



Notice of Non-Discrimination

High Point Academy does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Inquiries about Title IX may be referred to High Point Academy's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

High Point Academy's Title IX Coordinator is the Director of Human Resources:

Tracy Polk

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303-217-5152

High Point Academy's nondiscrimination policy and grievance procedures can be located at on our school website [here](#). To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to our school website [here](#).

Grievance Procedures for Complaints of Sex Discrimination (§ 106.45)

High Point Academy grievance procedures provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. High Point Academy will use a single investigator for all complaints of sex discrimination.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that High Point Academy investigate and make a determination about alleged discrimination under Title IX:

A "complainant," which includes:

- a student or employee of High Point Academy who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of High Point Academy who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in High Point Academy's education program or activity;



- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or High Point Academy's Title IX Coordinator.
- Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).
- With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:
 - Any student or employee of High Point Academy; or
 - Any person other than a student or employee who was participating or attempting to participate in High Point Academy's education program or activity at the time of the alleged sex discrimination. High Point Academy may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

Basic Requirements of Title IX Grievance Procedures:

High Point Academy will treat complainants and respondents equitably.

When a Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process), the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination as required under Title IX. The requirements for such a fact-specific determination are set forth in § 106.44(f)(1)(v). 7

The Department notes that a recipient is not permitted to consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when a recipient obtains prior written consent from the parents or eligible students to the disclosure of their education records.

High Point Academy requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator. High Point Academy presumes that the respondent is not responsible for the alleged sex discrimination until a



determination is made at the conclusion of its grievance procedures. High Point Academy has established the following timeframes for the major stages of the grievance procedures:

- Evaluation (i.e., the decision whether to dismiss or investigate a complaint); 5 business days
- Investigation; 10 business days
- Determination; 5 business days
- Appeal, 3 business days

High Point Academy has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

- Coordinator-reaches out to the complainant to notify them of the needed extension within the timeline for each step in the investigation. The coordinator shares the reason for the extension and sets a new timeframe for when each remaining step in the process will be completed and how the complainant will be notified.

High Point Academy will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

High Point Academy will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by High Point Academy to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law, or
- Evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection



with the provision of treatment to the party or witness unless High Point Academy obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of High Point Academy's Title IX grievance procedures, High Point Academy will notify the parties of the following:

- High Point Academy's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If High Point Academy provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- If, in the course of an investigation, High Point Academy decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, High Point Academy will notify the parties of the additional allegations.

Dismissal of a Complaint:

High Point Academy may dismiss a complaint of sex discrimination if:

- High Point Academy is unable to identify the respondent after taking reasonable steps to do so;



- The respondent is not participating in High Point Academy's education program or activity and is not employed by High Point Academy;
- The complainant voluntarily withdraws any or all of the allegations in the complaint,
- The Title IX Coordinator declines to initiate a complaint, and High Point Academy determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- High Point Academy determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

Before dismissing the complaint, High Point Academy will make reasonable efforts to clarify the allegations with the complainant. High Point Academy will abide by requirements for informal resolution that are outlined in § 106.44(k).

Upon dismissal, High Point Academy will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then High Point Academy will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. High Point Academy will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then High Point Academy will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, High Point Academy will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;



- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, High Point Academy will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within High Point Academy's education program or activity.

The burden is on High Point Academy—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

High Point Academy will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

High Point Academy will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

High Point Academy will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

High Point Academy will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If High Point Academy provides a description of the evidence:

- High Point Academy will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- High Point Academy will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- High Point Academy will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence



for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

High Point Academy will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

- High Point Academy will arrange for statements to be collected
- When more information is needed from a witness, that person will be asked to attend an interview.

Determination of Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, High Point Academy will:

- Use the preponderance of the evidence or, if applicable, clear and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable; Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination after the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people [ABC School] identifies as having had equal access to [ABC School's] education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and



- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within [ABC School's] education program or activity. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether sex discrimination occurred.

Appeal of Determinations, if offered:

- High Point Academy offers the following process for appeals from a determination whether sex discrimination occurred: This appeal process will be, at a 12 Note to Drafter:
 - HPA uses the clear and convincing evidence standard of proof in determining whether sex discrimination occurred.
 - A recipient is still permitted to address false statements by initiating a disciplinary process under its code of conduct as long as there is evidence independent of the determination whether sex discrimination occurred.
 - HPA follows the appeal process offered in all other comparable proceedings, including proceedings relating to other discrimination complaints. In lieu of resolving a complaint through HPA's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. HPA will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to HPA's education program or activity or provide support during HPA's Title IX grievance procedures or during the informal resolution process.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, High Point Academy may impose disciplinary sanctions, which may include required training, reprimand, demotion, or termination.