaint process. Please note, at the

time of filing a formal complaint, a complainant must be participating in or attempting to participate in an activity or education program of STRIVE Prep<sup>6</sup>.

A formal complaint is a document signed by a Complainant or signed by the Title IX Coordinator<sup>7</sup> alleging sexual harassment against a Respondent<sup>8</sup>. The Title IX Coordinator will provide and go over the [formal complaint form](#) with the Complainant.

In lieu of the above form, STRIVE Prep will also accept any electronic or physical document submitted by the complainant. The Title IX Coordinator will also complete and submit a written document on behalf of any Complainant that is unable to submit a written complaint.

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (e.g.: when and where it occurred);
- Any supporting documentation and evidence;
- Names of any individuals that may have witnessed the alleged conduct or who is aware of the alleged conduct;
- Name and contact information (phone number, email address) of the reporting party and the complainant (party alleged to have been harassed)
- Signed by the reporting party/complainant

The Title IX Coordinator will also discuss the availability of supportive measures, in addition to those already offered/implemented, with the complainant. The Title IX Coordinator will also confer with the appropriate STRIVE Prep staff to discuss supportive measures, determine the appropriate measures and ensure proper implementation of such measures.

Upon the commencement of a formal complaint, the Title IX Coordinator will appoint a trained investigator to investigate the claims. The investigation will begin as soon as possible, usually within two business days of the complainant's decision to move forward with a formal complaint.

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<sup>6</sup> Former students, community members or others that currently are not participating or attempting to participate in STRIVE Prep's education program or activities are still encouraged to share information regarding sexual harassment or an allegation of sexual harassment to the Title IX Coordinator. STRIVE Prep will investigate all claims, to the best of its ability with the information provided, of sexual harassment.

<sup>7</sup> In these cases, the Coordinator is not the complainant.

<sup>8</sup> Signatures can be physical or digital

Investigations are completed expeditiously, normally within 5-10 business days of a formal complaint being filed. Investigations may take longer depending on their nature or complexity.

### **Notice to Respondent of a Formal Complaint**

Upon the receipt of a formal complaint, the Title IX Coordinator will provide written notice to the known parties. The written notice will consist of the following:

- STRIVE Prep's grievance process
- A summary of the allegations of sexual harassment, including sufficient details known at the time the notice is prepared, including but not limited to, the identifies of the parties (if known), the conduct allegedly constituting sexual harassment under Title IX, the date and location of the alleged conduct (if known)
- A statement that the respondent is presumed not responsible for the alleged conduct and that determination of responsibility is made at the conclusion of the grievance process
- Inform the parties that they may have an advisor, of their choice (who may or may not be an attorney) present at during any part of the grievance process<sup>9</sup>
- Inform parties that each will have an opportunity to inspect and review evidence collected as part of the investigation that is directly related to the allegations raised<sup>10</sup>
- STRIVE Prep's standard of evidence used in making a determination
- STRIVE Prep's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process

### **Dismissal of a Formal Complaint**

When conduct alleged in a formal complaint would not constitute Title IX sexual harassment even if proved, did not occur in STRIVE Prep's education program or activities or did not occur against a person in the United States then STRIVE Prep will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such dismissal does not preclude action under STRIVE Prep's General Sexual Harassment policy, code of conduct or other behavior policies.

Additionally, STRIVE Prep may dismiss a formal complaint or any allegations within the formal complaint, if at any time during the investigative or before a formal decision is made, the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in the complaint, the respondent is no longer enrolled in or employed by STRIVE Prep or specific circumstances prevent STRIVE Prep from gather evidence sufficient to reach a determination as to the formal complaint or the allegations contained in the

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<sup>9</sup> STRIVE Prep may restrict the extent to which the advisor may participate in the process, so long as the restrictions apply to both parties

<sup>10</sup> This will include evidence STRIVE Prep does not intend to rely on in reaching a determination of responsibility and any inculpatory and exculpatory evidence

formal complaint.

Upon a dismissal, STRIVE Prep will promptly send written notice and reason(s) of such dismissal to the parties.

### **Consolidations of Formal Complaints**

STRIVE Prep may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **Investigations**

The investigative process includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made by the decision maker at the conclusion of the grievance process. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, identify relevant evidence/information and obtain such evidence/information when available and an objective evaluation of all relevant evidence and information.

STRIVE Prep's investigation timeline may be delayed for good cause<sup>11</sup>. Should a delay be needed, STRIVE Prep will promptly resume its investigative process once the cause for delay has been removed<sup>12</sup>.

The investigative process will ensure that the burden of proof and the burden of gathering of evidence sufficient to reach a determination regarding responsibility rests on STRIVE Prep.

The investigators will take the following steps (not necessarily in order):

- Coordinate with campus partners to implement any necessary supportive measures that may be needed;
- Determine the identify and contact information of all parties involved (if not otherwise known)
- Identify the exact Title IX and/or STRIVE Prep policies to have been alleged violated
- Commence a thorough, reliable and impartial investigation by creating an investigation plan that identifies relevant witnesses, evidence and any

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<sup>11</sup> Good cause may include the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity, the need for language assistance or accommodations of disabilities.

<sup>12</sup> For example, in the case of law enforcement involvement, a delay may be needed to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. Once notified by law enforcement that their initial investigative process is complete, STRIVE Prep will continue its investigation.

additional information needed/sought and interview and obtain, as appropriate, relevant witnesses, evidence and information

- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses and other inculpatory and exculpatory evidence
- Not restrict the ability of either party to discuss the allegations under the investigations or to gather and present relevant evidence
- Allow each party to have others present during any part of the grievance process, with such restrictions on participation as deemed appropriate by STRIVE Prep
- Provide to each party whose participation is invited or expected, written notice of the date, time, location, participants and purpose of all investigative interview or other meetings, with sufficient time for the party to prepare to participate
- Provide each party an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised
- Prior to the completion of the investigative report, send to each party (and each party's advisor, if any) the evidence subject to inspection and review in an electronic format or hard copy, and the parties will have 10 days to submit a written response. The investigator will consider such written responses prior to the compilation of the investigative report
- Create an investigative report that fairly summarizes the relevant evidence and send a copy to each party (and each party's advisor, if any) the investigative report in an electronic format or hard copy, for the party's review and written response.

### **Determination Regarding Responsibility**

Each STRIVE Prep campus, and central office, has a designated Title IX decision maker. The decision maker is responsible for making a determination regarding responsibility. The decision maker is not the Title IX Coordinator nor is it the same individual who conducted the investigation.

After the parties have received the investigative report and before a decision is reached regarding responsibility, the decision maker will allow each party the opportunity to submit written relevant questions that a party would like asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Each party with all three days to submit any such questions. The decision maker will determine the relevance of any such questions and non relevant questions will be excluded, with the decision maker providing an explanation to the party proposing the question the decision to exclude any such non relevant question.



To reach a determination of responsibility, the decision maker will use the **preponderance of the evidence standard**. A written notice of decision will be provided to each party and will include the following:

- Identification of the allegations potentially constituting Title IX sexual harassment
- Description of the procedural steps taken from the receipt of a formal complaint through determination, including notifications to the parties, interviews with parties and witnesses and methods used to gather evidence
- Findings of fact supporting the determination
- Conclusions regarding the application of STRIVE Prep's code of conduct/policies to the facts
- A statement of, and rationale for, the results as to each allegation, including a determination regarding responsibility
- Any disciplinary sanctions that will be imposed on the respondent
- What, if any, remedies that are designed to response or preserve equal access to STRIVE Prep's education program or activities will be provided to the complainant<sup>13</sup>
- STRIVE Prep's procedures and permissible basis for either party to appeal the determination

The determination of responsibility becomes final on either the date that the parties receive written determination of the results of an appeal, if an appeal is filed, or if an appeal is not filed, on the date which an appeal would no longer be accepted.

### **Appeals Process**

Each party has **THREE business days** from the date of the notice of determination or notice of dismissal of a complaint to submit an appeal to the decision maker. Appeals must be submitted in writing (either electronically or hard copy).

### **The ONLY grounds for appeal are as follows:**

1. A procedural irregularity that affected the outcome
2. New evidence that was not reasonable available at the time the determination of responsibility or dismissal was made, that could affect the outcome; and
3. The Title IX Coordinator, investigator(s) or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome

Once an appeal has been received, all parties will be notified in writing that an appeal has been filed and the appeals procedures will be applied equally for both parties

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<sup>13</sup> If no remedies are offered, the decision maker must document why and how the lack of such remedies has not

The Title IX Coordinator will appoint a trained appeals decision maker, who will not be the same person as the decision maker that reached the determination of responsibility, the investigator(s) or the Title IX Coordinator. Appeals that do not meet the above criteria will be dismissed.

Appeals that meet the above criteria will be investigated thoroughly and impartially and both parties will have an equal opportunity to submit a written statement in support of, or challenging the determination of responsibility.

Upon the conclusion of the appeals process, the appeals decision maker will issue a written decision describing the result of the appeal and the rationale for the result. Both parties will be provided a copy of the decision. This decision is not subject to appeal.

All sanctions imposed by the original determination of responsibility will be in effect during the appeal. A request may be made to the Title IX Coordinator to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of STRIVE Prep is that the sanctions will go into effect immediately. In cases where the appeal results in reversal of the determination of responsibility, STRIVE Prep will make all reasonable attempts to restore the respondent to their prior status and restore all privileges that may have been revoked, recognizing that some opportunities lost may be irreparable in the short term.

### **Record Keeping**

STRIVE Prep will maintain, for a period of seven (7) years a record of the following:

- Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity
- Any appeal and the result
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, decision makers and any person who facilitates an information resolution process. These training materials are publicly available on STRIVE Prep's website or by contacting the Title IX Coordinator.

STRIVE Prep will also maintain, for a period of seven (7) years a record of any action, including supportive measures, taken in response to a report or formal complaint of sexual harassment. STRIVE Prep will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to STRIVE Prep's education program or activities. If STRIVE Prep does not provide a complainant with supportive measures,



STRIVE Prep must document the reasons why such a response was not clearly unreasonable in the light of the known circumstances.

STRIVE Prep is not precluded from providing additional explanations or detailing additional measures taken, after such original documentation is complete.

**If you have any questions about these policies/procedures, if you would like to make a complaint or report a concern, or would like more information, please contact STRIVE Prep's Title IX Coordinator Lyndsay Lau, Sr. Director of Culture. Ms. Lau can be reached at [reportdiscrimination@striveprep.org](mailto:reportdiscrimination@striveprep.org), by phone at: 720-772-4301 or by mail at STRIVE Prep - Central Office 2480 W. 26th Ave., Suite B-360 Denver, CO 80211.**