

ANTI-DISCRIMINATION POLICY

Aspen Academy is a community that values and celebrates differences in learning, culture, race, ethnic origin, religion, sex, physical abilities, sexual orientation and gender identity. Because of these values, no student will be denied any educational opportunity or subjected to discrimination on the basis of race, color, sex, sexual orientation, religion, national or ethnic origin, age, gender identity, physical abilities or any other legally protected class.

In order to provide a positive and welcoming environment for all members of the community, certain guidelines for appropriate behavior need to be recognized and practiced by each member of the community. Discrimination or harassment, either verbal or physical, disregards the feelings of others and is demeaning. Any such behavior will not be tolerated.

DISCRIMINATION AND HARASSMENT

Discrimination is physical or verbal conduct resulting in negative treatment based upon an individual's race, color, sex, sexual orientation, religion, national or ethnic origin, age, gender identity, physical abilities or any other legally protected class. Discrimination may create an intimidating educational or work environment.

Harassment is one type of discrimination. It is often thought of as repeated or persistent conduct, including any unwelcome, hostile and offensive verbal, written or physical conduct. Harassing conduct is based on or directed at a person's race, color, sex, sexual orientation, religion, national or ethnic origin, age, gender identity, physical abilities 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.

Examples of harassing behavior can include:

- name calling, jokes or rumors
- threatening or intimidating conduct directed at another
- slurs, negative stereotypes and hostile acts related to protected class status
- written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes
- forms of bullying or cyberbullying as addressed above in the Student Conduct Policy
- a physical act of aggression or assault upon another because of or in a manner reasonably related to race, color, sex, sexual orientation, religion, national or ethnic origin, age, gender identity or physical abilities
- other kinds of aggressive conduct such as theft or damage to property which is motivated by

race, color, sex, sexual orientation, religion, national or ethnic origin, age, gender identity or physical abilities

Sexual harassment is unwelcome conduct of a sexual nature. Examples can include:

- unwanted sexual advances including unwelcome, sexually motivated or inappropriate patting, pinching or physical contact
- touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex
- coercing, forcing or attempting to coerce the touching of anyone's intimate parts or a sexual act on another
- graffiti of a sexual nature
- sexual gestures
- sexual or dirty jokes
- touching oneself sexually or talking about one's sexual activity in front of others
- spreading rumors about or rating other students as to sexual activity or performance
- unwanted communications, including text messages, that either include or request sexual content (sexting)
- other unwelcome sexual behavior or words, including demands for sexual favors

HOW TO RESPOND TO DISCRIMINATION OR HARASSMENT

1. First, to the extent you feel comfortable, safe and able to do so, let the offending person or the group know you want the behavior to stop. This applies when the discriminatory conduct or harassment is directed at you and when it is directed at someone else. If you are comfortable, firmly say NO or tell them to STOP. Directly look at them with a straight face and give them a clear message about how you feel.

2. Second, report the incident immediately to a teacher or staff member who will inform our Title IX coordinator. You may also report the incident to the school's Title IX coordinator, Lynda Sailor. She can be reached at: 303-346-3500, or lynda.sailor@aspencademy.org. The coordinator oversees the school's response to reports and complaints that involve possible discrimination or harassment, including sexual harassment.

HOW THE SCHOOL WILL RESPOND TO REPORTS OF DISCRIMINATION OR HARASSMENT

Any time there is a report of student to student discrimination, including harassment, or a staff or faculty member witnesses student discrimination, including harassment, the school will respond in the following way:

1. The review team will be notified. The review team includes faculty members who have received additional training to respond to discrimination. The review team will contact the reporting person (student, parent, teacher or faculty member) and ask that person for information about the report and the conduct at issue. The school will contact the parents of the students involved and let them know that a report has been made.
2. The school will investigate. The investigation may be conducted by the review team, some other faculty or administrators at the school or by a third party designated by the school. Whether discrimination has occurred in any particular circumstance will be evaluated in light of all the facts, including considerations such as (i) the ages and maturity levels of the students, (ii) the history and relationship among the parties and (iii) the positions and roles of the parties, e.g., teacher, administrator, supervisor, subordinate, volunteer, parent, child, sibling or student leader of an athletic team, club or other activity. The investigation will begin immediately and will be completed promptly.
3. After completing the investigation, the review team will report to each involved family, stating whether the allegations were substantiated and whether they appear to be violations of school policy. The consequences and disciplinary measures issued to other students will generally not be disclosed.
4. If allegations are substantiated and if they violate school policy, the school will take prompt, appropriate, formal or informal action. Appropriate actions may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension and/or expulsion. In determining what is an appropriate response, the school will consider:
 - what response is most likely to end any ongoing harassment;
 - whether a particular response is likely to deter similar future conduct by the harasser or others;
 - the amount and kind of harm suffered by the victim of the harassment; and
 - the prior conduct and disciplinary history of the party who engaged in the harassing conduct.

CONFIDENTIALITY

The school will endeavor to keep confidential all reports of harassment or discrimination. However, in investigating and responding to discrimination and harassment, it may be necessary for the school to share information related to the allegations. The school will respect the privacy of the complainant, the individuals against whom the complaint is filed and the witnesses as much as possible consistent with the school's obligation to investigate and take appropriate action. In addition, the staff and faculty are mandatory reporters under Colorado law. If we reasonably suspect that discriminatory conduct or harassment of a student rises to the level of child abuse or neglect, the school, consistent with its legal obligations, will report such conduct to local authorities or law enforcement.

RETALIATION PROHIBITED

Submission of a good faith complaint or report of discrimination including sexual harassment or other forms of harassment will not affect the complainant or reporter's grades, learning

environment or opportunities at Aspen Academy. The school will discipline or take appropriate action against any student, teacher or staff member who retaliates against someone who reports an incident of alleged discrimination or harassment, or any person who participates in an investigation relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.