

## **Procedures for the Investigation of Complaints of Discrimination or Harassment**

The Logan School (School) is committed to providing a safe community for learning and working that is free from unlawful discrimination and harassment. The School will take measures to prevent discrimination and harassment from occurring, appropriately respond to complaints from the community, and work to remedy the effects of incidents of discrimination and harassment when they occur to prevent their recurrence. This may include regular education and training for the community regarding what conduct is prohibited and the procedures adopted to address complaints.

The Logan School prohibits retaliation against any individual making a good faith report of discrimination or harassment or participating in any school process associated with a report. The School will maintain the privacy of those involved to the extent permitted by applicable law. When mandated under state law, the School shall report conduct to local law enforcement or other agency and comply with those processes.

### **Definitions**

“Coordinator” means the individual designated by the School with the responsibility for coordinating and overseeing the School’s discrimination and harassment prevention, investigative, and remedial measures. Complaints of discrimination, harassment, or other prohibited conduct shall be made, by any member of the community, to the Coordinator.

“Complainant” means a student, employee, or community member alleged to have experienced discrimination or harassment. The Complainant need not be the individual making the report to the Coordinator.

“Disciplinary action” includes, but may not necessarily be limited to, employment consequences up to and including termination, student discipline up to and including expulsion, or action against a community member up to and including prohibition from campus.

“Discrimination” occurs when a person is excluded from participation in, or denied the benefits of, any School program or activity on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, immigration/citizen status, age, marital status, pregnancy status, veteran status, or disability.

“Harassment” is verbal, written or physical conduct that that demeans or exhibits hostility toward an individual because of the person’s protected status that has the purpose or effect of unreasonably interfering with that individual’s work or education or creating an intimidating, hostile or offensive work

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or educational environment. Harassment need not occur in person but may occur through electronic means (including but not limited to e-mail, text, social media, etc.) or through directed third party actions.

“Mandatory Reporter” is an individual who has an obligation under State law or other School policy to report that he or she has reasonable suspicion of abuse or neglect of a child. Nothing in this procedure serves to limit, negate, or change that obligation.

“Prohibited Conduct” includes unlawful discrimination, harassment or sexual harassment.

“Respondent” means a student, employee, or community member who is alleged to have engaged in discrimination, harassment, or other prohibited conduct.

“Responsible Employee” means all employees at (School). Responsible Employees must report allegations of Prohibited Conduct to the Coordinator.

“Retaliation” occurs when an individual suffers an adverse action as a result of making a good faith report or participation in an investigation of discrimination, harassment or other prohibited conduct. Allegations of retaliation shall be reported to the Coordinator for appropriate response.

“Sex (or sexual) Harassment” is defined as unwelcome conduct of a sexual nature. It can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature when, for example:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational experience; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; and
3. Such conduct is sufficiently severe or pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual’s work or by creating an intimidating, hostile, or offensive working or educational environment.

Sexual harassment of a student can be considered a form of Prohibited Conduct when its effect is to deny or limit the student’s ability to participate in opportunities offered by the school. A single act, such as an act that involves physical violence or harm, may amount to Prohibited Conduct if based on gender. Any conduct of a sexual nature, exhibited by a student toward staff or by staff toward a student, is presumed to be unwelcome.

## **Complaint Process**

Any employee, student, or community member who either has been subjected to or witnessed Prohibited

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Conduct should report the incident to a teacher, administrator, or staff. That Responsible Employee must then report the allegation to the Coordinator:

Keryn Engelhard  
1005 Yosemite St  
Denver, CO 80230  
303-340-2444 x131  
keryn.engelhard@theloganschool.org

Complaints may also be filed with the U.S. Equal Opportunity Commission, U.S. Department of Education's Office of Civil Rights, or the Colorado Civil Rights Commission. Filing a Complaint with one of these external entities does not limit a Complainant's ability to engage in (School)'s complaint process.

The Coordinator will conduct the complaint process in a manner that respects the privacy of the individuals to the extent permitted by applicable law.

The Coordinator will conduct a prompt inquiry into the allegations in order to determine, at the outset, the following information:

1. Known details of the incident(s) leading to the Complaint,
2. Date(s) and location(s) of the alleged incident or conduct,
3. Witness names or statements, and
4. Existence of or any copies of documentary evidence in existence.

During the inquiry, the Coordinator may determine whether interim measures are appropriate in order to protect one or more party during the course of the investigation. Interim measures are not discipline and should not have the effect of prejudicing one party's opportunity. Interim measures are meant to protect one or more parties and may change over time. Interim measures may include but need not be limited to modifications to work or school schedules, counseling, intervention, additional specialized programming, or change in work location. If an investigation by law enforcement is warranted, there should be no delay in implementation of interim measures.

The Coordinator may determine that an investigation is not warranted if, assuming allegations to be true, the conduct or incident that forms the basis of the complaint would not rise to the level of Prohibited Conduct. In this circumstance, the Coordinator would document this decision and inform the parties that an investigation will not proceed. If the Coordinator determines that an investigation is warranted, a trained investigator will be engaged.

## **Investigation Process**

Upon engagement by the Coordinator, the investigator will inform the parties, in writing, of the

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commencement of an investigation. The investigator will give each party the opportunity to be interviewed or provide a statement, may interview witnesses if available, and will gather additional evidence as available. At the conclusion of the investigation, the investigator will produce a report for the Coordinator that includes an analysis of the relevant circumstances and a determination whether discrimination, harassment, or sexual harassment occurred. In making this determination, the investigator will use a preponderance of the evidence standard.

To the extent permitted by law, the Coordinator will inform the parties of a final outcome of the investigation and all steps (School) is taking as a result. The notice will be provided to the parents or guardians of students under the age of 18 and directly to students age 18 or older.

### **Preventative or Corrective Action(s)**

If the investigation results in a finding that Prohibited Conduct occurred, (School) shall take appropriate corrective actions in order to prevent its recurrence and correct its effects, as necessary or appropriate. The School may make interim measures permanent or it may implement disciplinary action up to and including termination or expulsion based on the severity of the conduct. Steps taken should not take the form of discipline against a Complainant. (School) shall be aware of retaliation and take measures to prevent the possibility.

### **Appeal**

If a Complainant or Respondent disagrees with the outcome of the investigation and believes it was in error due to the investigator's failure to consider all available evidence, if evidence becomes available and would substantially change the analysis, or there is an allegation of discrimination in the process, an appeal may be made to the Head of School. Appeals will be granted at the discretion of the Head of School. Additional information will be reviewed and analyzed. A final decision will be made within a reasonable period of time and communicated to the parties.