ROCKY MOUNTAIN PREP

Non-Discrimination and Harassment

Policy and Procedures

Revised July 2025

Anti-Discrimination And Harassment

RMP expressly prohibits any form of discrimination or harassment related to any protected class. RMP will not tolerate retaliation for refusing unwelcome, harassing overtures, for reporting instances of harassment or discrimination, or for providing statements or evidence related to alleged harassment or discrimination. Harassment may be verbal (epithets, derogatory statements, slurs, innuendo), physical (unwelcome touching, assault, gestures, physical interference with one's work), or visual (posters, drawings, faxes, e-mail, texts). It may involve but is not limited to, unwelcome sexual advances or unwelcome invitations to participate in offensive conduct. Harassment may originate from employees, supervisors, students, parents, or others visiting RMP. In whatever form and from whatever source, it is forbidden.

Discrimination can occur in hiring, termination, compensation, job assignments, promotions, layoff, training, benefits, and any other term or condition of employment. Unlawful discrimination can also occur when someone is treated unfavorably because of, or due to the perception of his/her/their race, color, religion, sex, sexual orientation, gender identification, national origin, age, disability, military status (or other protected status), or because of personal characteristics associated with such status. All such discrimination is expressly prohibited at RMP.

Improper interference with the ability of RMP's employees to perform their expected job duties is not tolerated.

Definitions

Complainant: An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination and files a report.

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

Employee: An individual employed by Rocky Mountain Prep including teachers, teaching assistants, operations personnel, administrative staff, and athletic staff.

Contractors: An individual who is hired by Rocky Mountain Prep on a temporary or contract basis. The individual may or may not have direct contact with students. A contractor is not an employee of RMP.

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

Retaliation: Intimidation, threats, coercion, or discrimination, including charges against an individual under the employee handbook that do not involve discrimination or harassment violations but arise out of the same facts or circumstances as a report or complaint of harassment or discrimination for the purpose of interfering with any right or privilege secured by Senate Bill 296 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

Colorado Senate Bill 23-296 states:

Harassment or discrimination is defined as unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class. The conduct or communication need not be severe or pervasive under specified circumstances. Whether conduct constitutes harassment or discrimination is judged under the totality of the circumstances.

Who does it apply to?

SB23-296 applies to all RMP students. RMP has expanded the scope to include staff.

Jurisdiction

RMP has jurisdiction over any conduct under the Non-Discrimination and Harassment policy that denies the benefits of or participation in educational activities or the workplace. The conduct may occur on or off-campus to qualify under the policy, including electronic communications.

Process and Procedures

Reporting:

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

Any person may report 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.

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

Response to Allegation of Harassment or Discrimination

Upon receiving actual knowledge of harassment or discrimination or an allegation of discrimination or 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 procedure will treat all Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for discrimination or 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.

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 complaint and explain the process for filing a 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 complaint and in cases where no 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 harassment or discrimination.

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 harassment or discrimination, 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 investigation procedure.

Initial Evaluation

This stage of the investigation 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 SB 23-296, or rather under Rocky Mountain Prep's Student Code of Conduct, Employee Code of Conduct or other RMP Policy. The evaluation is not an investigation into the merit of the allegations.

If the behavior or conduct does not meet the SB 23-296 definition of discrimination or harassment but does violate Rocky Mountain Prep's Title IX policy, Employee Code of Conduct or Student Code of Conduct, the complaint will be resolved according to those policies and procedures.

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.

Investigation

Upon the commencement of a report, the Title IX Coordinator will investigate the claims and will appoint 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 report. The investigator may or may not be the Title IX Coordinator.

Investigations are completed expeditiously, normally within 10–15 business days of a 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. Should a delay be needed, Rocky Mountain Prep will promptly resume its investigative process once the cause for delay has been removed.

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 procedures. All investigations will be thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses, 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 this 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 SB 23-296 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.
- 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.
- 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 3 days to review and provide written responses, prior to any final determination.

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 others prohibited by this policy.

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.

Decision-Making

Determination Regarding Responsibility

The Title IX Coordinator will appoint an appropriate 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.

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 discrimination or 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 nonacademic time (recess, free time)
- Other disciplinary sanctions as appropriate

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 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 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.

Mediation

In some circumstances, a mediation may be available for parties under this Non-Discrimination and Harassment policy. Both the complainant and the respondent must agree to mediation. Participation in mediation is voluntary but highly encouraged as a method to resolve issues before escalation.

Eligibility for Mediation: Only non-criminal, harassment and discrimination cases (e.g., bullying, exclusion, inappropriate comments) are eligible. Severe cases involving violence or criminal behavior should be handled through a formal investigation and legal process.

Assignment of Mediator: A trained, neutral mediator—either an internal employee from HR or an external professional mediator—will be assigned to the case. The mediator must not have any prior involvement in the dispute to ensure impartiality.

Mediation Steps

- **Initial Meetings may include the following steps:**
    - The mediator will meet separately with both parties to explain the process, gather preliminary information, and identify the main issues.
    - Confidentiality agreements may be signed by both parties to protect sensitive information discussed during mediation.
- **Setting Ground Rules:**
    - Both parties must agree to ground rules before mediation begins, such as maintaining respect, allowing each party to speak, and keeping the mediation confidential.
- **Mediation Session(s)**
    - **Opening Statements:**
        - Both parties will have the opportunity to present their perspectives, feelings, and desired outcomes. The mediator facilitates the conversation, ensuring each side is heard.
    - **Exploration of Issues:**
        - The mediator will guide both parties through the issues at hand, exploring the root causes of the conflict.
        - Active listening techniques and open-ended questioning are used to help both parties express concerns in a structured manner.
    - **Problem-Solving:**
        - The mediator assists both parties in brainstorming potential solutions, fostering mutual understanding.

    - Options might include formal apologies, agreements on behavior changes, or clarifying misunderstandings regarding policies or expectations.

Agreement

- **Written Agreement:**
    - If the parties reach a resolution, the mediator will help draft a written agreement outlining the terms of the resolution, including any specific actions either party agrees to take. The agreement should include clear timelines and follow-up steps.
- **Non-Resolution:**
    - If mediation does not result in a resolution, the case will be escalated for formal investigation. The mediation process will not impact the investigation's fairness, and no mediation discussions will be used as evidence.

Post-Mediation Follow-Up

- **Monitoring Compliance:**
    - HR or another responsible party will monitor the implementation of the mediation agreement. Follow-up meetings may be scheduled to ensure compliance and ongoing workplace harmony.
- **Feedback and Evaluation:**
    - Both parties should be given the opportunity to provide feedback on the mediation process to continuously improve the program.

Confidentiality and Records

- **Confidential Records:**
    - All mediation proceedings and agreements are confidential and stored securely in HR files, separate from formal employee records.
    - Only individuals involved in the mediation and necessary parties (HR, legal counsel) will have access to the records.

Non-Retaliation

- **Protection Against Retaliation:**
    - Retaliation against any employee who participates in mediation is strictly prohibited. Any claims of retaliation will result in disciplinary action and may be escalated to a formal investigation.

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[1] by the Title IX Coordinator with written notices to the parties.

The timeline for resolution begins with Rocky Mountain Prep receiving actual knowledge of discrimination or harassment or an allegation of harassment or discrimination. Actual knowledge means notice of discrimination or harassment or an allegation of harassment or discrimination to Rocky Mountain Prep's Title IX Coordinator, the school principal, HR Department or any designated Title IX Rocky Mountain Prep employee.

Stage of Grievance Procedures	Timeline
Initial Evaluation of Complaint	1-3 business days
Investigation	10-21 business days
Investigation Decision	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 evaluation** to determine if reasonable cause exists to believe that the conduct, as alleged, meets the definition of discrimination or harassment under SB 23-296 or is a violation of Rocky Mountain Prep's General Non-discrimination or Harassment Policy or another Rocky Mountain Prep behavior/conduct policy. This initial evaluation is not an investigation into the merit of the allegations. The initial inquiry typically is 1-3 business days in duration.

[1] 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.

From there, the allegation can lead to an investigation under Rocky Mountain Prep's Non-discrimination or harassment policy, Title IX or 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 evaluation'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 SB 23-296, 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 discrimination or 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;and
- Any informal resolution and the result

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 of discrimination or 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.