



*Dedicated to
Excellence*

Cherry Creek Schools

Title IX Dismissal of Complaint

Pursuant to CCSD Board Policy AC-R-5, after a Formal Complaint is filed and signed, the Building Title IX Coordinator reviews the allegations to determine if the Formal Complaint must be dismissed.

Pursuant to CCSD Policy AC-R-5 Title IX Sexual Harassment is defined as, conduct on the basis of sex that satisfies one or more of the following:

- a. A District employee conditioning the provision of aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
- b. 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 program or activity; or
- c. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(1)(1), "domestic violence" as defined in 34 U.S.C. § 12221(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

After receipt and review of the Formal Complaint of Title IX Sexual Harassment, the Formal Complaint is being dismissed based on the following grounds:

The allegation would not constitute Title IX sexual harassment.

The alleged conduct did not occur in a CCSD education program or activity.

The alleged conduct did not occur against a person in the United States.

The Complainant has notified the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or allegations.

The alleged Respondent is no longer enrolled in or employed by CCSD.

Specific circumstances exist that prevent CCSD from gathering evidence sufficient to reach a determination.

Details regarding the dismissal:



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Dismissal of the Complaint does not preclude the provision of any supportive measures.

If you feel the Building Title IX Coordinator has dismissed the Formal Title IX Complaint in error, you have the right to file an appeal to the Building Title IX Coordinator identifying the reasons the Formal Complaint investigation should proceed. Please contact the Building Title IX Coordinator to file an appeal of the dismissal. Pursuant to Board Policy CCSD AC-R-5, any Party may file an appeal of a dismissal on the following grounds:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- iii. The Building Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainant(s) or Respondent(s) generally or the individual Complainant or Respondent individually that affected the outcome of the matter.

The appeal process may not be utilized to solely challenge findings based only on disciplinary consequences, including suspensions and expulsions, and must meet one of the above listed criteria.

Appeals and any relevant information must be submitted to the Title IX Coordinator.

If at any time, any part feels they are or their student is being discriminated against in violation of Title IX they may file a complaint with the CCSD Equity Compliance Officer by completing the Equity Complaint Form available on the website below and e-mailing the form to equitycompliance@cherrycreekschools.org or by mailing the form to 4700 S. Yosemite St. Greenwood Village, CO 80111 at the attention of the Equity Compliance Officer. Additionally, the Complainant at any time may file a complaint with the Office of Civil Rights, U.S. Department of Education, Office of Civil Rights, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, CO 80204-3582.

Equity Complaint Form: <https://www.cherrycreekschools.org/Page/2793>

Building Title IX Coordinator Name: _____

Date: _____