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Title IX Policy and Grievance Procedures

Policy

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities, including decisions about admission and employment. The Day Treatment program at Community Reach Center (CRC) complies with Title IX. Any Day Treatment student or professional who has experienced or witnessed sexual harassment, can make a report to the Title IX Coordinator at any time. It is a violation of policy for any student or staff member to engage in sexual harassment, to retaliate against anyone that reports sex-based discrimination or sexual harassment or participate in a Title IX investigation.

Scope

Day Treatment

Procedure

Definitions

Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning the provision of an aid, benefit, or service of the school on an individual’s participation in unwelcome sexual conduct (often called “quid pro quo” harassment)
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity
- Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30)

Reporting a Complaint

Community Reach Center prohibits sex discrimination in any education program or activity that it operates. Any Day Treatment student or staff member who has experienced or witnessed sexual harassment, can make a report to the Title IX Coordinator either in writing or orally at any time by outreaching the Title IX Coordinator at:

Emilee Cronin
1870 W 122nd Ave Suite 100
Westminster, CO 80234
Phone: 303-853-3516
Email: ReachHR@CommunityReachCenter.org

Inquiries may also be directed to the U.S. Department of Education's Assistant Secretary for Civil Rights:

U.S. Department of Education
Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202-1100
Phone: 1-800-421-3481
Email: OCR@ed.gov
Fax: 202-453-6012

Any Day Treatment employee who receives a report of sexual harassment, or otherwise has notice of sexual harassment or allegations of sexual harassment, must promptly report the allegations to the Title IX Coordinator. An alternate Title IX Coordinator will be designated if it is alleged that the Title IX Coordinator committed harassment or if any other conflict of interest exists.

At the time of filing a formal complaint, a complainant must be participating in, attempting to participate in, or has previously participated in the Day Treatment's education program/ activities. A complainant, a parent or guardian with the legal right to act for the complainant, or the Title IX Coordinator may file a formal complaint.

Written Notice of Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the known parties, which must include:

- Notice of the school's Title IX grievance procedures
- Notice of the allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare for any initial interview
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney
- A statement that the parties may inspect and review any evidence obtained through the investigation that is directly related to the allegations raised in the formal complaint

In response to a formal complaint, CRC's Day Treatment will follow the outlined grievance procedures and Title IX applicable regulations, including 34 C.F.R. § 106.45. CRC will investigate the allegations in a formal complaint.

The Title IX coordinator will equitably provide supportive actions to the complainant and the responders to preserve each person's access to the day treatment program during the grievance process or informal resolution process.

Administrative Leave

Nothing in this policy prohibits CRC from removing a respondent from the Day Treatment's education program or activities on an emergency basis. Before doing so, however, the school must undertake an individualized safety and risk analysis; determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. An emergency removal does not amount to a pre-judging of the allegations against the respondent, who is entitled to a presumption of non-responsibility pending the completion of the grievance process.

Nothing in this policy prohibits CRC from placing a Day Treatment employee respondent on administrative leave pending the resolution of the investigation. See *AD.012 Administrative Leave*.

Investigating a Complaint

CRC will make a good faith effort to complete the investigation and grievance process within an average of 60 to 90 days, without jeopardizing the rights of either party. The grievance process may be temporarily delayed for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. CRC will provide written notice to the parties for any delay or extension of any timeframe in these procedures and the reasons for the delay or extension.

Each party may have an advisor of their choice who may, but is not required to be, an attorney. A party's advisor may accompany the party to any meeting, interview, or proceeding related to this Title IX grievance process. However, an advisor may not speak on the party's behalf (for instance, when a party is asked questions by the investigator or decision-maker) and may not appear on behalf of a party when the party's attendance is expected.

CRC will investigate the allegations of a formal complaint. CRC, not the parties, has the burden of proof and burden of gathering evidence sufficient to reach a determination of responsibility. The investigator will begin and carry out the investigation in a reasonably prompt manner. If, in the course of an investigation, the investigator decides to examine allegations about either party that were not included in the earlier written notice, it will provide notice to the parties of

the additional allegations.

During the investigation, each party will have an equal opportunity to present witnesses and evidence. The investigator will provide, to any party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Community Reach Center 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 by 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.

Prior to issuing an investigative report, the investigator will send to each party and each party's advisor, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, whether the school intends to rely on such evidence in reaching a determination regarding responsibility. The parties then have at least ten (10) days to submit a written response to the investigator, which the investigator will consider prior to completion of the investigative report. The investigator will advise the parties in writing of the deadline for the parties' written response.

Each party will also have at least ten (10) days to submit written relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for submission of additional, limited follow-up questions from each party. The Title IX Coordinator will advise the parties in writing of the deadline to submit written questions and a written response to the investigative report. Only relevant questions may be asked of a party or witness. Before a party or witness answers a question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant to the party proposing the question.

Determining the Outcome of the Complaint

The decision-maker will objectively evaluate all relevant evidence and issue a written determination of evidence applying the preponderance of evidence standard.

The decision-maker will not consider the following:

- Evidence about the complainant's sexual predisposition
- Evidence about the complainant's prior sexual behavior, unless such evidence is offered to prove that someone other than the respondent committed the alleged conduct or when offered to prove consent
- Information protected under a legally recognized privilege, unless the person holding such privilege has waived it
- A party's records from a physician, psychiatrist, psychologist, or other recognized

professional which are made and maintained in connection with treatment to the party, unless the party provides voluntary, written consent to do so for the purpose of this grievance process

The decision-maker's written determination will include:

- Identification of the allegations potentially constituting sexual harassment as defined by Title IX
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- Findings of fact supporting the determination
- Conclusions regarding the application of the Day Treatment's student code of conduct and policies to the facts
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided to the complainant
- The school's procedures and permissible bases for appeal

CRC will provide the written determination to the parties simultaneously. The determination becomes final on the date that the Day Treatment provides the parties with the written determination of the result of an appeal, if an appeal is filed, or the date on which an appeal would no longer be considered timely.

Resolution of a Complaint

Dismissal

The Title IX Coordinator must dismiss a formal complaint if: the alleged conduct would not constitute sexual harassment as defined in these procedures even if proved; the alleged conduct did not occur within CRC's Day Treatment program or activity; or the alleged conduct did not occur against a person in the United States.

The Title IX Coordinator may dismiss a formal complaint or any allegations therein, if, at any time during the grievance process: the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the school; or specific circumstances prevent the school from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the Title IX Coordinator will promptly send written notice of the dismissal and reasons for the dismissal to all parties.

A dismissal from the Title IX grievance does not prohibit the complainant from pursuing other remedies under state or federal law, nor does it prohibit CRC from addressing the allegations pursuant to separate law, policy, or school code of conduct in any manner the school deems appropriate.

Informal Resolution

At any time prior to reaching a determination regarding responsibility, CRC may facilitate an informal resolution process, such as mediation or restorative justice, that does not involve a full investigation and adjudication to resolve a formal complaint. The Day Treatment will never require any party to participate in informal resolution and may not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution. Informal resolution is not an option where allegations concern a Day Treatment employee sexually harassing a student.

To engage in information resolution, CRC will provide a written notice to all parties that discloses the allegations; the requirements of the informal resolution process; the right of any party to withdraw from informal resolution and resume the grievance process with respect to the formal complaint; and any potential consequences that may result from participating in informal resolution. The school must then obtain each party's voluntary, written consent to the informal resolution process.

An informal resolution process may result in the parties, and the Day Treatment, agreeing on a resolution of the formal complaint that involves sanctioning or disciplining a respondent.

Determination of Responsibility

Where a determination of responsibility for sexual harassment is made against the respondent, CRC will provide remedies to the complainant. Remedies must be designed to restore or preserve equal access to the Day Treatment's education program or activities. Remedies may include actions that are the same or similar to the supportive measures identified in these procedures.

If a respondent is determined responsible for sexual harassment following the grievance process, CRC may impose disciplinary sanctions. Sanctions may include Day Treatment reprimand; imposition of a protective or restrictive order limiting contact with the complainant or certain areas of campus; detention; suspension; or termination.

Appealing a Determination

Either party may appeal the dismissal of a formal complaint or a determination of responsibility. A party may appeal only on one or more of the following bases:

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. 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 affected the outcome of the matter

In order to appeal a dismissal or determination of responsibility, a party must notify the Title IX Coordinator in writing no later than ten (10) days after the dismissal or determination is sent to the party. The written notice of appeal must state with specificity the issues being appealed and the bases for the appeal.

Upon receipt of a timely filed written notice of appeal, the Title IX Coordinator will notify the parties in writing that the appeal was filed and the process and deadline for submitting a written statement, in support of or against, the issues being appealed. The Title IX Coordinator must allow at least ten (10) days for the parties to submit written statements.

The appeal, including any written statements submitted by the parties and any evidence and information considered by the decision-maker, will be considered by an appeal decision-maker. The appeal decision-maker cannot be the Title IX Coordinator, investigator, or the same decision-maker who issued the determination of responsibility. CRC's appeal decision-maker is the Director of Quality Improvement.

The appeal decision-maker will issue a written determination of appeal, which will describe the result of the appeal and rationale for the result. The Title IX Coordinator will provide the appeal decision simultaneously to both parties.

Recordkeeping

CRC will maintain the following records for seven (7) years:

- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment
- Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant
- Any appeal and the result therefrom
- Any informal resolution and the result therefrom
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process

Definitions

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment or discrimination. Any third party as well as the complainant may report sexual harassment or discrimination. While parents and guardians do not become complainants (or respondents), parents and guardians have the legal right to act on behalf of parties in Title IX matters.

Decision-maker: The individual assigned to assess relevant evidence and issue a written determination regarding responsibility. CRC's decision-maker is the Chief Operating Officer.

Education program or activity: Locations, events, or circumstances in which the Day Treatment exercises substantial control over both the complainant and the respondent and the context in which the sexual harassment or discrimination occurs.

Formal complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or by phone.

Investigator: The individual trained and assigned to conduct an impartial investigation designed to gather sufficient evidence to reach a determination regarding responsibility. CRC's investigator is the Title IX Coordinator.

Preponderance of evidence standard: One of the burden of proof standards in Title IX, and means "more likely than not" or anything above a "fifty-fifty" likelihood of guilt. ("Clear and convincing" evidence standard is the other and means that the evidence presented must be highly and substantially more probable to be true than not.)

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or discrimination.

Supportive measures: Non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, 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. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Coordinator: The employee designated to coordinate CRC's efforts to comply with Title IX responsibilities.

Related Regulations

20 USC §1681 et seq.; 34 CFR §106

Associated Documents

AD.012 Administrative Leave	AD.025 Nondiscrimination and Antiharassment
Employee Handbook	CL.009 Consumer Rights

DocuSigned by:

Rick Doucet

7/31/2024

Rick Doucet, Chief Executive Officer
Community Reach Center

Date

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