ROCKY MOUNTAIN PREP

TITLE IX

Policy and Procedures

2025-2026

FINAL VERSION
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This Title IX Policy and Procedures document sets forth the grievance process for instances of sex-based harassment and discrimination.

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Introduction

All students and staff at Rocky Mountain Prep have the right to feel safe and respected.

Rocky Mountain Prep does not discriminate and does not tolerate discrimination on the basis of sex in any education program or activity that it operates.

Rocky Mountain Prep's Title IX policy provides for the prompt and equitable resolution of all student and employee complaints of alleged sex-based discrimination or harassment. Rocky Mountain Prep shall promptly respond to all concerns and complaints of sex discrimination and/or harassment, take action in response when sex-based 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 any sex-based discrimination and/or harassment complaint as required by state and federal law. In all situations, as required by law and in those other circumstances as deemed appropriate by Rocky Mountain Prep, the complaint shall be referred to law enforcement for investigation.

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

Definitions

Complainant: An individual who is alleged to be the victim of conduct that could constitute sex-based harassment or discrimination.

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

Reasonable person: A reasonable person in the same or similar circumstances, with similar identities.

Education Program or Activity: Locations, events, or circumstances over which Rocky Mountain Prep exercises substantial control over the Complainant and the Respondent and the context in which the sex-based harassment or discrimination occurred.

Actual knowledge: Notice of sexual harassment or discrimination allegations to any official with authority at Rocky Mountain Prep. Actual knowledge is not met when the only individual with the knowledge is the Respondent.

Official with Authority: Any assistant principal or principal, vice president, executive leader ("Chief-level" leader), or the Title IX Coordinator.

Business day: Any weekday not designated by Rocky Mountain Prep as a holiday, administrative closure day, or district closure day.

Consent: Consent is knowing, voluntary, and clear permission by words or actions to engage in sexual activity. It is the responsibility of each party to determine that the other has consented before engaging in the activity.

- Cannot be gained by force, threats, intimidation, or coercion
- Cannot be inferred from silence or lack of resistance
- Cannot be implied by attire or inferred from money spent
- Can never be given by a minor
- Can never be given by someone with a mental disability
- Can never be given if the person is asleep, incapacitated or unconscious, which could be a result of alcohol or drugs
- One type of sexual act does not imply consent for another act

- Once a person says no or communicates that they want to stop, it does not matter if or what type of sexual behavior had occurred previously
- Being in a relationship does not mean that consent is always given. It is important to ask each time when engaging in sexual activities
- Consent can be withdrawn at any time as long as that withdrawal is clearly communicated

Retaliation: Intimidation, threats, coercion, or discrimination, including charges against an individual under the employee handbook that do not involve sexual discrimination or harassment violations but arise out of the same facts or circumstances as a report or complaint of sex harassment or discrimination for the purpose of interfering with any right or privilege secured by Title IX or the administrative regulation.

Confidentiality: The identities of persons who made a report of sexual discrimination or harassment, The Complainant, the Respondent, any person reported to have been a perpetrator, and any witness shall not be made public except as provided in the Family Educational Rights and Privacy Act (FERPA), as otherwise provided by law, or as needed for the conduct of any formal investigation or judicial proceeding

Overview

The Law

Title IX of the Education Amendments Act of 1972 states:

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 education program or activity receiving Federal financial assistance.

Who does it apply to?

Title IX applies to all RMP employees and students.

While the law states "on the basis of sex," it has expanded over the past few years to mean more than just biological sex. It also includes gender, gender expression, gender identity, and sexual orientation.

Jurisdiction

RMP has jurisdiction over any conduct under the Title IX policy that denies the benefits of or participation in educational activities or the workplace. Conduct that occurs off-campus may still qualify under Title IX, including electronic communications.

What is Sex-Based Discrimination?

Discrimination on the basis of sex includes discrimination on the basis of:

1. Biological Sex
2. Gender
3. Pregnancy or related conditions
4. Failure to provide equal athletic opportunities

Pregnancy or Related Conditions

- An employer and/or school must treat pregnancy or related conditions the same as any other temporary medical condition. An employer and/or school cannot discriminate against any student or staff on the basis of their current, potential, or past pregnancy or related conditions.
- Pregnancy or related conditions include:
    - Pregnancy, child-birth, termination of pregnancy, or lactation
    - Medical conditions related to pregnancy, child-birth, termination of pregnancy, or lactation
    - Recovery from pregnancy, child-birth, termination of pregnancy, or lactation

Notification of Pregnancy

When a staff member or student (or person who has the legal right to act on behalf of the student) informs ANY employee of their pregnancy or related conditions, the employee must:

- Promptly provide that person with the Title IX Coordinator's contact information, and
- Inform the person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the staff member or student's equal access.

What is Sexual Harassment?

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

- ➔ Quid pro quo: An employee of Rocky Mountain Prep conditions the provision of an aid, benefit, or service of the network on an individual's participation in unwelcome sexual conduct.
- ➔ Unwelcome conduct determined by a reasonable person to be so *severe, pervasive,* and *objectively offensive* that it effectively denies a person equal access to Rocky Mountain Prep's education program or activity.
- ➔ Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined in the Clery Act

Definitions under the Clery Act:

- ➔ **Sexual assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program
  - ◆ Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - ◆ Fondling: The intentional touching of the clothed or unclothed body parts without the consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
  - ◆ Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - ◆ Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- ➔ **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - ◆ The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ◆ For the purposes of this definition—
    - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.
- ➔ **Domestic Violence:** A felony or misdemeanor crime 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 in which the crime of violence occurred, 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 in which the crime of violence occurred.
- ➔ **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - ◆ Fear for the person's safety or the safety of others; or
  - ◆ Suffer substantial emotional distress.
  - ◆ For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Process & Procedure

1. Reporting

Individuals with knowledge of alleged sex-based harassment or discrimination are encouraged to report such behavior immediately to the Title IX Coordinator.

Any person may report sex-based harassment and/or discrimination in person, by mail, by telephone or by electronic mail. The person reporting does not have to be the alleged victim of harassment and/or discrimination.

To report, you should contact Rocky Mountain Prep's Title IX Coordinator or a campus assistant principal or principal.

Rocky Mountain Prep's Title IX Coordinator is Gloria Rodriguez. Ms. Rodriguez can be reached at titleix@rockymountainprep.org, by phone at 720-772-4300, or by mail at Rocky Mountain Prep Central Office 2480 W. 26th Ave, Suite B-360 Denver, CO 80211.

2. Response to Allegation of Sex-Based Harassment or Discrimination

Upon receiving actual knowledge of sexual harassment or an allegation of sexual harassment in a Rocky Mountain Prep education program or activity, the Rocky Mountain 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.

Rocky Mountain Prep's Title IX 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 Rocky Mountain Prep's education program and activities. Remedies will be appropriate for the situation, as determined by the relevant state and federal policies and Rocky Mountain Prep, and need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Please note: In addition the the Title IX definition of sexual harassment, Rocky Mountain 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 Rocky Mountain 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 Rocky Mountain Prep's Discrimination and Harassment Policy, the Title IX complaint will be dismissed and the Discrimination and Harassment Policy process will be followed.

2.1 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.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services, offered to the Complainant or Respondent, 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.

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

Supportive measures offered may include but are not 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
- Increased security and monitoring of certain areas of campus and;
- Other similar measures as appropriate

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

Emergency Removal (Students)

There may be times when it is necessary to remove a Respondent on an emergency basis from Rocky Mountain 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.

Removal from a specific class or schedule change does not constitute an emergency removal. Rocky Mountain Prep will adhere to all district and state regulations regarding in and out-of-school suspensions and will follow all removal guidelines applicable to students with IEPs/504s.

Administrative Leave (Staff)

Respondents who are Rocky Mountain Prep staff members may be placed on administrative leave (with or without pay), at the discretion of Rocky Mountain Prep, during the pendency of the grievance process.

2.2 Initial Assessment

This stage of the Title IX process involves a prompt preliminary assessment by Rocky Mountain Prep's Title IX Coordinator, or designee, to determine if the alleged behavior/complaint meets the necessary criteria to move forward under Title IX, or rather under Rocky Mountain Prep's behavior process. The assessment inquiry is not an investigation into the merit of the allegations.

If the behavior or conduct does not meet the Title IX definition of sexual harassment but does violate *Rocky Mountain Prep's Discrimination and Harassment Policy, Employee Code of Conduct or Student Code of Conduct*, the complaint will be resolved according to those policies and procedures.

2.3 Formal Complaint

If the complaint/allegation meets the necessary criteria to move forward, Rocky Mountain Prep will initiate an investigation that is thorough, reliable, impartial, prompt, and equitable. A formal complaint must be in writing, signed, and filed with the Title IX Coordinator.

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 or attempting to participate in an activity or education program of Rocky Mountain Prep. Former students, community members, or other persons who currently are not participating or attempting to participate in Rocky Mountain Prep's education program or activities are still encouraged to share information regarding sex-based harassment or discrimination or an allegation of sex-based harassment or discrimination with the Title IX Coordinator. Rocky Mountain Prep will investigate all claims, to the best of its ability with the information provided, of sex-based harassment or discrimination.

A formal complaint is a document signed by a Complainant or signed by the Title IX Coordinator, on behalf of the Complainant, alleging sexual harassment against a respondent. The Title IX Coordinator will provide and go over the formal complaint form with the complainant.

In lieu of the above form, Rocky Mountain Prep will also accept any electronic or physical document submitted by the Complainant.

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (ie. when and where it occurred);
- Any supporting documentation and evidence;
- Names of any individuals that may have witnessed the alleged conduct or that are aware of the alleged conduct;
- Name and contact information (phone number, email address) of the reporting party and the Complainant; and
- Signed by the reporting party/Complainant

The Title IX Coordinator will also discuss the availability of additional supportive measures not already implemented. The Title IX Coordinator will confer with the appropriate Rocky

Mountain Prep staff to discuss supportive measures and ensure proper implementation of such measures.

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:

- Rocky Mountain Prep's Title IX process
- A summary of the allegations of sex-based harassment or discrimination known at the time the notice is prepared, including but not limited to, the identities of the parties, the conduct allegedly constituting sexual harassment under Title IX, the date and location of the alleged conduct
- A statement that the Respondent is presumed not responsible for the alleged conduct and that the determination of responsibility is made at the conclusion of the Title IX process
- Inform the parties that they may have an advisor of their choice present at during any part of the Title IX process
- 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
- Rocky Mountain Prep's standard of evidence used in making a determination
- Rocky Mountain 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 a Title IX violation even if proved or did not occur in Rocky Mountain Prep's education program or activities or did not occur against a person in the United States, then Rocky Mountain Prep will dismiss the formal complaint with regard to that conduct under Title IX. Such dismissal does not preclude action under Rocky Mountain Prep's Sexual Harassment and Discrimination Policy, code of conduct, or other behavior policies.

Additionally, Rocky Mountain Prep may dismiss a formal complaint or any allegations within the formal complaint, if at any time during the investigative or before a determination 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 or the respondent is no longer enrolled in or employed by Rocky Mountain Prep or specific circumstances prevent Rocky Mountain Prep from gathering evidence sufficient

to reach a determination as to the formal complaint or the allegations contained in the formal complaint.

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

Consolidations of Formal Complaints

Rocky Mountain Prep may consolidate formal complaints made by multiple Complainants or against multiple Respondents where the allegations of sexual harassment arise out of the same facts or circumstances.

2.4 Investigation

Upon the commencement of a formal complaint, the Title IX Coordinator will appoint a trained investigator to investigate the claims and a decision-maker to make the final determination. An appeals decision-maker can be appointed as needed.

The investigator will begin as soon as possible, usually within two to three business days of the Complainant's submission of a formal complaint. The investigator may or may not be the Title IX Coordinator.

Investigations are completed expeditiously, normally within 10–15 business days of a formal complaint being filed. Investigations may take longer depending on their nature of complexity or other business reasons. Rocky Mountain Prep's investigation timeline may be delayed for good cause[1]. Should a delay be needed, Rocky Mountain Prep will promptly resume its investigative process once the cause for delay has been removed[2].

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,

[1] Good cause may include the absences of a party, a party's advisor, or witness; concurrent law enforcement activity, the need for language assistance or accommodations of disabilities.

[2] For example, in the case of law enforcement involvement, a delay may be needed to comply with a law enforcement request for cooperation (ie. to allow for criminal evidence collection) when criminal charges on the bases of the same behaviors invoke this process are being investigated. Once notified by law enforcement that their initial investigative process is complete, Rocky Mountain will continue its investigation

identifying relevant evidence/information, obtaining such evidence/information when available, and an objective evaluation of all relevant evidence and information.

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

Investigation Steps

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 identity and contact information of all parties involved (if not otherwise known).
- Identify the exact Title IX and or Rocky Mountain Prep policies to have been allegedly violated.
- Commence a thorough, reliable, and impartial investigation by creating an investigation plan that identifies relevant witnesses, evidence, and any 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 infestations or to represent relevant evidence.
- Allow each party to have parents, guardians, or advisors during any part of the Title IX process with such restrictions on participation as deemed appropriate by Rocky Mountain Prep.
- Provide to each party whose participation is invited or expected, written notice of the date, time, and locations of all investigative interviews 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 advisory, if any) the evidence subject to inspection and review in an electronic format or hard copy, and the parties will have 10 calendar 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 advisory, if any) in an electronic format or hard copy. Parties will have an additional 10 days to review and provide written response, prior to any final determination.

Role of the Parent/Guardian or Advisor

Parent/Guardian

Nothing in this administrative regulation may be read in derogation of any legal right of a parent or guardian to act on behalf of a complainant, respondent, party, or other individual subject to this administrative regulation, including but not limited to filing a formal complaint. However, neither parent nor guardian will be permitted to ask questions to witnesses. Additionally, neither parent nor guardian may participate in interviews or meetings in which the represented party is not a participant.

Advisor

Each party may be accompanied by an advisor of their choice to any related meeting or proceeding, who may be, but is not required to be, an attorney. However, neither party's advisor will be permitted to ask questions to witnesses. Additionally, neither party's advisor may participate in interviews or meetings in which the represented party is not a participant.

False Evidence Prohibited

Complainants, Respondents, and all witnesses are prohibited from making any knowing false statement or providing other evidence known to be false in any investigation. The school may take disciplinary or corrective action against a person making false statements or submitting other false evidence. Inconsistencies between evidence and an investigative report or determination of responsibility do not prove a knowing use of false evidence. Discipline for a knowing use of false evidence is not retaliation as prohibited by this policy.

Privileged and Irrelevant Evidence

Evidence that is privileged by law and evidence of sexual predisposition or prior sexual behavior (unless offered to prove either that a person other than the respondent committed the alleged conduct or to prove legally recognized consent) is neither admissible nor relevant in this process.

Standard of Evidence

Rocky Mountain 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). The standard will be applied in all formal complaints against students and staff members.

2.5 Decision-Making

Determination Regarding Responsibility

Rocky Mountain Prep 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 will have 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 on 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 the 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 Rocky Mountain Prep's code of conduct/policies to the facts
- A statement of, and rationale for, the results of 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 respond or preserve equal access to Rocky Mountain Prep's education program or activities will be provided to the complainant. If none are offered, the decision maker will note why.
- Rocky Mountain 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 at which an appeal would no longer be accepted.

Range of Disciplinary Measures and Remedies

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

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 changes 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

No Live Hearing

Rocky Mountain Prep will not conduct live hearings under this policy.

2.6 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 reasonably available at the time the determination of responsibility or dismissal was made, that could affect the outcome; and
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against the complainants or respondents 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.

The Title IX Coordinator will appoint a trained appeals decision maker, who will not be the same person as the decision maker who 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 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 Rocky Mountain Prep is that the sanction will go into effect immediately. In cases where the appeal results in a reversal of the determination of responsibility, Rocky Mountain Prep will make all responsible attempts to restore the respondent to their report status and restore all privileges that may have been revoked, recognizing that some opportunities lost may be irreparable in the short term.

2.7 Informal Resolution Process

In limited circumstances, an informal resolution process is available for the Title IX Sexual Harassment complaints. The informal resolution process is prohibited in resolving employee-student cases of sexual harassment. 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 its use given the specific circumstances of the complaint and the facts alleged. Generally, an 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 include but are not 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 first be filed
- The informal process may be used at any point prior to reaching a determination of responsibility
- The Title IX Coordinator approves of 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 notices that include 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;
- 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 contact the Title IX coordinator.

3. Resolution Timeframe

Rocky Mountain Prep aims to bring all allegations to the resolution within a thirty (30) to forty-five (45) business day time period, which can be extended for good cause[3] by the Title IX Coordinator with written notices to the parties.

The timeline for resolution begins with Rocky Mountain 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 Rocky Mountain Prep's Title IX Coordinator, the school prinicpal, HR Department or any designated Title IX Rocky Mountain Prep employee.

Stage of Grievance Process	Timeline
Initial Inquiry of Complaint	1-3 business days
Investigation	10-21 business days
Formal and Informal Resolution Decisions	10-14 business days
Appeals	● 3 business days to request an appeal from determination of responsibility decision ● 5-7 business days from submission of appeal for final determination

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 Rocky Mountain Prep's General Sexual Harassment Policy or another Rocky Mountain Prep

[3] Good causes 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 for disabilities. Please note, business day time frames include only those days that Rocky Mountain Prep is in session. Please see the school or network calendar available on the Rocky Mountain Prep website for current vacation and holiday dates.

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, Rocky Mountain Prep's General Sexual Harassment Policy, another Rocky Mountain Prep behavior/conduct policy, if relevant, or the allegation may be dismissed. The investigation stage of the Title IX 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 Rocky Mountain Prep commonly aiming for a 10-21 business day window to completion. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end if, among other reasons, the investigator determines the allegation does not fall within Title IX, or if the parties refuse to cooperate. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which Rocky Mountain 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.

4. Record Keeping

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

- Each Title IX 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 informal resolution process. These training materials are publicly available on Rocky Mountain Prep's website or by contacting the Title IX Coordinator.

Rocky Mountain Prep will also maintain, for a period of seven (7) years a record of any action, including supportive measures, taken as a result of a report or formal complaint of sexual harassment. Rocky Mountain 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 Rocky Mountain Prep's education program or activities.

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

Training

All School staff and the School's governing board shall receive basic Title IX training that includes, without limitation, the definition of sexual harassment and the obligation of school employees and officials to report suspected sexual harassment to the Coordinator. Any person who will serve as a Coordinator, Investigator, alternative dispute resolution practitioner, Decision-Maker, or member of an Appeals Panel must have had or receive appropriate advanced training on Title IX – specifically, as applicable and without limitation, on all matters coerced in basic training, conducting investigative reports, preparation of determinations of responsibility, conducting appeals, identification of privileged or irrelevant evidence (including treatment of evidence of prior sexual conduct), impartiality, avoidance of prejudgement, and avoiding use sex stereotypes. All training provided will be posted in accordance with the law.