



STRIVE Prep

Procedures for the Investigation of Student Complaints of Discrimination or Harassment

STRIVE Prep strives to provide learning and working environments that are free from unlawful discrimination and harassment. STRIVE Prep takes action to prevent discrimination and harassment, promptly responds to concerns, complaints and observations of unlawful discrimination and/or harassment, takes action in response when unlawful discrimination and/or harassment is discovered, and takes corrective action to prevent the recurrence of discrimination and harassment. STRIVE Prep will take action to prevent retaliation against an individual for raising a good-faith concern about or participating in good faith in an investigation of discrimination and harassment. Further, STRIVE Prep, to the extent permitted by state, federal and local laws, will protect the privacy of all those involved in an investigation. When required by law or otherwise necessary, STRIVE Prep will refer a complaint to law enforcement or to the appropriate child welfare agency for investigation.

STRIVE Prep has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

Definitions

1. **“Reporting Party”** is a person who raises a concern or allegation of discrimination or harassment on behalf of the Complainant. Any STRIVE Prep student, employee, family member or community member may be a Reporting Party.
2. **“Complainant”** is a student, employee or community member alleged to have experienced discrimination or harassment. A Complainant may or may not be the Reporting Party.
3. **“Respondent”** is a student, employee or community member who is alleged to have engaged in discrimination or harassment.
4. **“Employee”** is an employee of STRIVE Prep.
5. **“Student”** is a student attending or seeking enrollment in a STRIVE Prep school.
6. **“Community Member”** is an individual that is not an employee or a student.
7. **“Protected Class”** means a person’s race, color, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizen status, ancestry, age, pregnancy, parenting or marital status, veteran status, disability or genetic information of an employee or an applicant for employment, as well as any other status protected under local, state or federal law. Participation in an investigation is also a Protected Class.
8. **“Discrimination”** occurs when a student or community member is denied or limited in the ability to participate in or benefit from STRIVE Prep’s services, activities or opportunities on the basis of any Protected Class. Discrimination also occurs when STRIVE Prep fails or refuses to hire an employee, discourages an employee or otherwise treats an employee differently with respect to

compensation, terms, conditions, privileges, opportunities or status on the basis of any Protected Class. Harassment of a student, employee or community member is a form of discrimination.

9. **“Harassment”** is any unwelcome, verbal, written, graphic, physical or other conduct of a student, employee or community member based on or directed at a person’s Protected Class status that is sufficiently severe, pervasive or persistent to either:

- (1) interfere with a student’s or community member’s ability to participate in STRIVE Prep’s services, activities or opportunities; or
- (2) alter an employees’ conditions of employment or create a work environment that is a reasonable person would consider intimidating, hostile or abusive; or
- (3) substantially disrupts the orderly operation of the school.

Whether conduct is sufficiently severe, pervasive, or persistent to amount to harassment depends on a number of factors, including:

- (A) the type, frequency, and duration of the conduct;
- (B) the relationship between the individuals involved;
- (C) the age, education level, and number of individuals involved;
- (D) the context in which the conduct occurred;
- (E) and the effect on the Complainant’s education or employment.

In some cases, a single severe act—such as an act of physical violence—can amount to harassment if the act is based on a Protected Class. When considering whether a single act of physical violence amounts to harassment, the important question is the severity of conduct, not whether the conduct fits within the definition of any specific crime or basis for discipline. The more severe the conduct, the less the need to show a repetitive series of incidents.

Sexual Harassment Prohibited¹

Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s participation in an education program or activity;
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student; or
3. Such conduct is sufficiently severe, persistent, or pervasive such that it limits a student’s ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment. Acts of verbal or physical aggression, intimidation, or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.

Sexual harassment as defined above may include, but is not limited to:

¹ Please note that in addition to the definition of sexual harassment above, STRIVE Prep adheres to the Title IX definition of sexual harassment and in all cases where conduct meets the Title XI definition of Sexual Harassment, STRIVE Prep will follow the [Title IX Grievance Procedures](#).

1. Sex-oriented verbal “kidding,” abuse, or harassment;
2. Pressure for sexual activity;
3. Repeated remarks to a person with sexual implications;
4. Unwelcome touching, such as patting, pinching, or constant brushing against the body of another;
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one’s grades or similar personal concerns; or
6. Sexual violence.

10. **“Retaliation”** occurs when STRIVE Prep, or an employee acting on behalf of STRIVE Prep, intimidates, coerces, or discriminates against an individual because the individual raised a good-faith concern about or participated in good faith in an investigation of discrimination or harassment. STRIVE Prep will investigate and respond to an allegation of retaliation in the same manner as an allegation of discrimination or harassment. Employees shall cooperate with STRIVE Prep Investigations in good faith.

Complaint Procedure

Any student, employee, or community member who believes they have been a victim of, or a witness to, discrimination or harassment may make a complaint by:

1. Notifying, in writing or verbally, the campus principal or assistant principal of culture; or
2. Emailing **reportdiscrimination@striveprep.org**.

Every employee of STRIVE Prep shares in the responsibility of preventing and responding to discrimination and harassment. If an employee is notified about an allegation of discrimination or harassment or about conduct or events reasonably suggesting that discrimination or harassment has occurred or personally observed such conducts or events then the employee shall take immediate action in response to the notification or observation. Appropriate steps may include, but are not limited to:

- A. Encouraging the individual raising the allegation to make a complaint directly with the campus principal or assistant principal for culture;
- B. Immediately notifying a supervisor, a school administrator or a member of the Central HR team; or
- C. Emailing **reportdiscrimination@striveprep.org**

Employees must report all instances of discrimination or harassment that they observe or are notified of. If observing conduct that is or could be considered discrimination or harassment involving students, employees shall take reasonable and immediate steps to ensure student safety.

Any person making a complaint of discrimination or harassment must-to the best of their ability- provide a detailed description of the alleged conduct or events, the dates the alleged events occurred, the names of the parties involved and the names of any witnesses. The complaint shall be made as soon as possible after the incident.

Investigation

1. Initial Review of Complaint and Meeting with Reporting Party and/or Complainant

Upon receiving the complaint, the responsible STRIVE Prep Designee² (either a member of HR, the principal/assistant principal of culture at the campus where the alleged event occurred or STRIVE Prep's Title IX Coordinator), will meet with the Reporting Party or the Complainant in order to obtain a clear understanding of the basis of the complaint. This meeting will occur as soon as possible, but no later than five (5) business days after the Designee receives the Complaint.

Upon receipt of the complaint, the campus or central Designee shall take appropriate and immediate action, given the facts alleged in the complaint, to ensure the safety of the Complainant and/or of the school environment.

During the initial meeting, the Designee will obtain a clear understanding of the basis of the complaint. The Designee will document any details that clarify or expand upon the original Complaint.

If the facts of the Complaint, as clarified during the initial meeting with the Reporting Party and/or Complainant, do not amount to discrimination or harassment or the Designee concludes there is no reasonable possibility that discrimination or harassment occurred to the Complainant or to another person then the Designee may conclude that an investigation will not begin. The Designee will notify, either verbally or in writing, the Reporting Party and/or Complainant of the conclusion and the reasoning for the conclusion to the extent allowable by law or policy. The Designee shall document the conclusion (including the rationale for determining that harassment/discrimination did not occur and an investigation is not warranted), including the time/date that he/she/they spoke to the Reporting Party and/or Complainant. If the Designee determines that an investigation will not begin, then the Designee does not need to hold an initial meeting with the Respondent or otherwise initiate an investigation.

If the Designee determines that harassment/discrimination did not occur, but a violation of STRIVE Prep policies/procedures did occur, the Designee will refer the matter to the appropriate staff member for action.

2. Initial Meeting with Respondent

If the Designee determines that an investigation is warranted, then the Designee, within 5 school days following the initial meeting with the Reporting Party and/or Complainant, the Designee shall attempt to meet with the Respondent. The Designee will inform the Respondent of the allegations and document the Respondent's initial response (if any).

3. Contents of Initial Meetings

At the initial meetings, the Designee shall, in addition to the steps taken above, make the following information available to the parties:

- A. a description of the complaint process;
- B. the avenues for informal and formal process;
- C. in the event both parties opt for an informal process, both the Complainant and the Respondent have the right to exit the informal process and request a formal

² If the APC is named in the complaint, the principal will assume the APC responsibilities, if the principal is named in the complaint, then the school's managing director will assume the responsibilities. If a member of HR is named in the complaint, then the CEO or General Counsel will assume the HR responsibilities. When appropriate the Title IX Coordinator will assume responsibilities for investigations.

- investigation of the matter at any time;
- D. whether or not the Complainant filed a complaint or requested action, STRIVE Prep is required by law to take steps to correct the discrimination/harassment and prevent its recurrence;
 - E. STRIVE Prep must comply with mandatory reporting requirements, if applicable to the situation;
 - F. STRIVE Prep will take action to protect Complainants, witnesses and others from retaliation for raising a good-faith concern about or participating in good faith in an investigation of discrimination/harassment;
 - G. Requests for confidentiality will be honored to the extent permitted by state or federal law (while also explaining that any request for confidentiality shall be honored so long as doing so does not preclude STRIVE Prep from responding effectively to prohibited conduct and preventing future prohibited conduct and explaining that a request for confidentiality may limit STRIVE Prep's available remedies); and
 - H. supportive measures available to help ensure safety and support through the process.

4. Supportive Measures

During the initial meetings, the Designee shall determine whether supportive measures are appropriate to protect or support the Reporting Party and/or Complainant or the Respondent prior to the investigation or during the investigative process. Supportive measures are determined on a case-by-case basis and the timing and nature of the supportive measures will be determined by the Designee, in collaboration with others as needed. The timing and nature of the supportive measures will depend on the nature of the allegations and information gathered and the Designee will not rely on fixed assumptions that favor one party over the other.

Supportive measures can include, but are not limited to:

- A. counseling, social emotional programming or intervention (including referrals to third party service providers);
- B. extensions of time and course related adjustments;
- C. modifications of work or class schedules;
- D. restriction on contact between the parties;
- E. changes in work locations;
- F. increased security measures

Supportive measures for each party may change over time and the Designee will communicate with each party through the process to ensure that any supportive measures are necessary and effective.

Supportive measures are not disciplinary in nature. The involvement of law enforcement or child welfare agencies will not delay the implementation of supportive measures.

5. Effect of Law Enforcement on Investigation

As soon as the Designee reasonably believes that a law enforcement or child welfare investigation will commence, the Designee will:

- A. temporarily suspend internal investigation efforts (Note: The implementation of supportive measures is not part of an internal investigation, and supportive measures must not be delayed pending completion of an external agency's investigation); and

- B. send whatever information the Designee has collected to the Central Coordinator³.

Beginning no more than seven days after the Central Coordinator or Designee becomes aware that STRIVE Prep may proceed with the internal process, the Designee will conduct the remainder of the investigation.

The continuation of an internal investigation during an external agency's investigation may be permissible in exceptional circumstances, as determined by the Central Coordinator in consultation with the appropriate Central/District departments.

6. Informal Action

If the Complainant and the Respondent requests that the matter be resolved in an informal matter, and the Designee believes that the matter is suitable for informal resolution, the Designee may attempt to resolve the matter informally through mediation, counseling, educational, directive or other means. If both parties feel a resolution has been achieved through the informal process, and the Designee reasonably believes that no further action is necessary to end, correct the effects of, or prevent future harassment/discrimination, no further action must be taken. The information process should be concluded within 21 calendar (not including school holidays/vacations) of the initial meeting with the Respondent. The Designee will document the conclusion of the matter and notify the parties of the outcome and any steps taken to resolve the matter.

No party shall be compelled to resolve a complaint of discrimination or harassment informally and either party may request an end to an informal process at any time.

Informal resolution shall not be used to process complaints against a school employee by or involving a student(s) and shall not be used between students where the underlying offense involves sexual assault or other act of violence.

7. Formal Action

If informal resolution is inappropriate, unavailable, or unsuccessful, the Designee shall promptly investigate the allegations to determine whether and/or to what extent, discrimination or harassment has occurred. During the investigation, the parties will be given the opportunity to identify witnesses and other relevant information.

The Designee may consider the following types of information in determining whether discrimination or harassment occurred:

1. Statements by any witness to the alleged incident;
2. Evidence about the relative credibility of the parties involved;
3. Evidence relative to whether the Respondent has been found to have engaged in prohibited conduct against others;
4. Evidence of the Complainant's reaction or change in behavior following the alleged prohibited conduct;
5. Evidence about whether the Complainant, Reporting Party or others took action to protest the conduct;
6. Evidence and witness statements presented by the parties involved (or as obtained by the Designee);
7. Other contemporaneous information/evidence, and/or
8. Any other information deemed relevant by the Designee.

³ Information will be sent via email to reportdiscrimination@striveprep.org

In deciding whether discrimination or harassment occurred, the Designee will consider all relevant circumstances and shall use a preponderance of the evidence standard. A finding by law enforcement that no wrongdoing occurred will not determine the Designee's investigation outcome.

8. Investigation Report and Findings

Upon concluding a formal investigation, the Designee will prepare a written report containing the Designee's findings. The report will include, but not be limited to, a summary of the and recommendations, including but not limited to proposed disciplinary action for students and/or employees as appropriate and support for the Complainant and Respondent and any other individuals impacted by the behavior.

The Designee will submit the written report to STRIVE Prep's Central Office via reportdiscrimination@striveprep.org within 28 calendar days following the Designee's initial meeting with the Respondent.

To the extent permitted by federal and state law, the Designee will notify all parties of the final outcome of the investigation and all steps taken by STRIVE Prep within seven days after submitting the report.

9. Preventive and Corrective Action

If the Designee determines that discrimination or harassment occurred, the Designee will determine reasonable steps to end the discrimination or harassment; prevent its recurrence; and correct its effects, if appropriate. The Designee may consult with the Complainant and Respondent, and other appropriate STRIVE Prep staff. This determination will occur no more than seven calendar days after the parties are notified of the investigation outcome, and any identified steps should be implemented as soon as practicable.

Such steps may include, but are not limited to:

- a. separating the parties,
- b. providing counseling for either or both of the parties,
- c. modification of work or class locations,
- d. restructuring reporting relationships,
- e. taking disciplinary or corrective action against the Respondent in accordance with applicable District policies.

These steps should not penalize the Complainant. Additionally, in determining these steps, care should be taken to protect the privacy of all parties in accordance with federal and state law.

In some cases, the Designee may recommend that a school or department implement preventive measures—such as training or education—even after determining that discrimination or harassment did not occur. In every case, whether or not discrimination or harassment occurred, the school or department should take steps to protect the Reporting Party, the Complainant, Respondent, witnesses, and others from retaliation for participating in the investigation.

10. Appeal

Should the Complainant and/or Respondent disagree with the Designee's findings and recommendations, the Complainant and/or Respondent may appeal the decision by submitting a written appeal to STRIVE Prep's Senior Director of Culture (or designee) via reportdiscrimination@striveprep.org within 10 calendar days of receipt of the notification of the final outcome of the investigation. The written appeal shall include any additional information to be considered and shall state with specificity the disagreements with the decision. The STRIVE Prep's Senior Director of Culture shall review the appeal and the relevant information and submit a final written report affirming or reversing the original determination and proposing additional recommendations as appropriate. The STRIVE Prep's Senior Director of Culture (or designee's) decision shall be final.

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.

Further Information/Complaints/Concerns

Complaints or concerns regarding the implementation of this policy/procedure may be made to the CEO of STRIVE Prep by calling or emailing STRIVEprepCEO@striveprep.org. Complaints/concerns will be reviewed and investigated as appropriate. All complaints will receive a follow up from the CEO or designee (contact information below).

Senior Director of Culture
Title IX Coordinator
Lyndsay Lau
reportdiscrimination@striveprep.org
720-772-4300

Complaints regarding violations of Title VI (race, national origin), Title IX (sex/gender), or Section 504/ADA (handicap or disability) may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204.