



Colorado Military Academy

File: AC-R1

HARASSMENT AND DISCRIMINATION INVESTIGATION PROCEDURES FOR STUDENTS

Colorado Military Academy (CMA) is committed to ensuring a safe and inclusive environment for all cadets. The Academy will take prompt and impartial action to investigate allegations of harassment or discrimination, act to stop any such behavior when identified, prevent its recurrence, and remedy its effects. Appropriate disciplinary action or other consequences will be determined on a case-by-case basis. CMA will also protect individuals participating in good faith in a harassment or discrimination report, complaint, or investigation from retaliation and safeguard the privacy of those involved as required by law. Cases involving potential criminal law violations will be referred to law enforcement as necessary. This policy is separate from and in addition to procedures under Title IX, incorporated into CMA Regulation AC-R3 – **Sex-based Harassment Investigation Procedures**.

Reporting Harassment and Discrimination

Cadets, staff, or anyone who experiences or witnesses acts of harassment or discrimination within CMA's programs or activities are encouraged to report the incident to an administrator, compliance officer, or via CMA's online reporting form. Reports may be made in writing, in person, by phone, by email, or through the online form.

Any CMA employee who receives information about an incident or witnesses harassment, discrimination, or retaliation must report the incident to their supervisor, the compliance officer, or through the online reporting form.

CMA shall not use a cadet's report of harassment or discrimination (verbal or written) as grounds for investigating or disciplining the cadet for any unrelated violations, such as:

- Engaging in reasonable self-defense against the respondent;
- Consensual sexual activity;
- Drug or alcohol use;
- Late arrival or truancy;
- Unauthorized access to facilities;
- Talking publicly about the alleged harassment or discrimination; or
- Expressing trauma symptoms.

However, CMA reserves the right to discipline a cadet who knowingly makes a false complaint or if necessary to ensure the safety of any cadet or staff member. A finding of no harassment or discrimination does not constitute a false complaint.

Supportive Measures and Accommodations

CMA will offer accommodations and supportive measures to protect the safety and educational access of cadets, as outlined in CMA Policy AC – **Nondiscrimination/Equal Opportunity**. Cadets may request supportive measures through their administrator, compliance officer, or designee without the need to file a formal report. Additional accommodations for cadets with disabilities will be determined individually based on disability-related needs.

General Procedure

Upon receiving a harassment or discrimination allegation, a designated CMA administrator will meet with the complainant as soon as possible, typically within two (2) school days. During this meeting, the administrator will:

- Discuss supportive measures;
- Understand the nature of the complaint;
- Explain options for resolution (informal and formal);
- Clarify CMA's obligations to prevent harassment or discrimination from recurring and to remedy its effects; and
- Address confidentiality requests, ensuring they do not interfere with CMA's response to the prohibited conduct.

CMA will not solely rely on criminal investigations by law enforcement agencies and will respond promptly to all reports of harassment or discrimination.

Informal Resolution Procedure

If both the complainant and respondent consent, and the administrator deems the issue suitable for informal resolution, CMA may attempt to resolve the matter through mediation, counseling, restorative practices, or other non-disciplinary methods. Informal resolution may only be used with the consent of both student parties and cannot be applied to cases involving sexual assault or violence. Either party may end the informal resolution process at any time.

If an informal resolution is achieved, a written agreement will be documented within five (5) school days, detailing the terms and any steps CMA will take to prevent future harassment or discrimination.

Formal Resolution Procedure

If informal resolution is inappropriate, unavailable, or unsuccessful, a formal investigation will be conducted. The administrator will proceed with a fair, impartial, and prompt investigation. Both parties will receive written notice of the complaint, detailing the policy violations and conduct involved.

The investigation will include interviews, evidence review, and consideration of any relevant patterns of misconduct. Both parties may have an advisor present during the process, although

the advisor cannot speak for them. Regular written updates will be provided to both parties and their parents/guardians throughout the investigation, at least every fifteen (15) workdays.

Within sixty (60) calendar days of receiving the complaint, the administrator will complete a written report based on the **preponderance of the evidence standard** (whether it is more likely than not that the conduct occurred). The report will detail the investigation's findings, any actions already taken, and future recommendations. This deadline may be extended for good cause, with prior written notice to both parties.

Appeal

If either party disagrees with the findings, they may submit a written appeal within five (5) school days, based on:

- Procedural irregularities affecting the outcome;
- New evidence not previously available; or
- Conflict of interest or bias affecting the outcome.

The compliance officer or designee will review the appeal and issue a final decision within ten (10) school days.

Disciplinary Actions or Consequences

If CMA concludes that harassment or discrimination occurred, appropriate disciplinary actions will be taken, which may include warnings, suspension, expulsion, or other consequences as deemed necessary. In cases involving third parties, consequences may include cancellation of contracts or bans from CMA property.

Resources

Students and families may access the following resources for support throughout or after the investigation:

- **National Domestic Violence Hotline:** 1-800-799-SAFE (7233)
- **National Sexual Assault Hotline:** 1-800-656-4673
- **Colorado Crisis Services:** 1-844-493-TALK (8255); text "TALK" to 38255
- **Sexual Assault Victim Advocate Center Hotline:** 970-472-4200
- **Behavioral Health Urgent Care and Crisis Stabilization Unit:** 970-494-4200, ext. 4

Outside Agencies

In addition to filing a complaint with CMA, individuals may also file complaints with external agencies as listed in CMA Policy AC – **Nondiscrimination/Equal Opportunity**.