

## NONDISCRIMINATION/EQUAL OPPORTUNITY

The district is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting unlawful discrimination on the basis of a person's actual or perceived characteristics such as, but not limited to, race, color, sex, sexual orientation, gender identity, gender expression, religion, creed, national origin, ancestry, immigration/citizenship status, age, marital status, conditions related to pregnancy or childbirth, genetic information, mental or physical disability, need for special education services, or any other protected class in conformance with federal, state, and local law. Accordingly, no otherwise qualified student or employee, applicant for employment or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any district program or activity on the basis of a person's actual or perceived characteristics such as, but not limited to, race, color, sex, sexual orientation, gender identity, gender expression, religion, creed, national origin, ancestry, immigration/citizenship status, age, marital status, conditions related to pregnancy or childbirth, genetic information, mental or physical disability, need for special education services, or any other protected class in conformance with federal, state, and local law.

For purposes of this policy, these terms have the following meanings:

- “Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.
- “Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps.
- “Sexual Orientation” means a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person’s perception thereof.

This policy and supporting regulation(s) will be used to address all concerns regarding unlawful discrimination and harassment. Alleged conduct regarding sex-based discrimination and sexual harassment will follow the complaint and investigation procedures specific to this conduct.

In keeping with these statements, the following shall be objectives of this district:

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations.
2. To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial and ethnic groups.
3. To consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual’s pride in the community in which they live.
5. To initiate a process of reviewing all policies and practices of this district in order to achieve the objectives of this policy to the greatest extent possible.
6. To investigate and resolve promptly any complaints of unlawful discrimination and harassment in violation of this policy.

7. To investigate and appropriately discipline employees and students found to be responsible for incidents of harassment or unlawful discrimination in violation of district policy.

### **Annual Notice**

The district shall issue a written notice prior to the beginning of each school year that advises students, parents, employees and the general public that the educational programs, activities and employment opportunities offered by the district are offered without regard to a person's actual or perceived characteristics such as, but not limited to, race, color, sex, sexual orientation, gender identity, gender expression, religion, creed, national origin, ancestry, immigration/citizenship status, age, marital status, conditions related to pregnancy or childbirth, genetic information, mental or physical disability, need for special education services, or any other protected class in conformance with federal, state, and local law. With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age or genetic information. The announcement shall also include the name/title, address, email address and telephone number of the person(s) designated to coordinate the district's Title IX and Section 504 and ADA compliance activities. *See Exhibit AC-E-1.*

The notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made available to persons who are visually or hearing impaired.

The notice shall appear on a continuing basis in all district media containing general information, including: teachers' guides, school publications, the district's website, recruitment materials, application forms, vacancy announcements, student handbooks, school program notices, summer program newsletters and annual letters to parents.

### **Harassment Is Prohibited**

Harassment based on a person's actual or perceived characteristics such as, but not limited to, race, color, sex, sexual orientation, gender identity, gender expression, religion, creed, national origin, ancestry, immigration/citizenship status, age, marital status, conditions related to pregnancy or childbirth, genetic information, mental or physical disability, need for special education services, or any other protected class in conformance with federal, state, and local law is a form of discrimination prohibited by this policy. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work, and members of the public can access and receive the benefit of district facilities and programs. All such harassment, by district employees, students and third parties, is strictly prohibited.

All employees and students share the responsibility to ensure that harassment does not occur at any district school, on any district property, at any district or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any district curricular or non- curricular activity or event.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's actual or perceived characteristics such as, but not limited to, race, color, sex, sexual orientation, gender identity, gender expression, religion, creed, national origin, ancestry, immigration/citizenship status, age, marital status, conditions related to pregnancy or childbirth, genetic information, mental or physical disability,

need for special education services, or any other protected class in conformance with federal, state, and local law that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment (GBAA for employees and JBB for students) will apply to complaints alleging sexual harassment.

Harassing conduct may take many forms, including, but not limited to:

1. verbal acts and name-calling
2. graphic depictions and written statements, which may include use of cell phones or the internet
3. other conduct that may be physically threatening, harmful or humiliating

### **Reporting Unlawful Discrimination and Harassment**

Any student who believes they have been a target of unlawful discrimination or harassment as defined in this policy, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher or the appropriate district compliance officer and file a complaint as set forth in the regulation which accompanies this policy. *See* Regulation AC-R and Exhibits AC-E-1 and AC-E-2.

Any employee, applicant for employment or member of the public who believes they have been a target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall file a complaint with either an immediate supervisor or the appropriate district compliance officer. *See* Regulation AC-R and Exhibits AC-E-1 and AC-E-2.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, an alternate compliance officer will be designated to investigate the matter in accordance with this policy's accompanying regulation.

### **District Action**

All employees who witness unlawful discrimination or harassment shall take prompt and effective action to stop it, as prescribed by the district.

The district shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end discriminatory or harassing behavior, to prevent the recurrence of such behavior, and to prevent retaliation against any individuals who file complaints and any persons who participate in an investigation. When appropriate, the district shall take supportive measures during the investigation to protect against unlawful discrimination, harassment or retaliation.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.

Upon determining that incidents of unlawful discrimination or harassment in violation of this policy are occurring in particular district settings or activities, the district shall implement

supportive measures designed to remedy the problem in those areas or activities.

Any student or employee who engages in unlawful discrimination or harassment in violation of this policy shall be disciplined according to applicable Board policies and the district shall take reasonable action to restore lost educational or employment opportunities to the individual(s).

In cases involving potential criminal conduct, the district compliance officer shall determine whether appropriate law enforcement officials should be notified.

### **Notice and Training**

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all district schools and departments. The policy and complaint process shall be referenced in student and employee handbooks and otherwise available to students, employees and members of the public through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sexual harassment are available to the public on the district's website.

Students and employees shall receive periodic training related to recognizing and preventing unlawful discrimination and harassment in violation of this policy. Employees shall receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not be limited to:

- awareness of groups protected under state and federal law
- how to recognize and react to unlawful discrimination and harassment in violation of this policy
- harassment prevention strategies

Adopted June 20, 2001

Revised April 21, 2004

Revised June 18, 2008

Revised February 4, 2009

Revised November 14, 2012

Revised July 22, 2020

Legal refs.: 20 U.S.C. §1681 (Title IX of the Education Amendments of 1972)  
 20 U.S.C. § 1701-1758 (Equal Employment Opportunity Act of 1972)  
 29 U.S.C. §621 et seq. (Age Discrimination in Employment Act of 1967)  
 29 U.S.C. §701 et seq. (Section 504 of the Rehabilitation Act of 1973)  
 42 U.S.C. §12101 et seq. (Title II of the Americans with Disabilities Act)  
 42 U.S.C. §2000d (Title VI of the Civil Rights Act of 1964, as amended in 1972)  
 42 U.S.C. §2000e (Title VII of the Civil Rights Act of 1964)  
 34 C.F.R. Part 100  
 C.R.S. 2-4-401 (13.5) (*definition of sexual orientation*)  
 C.R.S. 18-9-121 (*bias-motivated crimes*)  
 C.R.S. 22-32-109 (1)(II) (*Board duty to adopt written policies prohibiting discrimination*)  
 C.R.S. 24-34-301 (7) (*definition of sexual orientation*)  
 C.R.S. 24-34 401 et seq. (*discriminatory or unfair employment practices*)  
 C.R.S. 24-34-601 (*discrimination in places of public accommodation*)

C.R.S. 24-34-602 (*penalty and civil liability for discrimination*)

Cross refs.: GBA, Open Hiring/Equal Employment  
Opportunity GBAA, Sexual Harassment  
JB, Equal Educational Opportunities  
JBB\*, Sexual Harassment

Contract ref: TEA Agreement, Article 20, Professional Staff Assignments and Transfers,  
Section 20-4-5