

## NONDISCRIMINATION

- 1.0 **Discrimination and Harassment Prohibited.** The District is committed to nondiscrimination in relation to race, color, sex, age, religion, creed, national origin, ancestry, genetic information, marital status, sexual orientation, gender identity, disability, or conditions related to pregnancy or childbirth in its educational programs, activities, operations and employment decisions. Harassment is a form of discrimination. Anyone engaging in discrimination will be subject to discipline in accordance with this and other District policies.
- 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 **Definitions.**
- 3.1 "Staff member" means all District employees and persons serving as authorized volunteers pursuant to District Policy 8800.
- 3.2 "Harassment" may include but is not limited to unwelcome verbal, written or physical conduct based on a student's or staff member's actual or perceived race, color, sex, age, religion, creed, national origin, ancestry, genetic information, marital status, sexual orientation, gender identity, disability, or conditions related to pregnancy or childbirth which has the effect of substantially undermining 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 work environment. Such conduct can include, but is not limited to, derogatory remarks, jokes, demeaning comments or behavior, slurs, innuendo, gestures, physical contact, stalking, threatening, bullying, restraining someone's movement, or the display or circulation of written materials.
- 3.3 The District's "Nondiscrimination Compliance Officer" is the District's General Counsel. The General Counsel shall be responsible for coordinating, monitoring and documenting District compliance with this policy and with Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act, Age Discrimination in Employment Act, Genetic Information Nondiscrimination Act of 2008 (GINA) and federal and state civil rights/nondiscrimination laws.
- 4.0 **Compliance Requirements.**
- 4.1 The General Counsel shall provide guidance and training to District staff as appropriate to inform students and staff regarding the District's policy of nondiscrimination in all District programs, activities, and employment practices.
- 4.2 All students and staff members of the District shall be notified of the title, address, and telephone number of the Nondiscrimination Compliance Officer by inclusion in online posting of student/parent handbooks, and/or other means reasonably calculated to advise all students and employees.

**5.0 Reporting.**

- 5.1 Any student or staff member who believes s/he has been discriminated against, or who witnesses discrimination shall promptly make a report to the administrator or supervisor, or the Nondiscrimination Compliance Officer. If the person alleged to have engaged in prohibited conduct is the administrator or supervisor, reports should be made to the supervisor for the administrator or supervisor, the chief human resources officer, or the nondiscrimination Compliance Officer. 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.
- 5.2 Complaints by employees shall be resolved according to the grievance procedure set forth in the applicable master agreement.
- 5.3 Complaints by students, parents, community members and staff members not covered by a master agreement shall be resolved according to the procedures in sections 5.4-5.6 below.
- 5.4 Complaints shall include a detailed description of the alleged discriminatory event(s), the date(s), and the full names of the parties involved and any witnesses. This complaint shall be filed with one of the people identified in section 5.1 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 the General Counsel, except that complaints concerning the General Counsel shall be submitted to the Superintendent and complaints concerning the Superintendent shall be submitted to the President of the Board of Education.
- 5.5 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.
- 5.6 If the complainant is not satisfied with the findings/resolution made by the initial investigator, the complainant may appeal the findings to the General Counsel within ten (10) work days following receipt of the findings/resolution. The General Counsel, or designee shall meet with the parties in interest and/or their representatives within ten (10) work days after receipt of the appeal. The General Counsel, or designee shall provide all parties in interest with written findings concerning the allegations in the complaint within ten (10) work days after the meeting.
- 5.7 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 meeting with the parties in interest 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 ten (10) work days to provide his/her written decision to the interested parties.

- 5.8 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	Colorado Civil Rights Commission
Office for Civil Rights	1560 Broadway, Suite 1050
U.S. Department of Education	Denver, CO 80202
Federal Building	Telephone: 303-894-2997
1244 Speer Boulevard, Suite 310	FAX: 303-894-7830
Denver, CO 80204-3582	Toll Free: 800-262-4845
	English/Spanish
Telephone: 303-844-5695	
FAX: 303-844-4303; TDD: 303-844-3417	
Email: OCR_Denver@ed.gov	

- 5.9 Discrimination complaints shall be kept confidential to the extent practical except as provided by law.

## 6.0 **Consequences.**

- 6.1 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.
- 6.2 The District will make available support and interventions for the victim (e.g., counseling) as appropriate.
- 6.3 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 discrimination as defined here, otherwise violates one or more of the Board's or District policies or an applicable collective bargaining agreement.

## 7.0 **Engaging in Retaliation or Making a False Report.**

- 7.1 It shall be a violation of this policy for any person to retaliate against a person who alleges discrimination or who testifies, assists or participates in an investigation, proceeding or hearing relating to discrimination allegations. Violation of this anti-retaliation provision may exist regardless of whether the underlying complaint of discrimination is substantiated.
- 7.2 Retaliation may take the form of intimidation, reprisal or discrimination and shall be subject to the reporting, investigation, and enforcement procedures set forth in this policy.
- 7.3 Any person who knowingly makes a false report of discrimination shall be subject to disciplinary action in accordance with District Policies.

LEGAL REFERENCES:

20 U.S.C. §1681  
20 U.S.C. §1701-1758  
29 U.S.C. §621 et seq.  
29 U.S.C. §701 et seq.  
42 U.S.C. §12101 et seq.  
42 U.S.C. §2000d  
42 U.S.C. §2000e  
42 U.S.C. §2000ff et seq.  
34 C.F.R. Part 100  
C.R.S. 2-4-401 (13.5)  
C.R.S. 18-9-121  
C.R.S. 22-32-109 (1) (II)  
C.R.S. 24-34-301 (7)  
C.R.S. 24-34-301 et seq.  
C.R.S. 24-34-401 et seq.  
C.R.S. 24-34-601  
C.R.S. 24-34-602

CROSS REFERENCES:

Code: 2100  
Code: 4140

**DISCRIMINATION 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 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 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?