

## **NONDISCRIMINATION / HARASSMENT**

1.0 Nondiscrimination. The District is committed to nondiscrimination in relation to race, color, sex, age, religion, creed, national origin, marital status, sexual orientation and disability in its educational programs, activities, operations and employment decisions. Harassment on such bases will not be tolerated.

2.0 Publication of Policy. The Superintendent or designee shall notify students, parents of students, sources of referral of applicants for employment, applicants for employment, and employees of the District's nondiscrimination policy. Notice shall be provided in the District's employment application materials; in new employee handbooks; and in annual communications provided to students, parents, and staff.

3.0 Policy Purpose. The purpose of this nondiscrimination/harassment policy is to prevent conduct or communication that is directed at a person's particular characteristics as defined in paragraph 4.0 and that is likely to unreasonably undermine or detract from, or interfere with, the person's educational or work performance or access to the District's resources or activities.

Nothing in this policy shall be construed to prohibit discipline of a student or staff member for conduct which, although it does not rise to the level of harassment as defined here, otherwise violates one or more of the Board's or Superintendent's policies or an applicable collective bargaining agreement.

### 4.0 Definitions.

4.1 "Staff member" means all District employees and persons serving as authorized volunteers pursuant to Superintendent's Policy 8800.

4.2 "Harassment" includes but is not limited to unwelcome verbal, written or physical conduct based on a student's or staff member's actual or perceived race, age, religion, creed, color, national origin, marital status, sex, sexual orientation or disability which has the effect of substantially undermining

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or detracting from, or interfering with, the victim's educational or work performance or access to the District's resources and activities, or creating a hostile, offensive or intimidating school or District environment. Such conduct can include, but is not limited to, derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, restraining someone's movement, or the display or circulation of written materials.

4.3 "Nondiscrimination/Harassment Policy Compliance Officer" shall refer to the District's General Counsel. General Counsel shall be responsible for coordinating, monitoring and documenting District compliance with this policy and with Title VI, Title VII, Title IX, Section 504, Americans with Disabilities Act, Age Discrimination in Employment Act, and state civil rights/nondiscrimination laws.

5.0 Compliance Requirements.

5.1 General Counsel shall provide counsel and training to District staff as appropriate to inform students and staff regarding the District's policies of harassment/nondiscrimination in District programs, activities, and employment practices.

5.2 All students and staff members of the District shall be notified of the title, address, and telephone number of the Nondiscrimination/Harassment Policy Compliance Officer by posting, publication in student/parent handbooks, and/or other means reasonably calculated to advise all students and employees.

6.0 Reporting.

6.1 Any student or staff member who believes that s/he has been harassed by a person subject to this policy, or who witnesses conduct that s/he believes might constitute harassment, shall report the conduct to a person designated under this policy as a principal or designee, department head or designee, or the District's General Counsel. Employees may also report the

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conduct to the Assistant Superintendent for Human Resources. A complaint may be made orally or in writing. Persons who desire to submit their complaint in writing shall be encouraged to use the form in Exhibit 1.

6.2 Complaints by employees shall be resolved according to the grievance procedure set forth in the applicable master agreement.

6.3 Complaints by students, parents, community members and staff members not covered by a master agreement shall be resolved according to the procedures in sections 6.4-6.6 below.

6.4 Complaints shall include a detailed description of the alleged discriminatory event(s), the date(s), and the full names of the parties involved. This complaint shall be filed with one of the people identified in section 6.1 within twenty (20) work days from the date of the grievant's knowledge of the alleged discrimination. The allegations shall be investigated and responded to in writing by the building administrator unless the allegations concern acts or omissions of the building administrator. In such case, the Executive Director with oversight responsibilities for that building shall investigate and respond to the complaint. If the complaint concerns administrative personnel at the education support center, the complaint shall be submitted to General Counsel, except that complaints concerning General Counsel shall be submitted to the Superintendent and complaints concerning the Superintendent shall be submitted to the President of the Board of Education.

6.5 The investigator shall give the complaining party the investigator's written findings regarding the allegations within ten (10) work days. The investigating party may use the questions in Exhibit 2 as a resource in conducting the investigation.

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6.6 If the complainant is not satisfied with the findings/resolution made by the initial investigator, the complainant may appeal the findings to General Counsel within ten (10) work days following receipt of the findings/resolution. General Counsel shall meet with the parties in interest and/or their representatives within four (4) work days after receipt of the appeal. General Counsel shall provide all parties in interest with written findings concerning the allegations in the complaint within four (4) work days after the meeting.

6.7 If the grievant is not satisfied with the General Counsel's disposition of his/her appeal or if no decision has been rendered within ten (10) work days after filing the appeal, then the complaint may be appealed, within ten (10) work days thereafter, to the Superintendent or his/her official designee(s). The Superintendent shall have up to ten (10) work days to arrange for and hold a meeting with the parties in interest. Following the meeting, the Superintendent shall have four (4) work days to provide his/her written decision to the interested parties.

6.7 Reporting to Federal or State Agency. In addition to, or as an alternative to, filing a discrimination complaint pursuant to this policy, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights, or the Colorado Civil Rights Commission at the addresses below:

Denver Office  
Office for Civil Rights  
U.S. Department of Education  
Federal Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582

Colorado Civil Rights Commission  
1560 Broadway, Suite 1050  
Denver, CO 80202  
Telephone: 303-894-2997  
FAX: 303-894-7830  
Toll Free: 800-262-4845  
English/Spanish

Telephone: 303-844-5695  
FAX: 303-844-4303; TDD: 303-844-3417  
Email: [OCR\\_Denver@ed.gov](mailto:OCR_Denver@ed.gov)

6.8 Discrimination and harassment complaints shall be kept confidential to the extent practical except as provided by law.

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7.0 Consequences.

7.1 If the investigating official concludes that this policy has been violated, consequences appropriate for the misconduct shall be imposed including but not limited to warning, exclusion, suspension, expulsion, transfer, remediation or termination.

7.2 The District will provide support and interventions for the victim (e.g., counseling, etc.) as appropriate.

8.0 Engaging in Retaliation or Making a False Report.

8.1 It shall be a violation of this policy for any person to retaliate against a person who alleges harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to harassment allegations. Violation of this anti-retaliation provision may exist regardless of whether the underlying complaint of harassment is substantiated.

8.2 Retaliation may take the form of intimidation, reprisal or harassment and shall be subject to the reporting, investigation, and enforcement procedures set forth in this policy.

8.3 Any person who knowingly makes a false report of harassment shall be subject to disciplinary action in accord with Superintendent Policies.

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LEGAL REFERENCES:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and 34 CFR part 100  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2002e-2  
Age Discrimination in Employment Act, 42 U.S.C. 6101 et seq.; and 45 CFR part 90  
29 U.S.C. 701 et seq. (Section 504 of the Rehabilitation Act of 1973); and 34 CFR part 104  
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 - 1683; and 34 CFR part 106  
C.R.S. 24-34-301 through 24-34-308  
C.R.S. 24-34-401 and 402  
Equal Employment Opportunity Act of 1972  
Americans with Disabilities Act, 42 U.S.C. 12101 et seq. (1990)  
Equal Pay Act, 29 U.S.C.A. 206; 29 CFR 1620.1 et seq.

CROSS REFERENCES:

Code: 4140  
Code: 5115

Adams 12 Five Star Schools    Most Recent Adoption September 1, 2009

**DISCRIMINATION/HARASSMENT REPORT FORM**  
*(To be completed by person to whom charge is reported.)*

Complainant \_\_\_\_\_

If Complainant is a Student, Name of Parent \_\_\_\_\_

Home Address (include city, state, zip code)  
\_\_\_\_\_

District Facility Employed By or Attended \_\_\_\_\_  
(include city, state, zip code)  
\_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_

Name of person you believe harassed or discriminated against you (or your child) \_\_\_\_\_

List any witnesses that were present \_\_\_\_\_  
\_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_  
\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_  
has harassed or discriminated against me / my child. I hereby certify that the information I have provided in  
this complaint is true, correct, and complete to the best of my knowledge and belief.

Complainant (or Parent's) Signature \_\_\_\_\_ Date \_\_\_\_\_

Received by \_\_\_\_\_ Date \_\_\_\_\_

**SAMPLE QUESTIONS FOR INTERVIEWING STUDENT WITNESSES**

1. What is your name? Telephone number? Address?
2. How old are you? What grade are you in?
3. Do you know \_\_\_\_\_?
4. How do you know him/her? Have you taken any classes from him/her? What class(es)? When? Were you in the class the whole year?

Where else do you come into contact with him/her?

5. Have you ever seen or heard \_\_\_\_\_ do anything you consider to be inappropriate for a teacher/employee?

How has this individual bothered you?

6. What specifically did he/she do?
7. Did you see/hear it yourself?
8. Who else was there?
9. When did it happen (for each incident)? [Approximate time frame]
10. What seemed to be the thing that caused \_\_\_\_\_ to do/say what he/she did?

What did you do?

11. Was there anything that prompted him/her?
  - Pictures?
  
  - Topics?
  
  - Certain people?
12. What did his/her mood seem to be when these incidents occurred?
  - Joking?
  
  - Angry?
  
  - Mysterious?
13. How did you feel after these things happened?
14. Did he/she ever have any inappropriate displays? Exhibits? Pictures?  
  
Has this ever happened before? Tell me about it.
15. Have you ever seen or heard any other teachers do similar inappropriate things?
16. Is \_\_\_\_\_ the only one?
17. What did the class/you/the person do after \_\_\_\_\_ did/said what he/she did?  
Did anyone ever tell him/her to stop?
18. Did you tell anyone about the incident? Your family?
19. Has anyone else told you about anything inappropriate that \_\_\_\_\_ did?