

Title IX Definitions

Title IX. Title IX is a law that is part of the Education Amendments of 1972. It makes it illegal for a school, university, or school district to discriminate against you based on your sex. Under this legal definition, “sex” includes a person’s actual or perceived gender assigned at birth, gender identity, and sexual orientation. Title IX protects your access to education by making it illegal for any student to be denied that access on the basis of sex. Title IX therefore can be used to protect survivors’ access to education due to gender-based violence (including sexual assault, sexual harassment, and intimate partner violence) and other gender-based discrimination.

Actual knowledge. The School has actual knowledge of an incident of alleged sexual harassment when any school employee receives a report of such behavior. This standard is not met when the only employee with knowledge of alleged sexual harassment is a respondent.

Advisor. A person chosen by a party to accompany the party to meetings, interviews, or hearings related to the resolution process and to advise the party on that process. Stargate School may work with outside agencies in order to refer students to community resources who can provide resources to train advisors. The advisor may be a friend, family mentor, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process.

Complainant. An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Consent. For the purposes of this policy, consent is defined by Colorado law. Consent for sexual activity means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship is not sufficient to constitute consent. Submission under the influence of fear shall not be sufficient to constitute consent. A determination regarding the existence of consent is made based on the totality of the circumstances. Any conduct of a sexual nature directed toward a student by a District employee shall be presumed to be unwelcome and nonconsensual and is strictly prohibited by District Policy.

Decision-maker. The School-designated individual charged with considering the evidence contained in the investigation report, making findings of fact, and analyzing the relevant policy provisions to determine whether the allegations constitute a policy violation.

Determination: The formal, written decision by a Title IX Decision Maker or Appellate Decision Maker that concludes a Title IX investigation stating whether a respondent is responsible for violating a school's policy on sexual misconduct, based on findings of fact and evidence presented. This determination includes the rationale for the decision, any disciplinary sanctions for a respondent, and necessary remedies for the complainant, and is shared simultaneously with both parties to ensure a fair and equitable outcome under Title IX.

Education Program or Activity. Locations, events, or circumstances over which the school exercises substantial control over both the Complainant and Respondent and the context in which the sexual harassment occurs.

Emergency Removal. Following the receipt of a report of sexual harassment against a student, the School District may remove a student respondent partially or entirely from its educational programs or activities on a temporary emergency basis. Before removing a student respondent on a temporary basis, the School District shall:

- Conduct an individualized safety and risk analysis that accounts for the specific allegations of sexual harassment against the student respondent;
- Determine that the student respondent poses an immediate threat to the physical health and safety of any student or individual in the School District's educational programs or activities; and
- Provide the student respondent with written notice and an opportunity to challenge the temporary removal.

Final Determination. A conclusion by the preponderance of the evidence that the alleged conduct did or did not violate policy.

Finding of Responsibility: At the conclusion of a Title IX grievance process, a finding that determines a respondent has violated the institution's Title IX policy. A respondent is not considered responsible for the alleged conduct until a fair and impartial investigation and decision-making process is completed.

Formal Complaint. A document filed by a complainant or signed by the Title IX/Non-Discrimination Coordinator alleging sexual harassment by a respondent and requesting that the District investigate the allegation. At the time of the filing of a formal complaint, a complainant must be participating in or attempting to participate in the educational programs or activities of the School.

Grievance Process. The process utilized to investigate formal complaints of sexual harassment.

Informal Resolution. A process, such as mediation, that allows parties to resolve a complaint of sexual harassment or other sex discrimination without a full investigation and adjudication. It's a voluntary option where both parties agree to participate and attempt to reach a mutually acceptable resolution outside of the formal grievance process

Investigator. The School-designated individual charged with conducting interviews, gathering evidence, and producing an investigation report.

Notice of Allegations, (NOA): Formal, written notice that informs the involved parties of the specific details of the alleged policy violation. The NOA formally begins the grievance process.

Parties. The Complainant(s) and Respondent(s), collectively.

Preponderance of the Evidence. The standard of proof for adjudicating any sexual misconduct charge is a preponderance of the evidence standard. In other words, the evidence must show that it is more likely than not that the alleged sexual misconduct occurred.

Remedies. Applied following a Resolution to the Complainant and/or the community to address safety, prevent recurrence, and restore access to the school's/district's educational program.

Report. Information that places the School District on notice that an incident of sexual harassment may have occurred. Examples of reports include personally witnessing an incident or receiving details of an incident from a Complainant or third party.

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

Retaliation. Retaliation includes threats, intimidation, coercion, discrimination, or other adverse action against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or complaint, testified, assisted or participated or refused to participate in an investigation, proceeding, or hearing under this policy.

Resolution. The result of an informal or Formal Grievance Process.

Sanction. A consequence imposed by the School District on a Respondent who is found to have violated this policy. Sanctions are designed to remedy and prevent the recurrence of sexual harassment and/or retaliation. Examples include, but are not limited to, warning, counseling, substance abuse treatment program, exclusion from education activities or locations, and may include discipline in accordance with Stargate's Code of Conduct. Nothing in this policy regulation shall be interpreted to limit Stargate's right to take action with respect to employees consistent with negotiated agreements, employee policies, and applicable law.

Sexual Harassment. Conduct is prohibited under this policy regardless of the sex of the complainant and/or respondent. Sexual harassment as defined in this policy means conduct on the basis of sex that falls into one of the following categories.

- **Quid pro quo sexual harassment.** A School employee conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
- **Hostile environment sexual harassment.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education programs or activities;
- **Sexual assault.** An offense that falls into the FBI's Uniform Crime Reporting categories of rape, fondling, incest, or statutory rape.
 - **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 touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.
 - **Private Body Parts.** An individual's genitalia, breasts, or buttocks.
 - **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory rape.** Non-forcible 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 is determined by a consideration of the length

and type of relationship and the frequency of the parties' interactions during the relationship.

- **Domestic Violence.** 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 or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim.
- **Stalking.** Engaging in a course of conduct directed at a specific person based on their sex that would cause a reasonable person to a) fear for their safety or the safety of others, or b) suffer substantial emotional distress.

Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate to preserve or restore access to the School District's educational program or activity, including measures to protect the safety of all parties or the educational environment, and/or to deter sexual harassment and/or retaliation. Examples of supportive measures include, but are not limited to: academic support, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual no-contact directives, leaves of absence, changes in work/school locations, access to identified trusted adults at school, increased monitoring of locations, safety planning and referral to outside agencies and supports. Supportive measures are available without charge to 1) a Complainant regardless of whether a formal complaint of sexual harassment is or will be filed and 2) to both parties following the filing of a formal complaint.

Title IX Coordinator: The employee designated to coordinate, monitor, and document the School District's compliance with Title IX responsibilities. The Title IX Coordinator is to be informed of all reports or formal complaints of violations of this Policy regulation. The Title IX Coordinator may delegate certain responsibilities to designees who have received appropriate training.