

## NONDISCRIMINATION

- 1.0 **Discrimination and Harassment Prohibited.** The District is committed to nondiscrimination in relation to race, color, sex (including pregnancy, childbirth, and related medical conditions), age, religion, creed, national origin (including ethnicity), ancestry, genetic information (including family medical history), marital status, sexual orientation, transgender identity, gender identity, gender expression, or disability (“Protected Classes”), in its educational programs, activities, operations and employment decisions. The District’s “educational programs” include but are not limited to the District’s schools of choice program. Harassment is a form of discrimination. Anyone engaging in discrimination shall 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/guardians 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/guardians, and staff.
- 3.0 **Application of Policy.** This policy applies to complaints filed by or on behalf of students, parents or guardians of students, employees, and third parties alleging discrimination or harassment as defined by this policy carried out by employees, students, or third parties such as parents or guardians, volunteers, independent contractors, and visitors. It is applicable to incidents of discrimination or harassment occurring on District property or incidents occurring off-District property that have continuing effects in the District’s learning and/or working environment(s). Certain categories of sexual harassment are addressed separately in District Policy 8410.
- 4.0 **Definitions.**
- 4.1 “Staff member” means all District employees and persons serving as authorized volunteers pursuant to District Policy 8800.
- 4.2 “Protected Classes” means race, sex (including pregnancy, childbirth, and related medical conditions), color, age, religion, creed, national origin (including ethnicity), ancestry, genetic information (including family medical history), marital status, sexual orientation, transgender identity, gender identity, gender expression, or disability.
- 4.3 “Discrimination” refers to two (2) broad categories of discrimination prohibited by this policy: a) disparate impact and b) disparate treatment.
- 4.3.1 Disparate treatment occurs when an individual is treated differently than others who are similarly situated and the basis of different treatment is the individual’s protected class.
- 4.3.2 Disparate impact is the disproportionately adverse effect of neutral policies on a group of individuals in a protected class.
- 4.4 “Discriminatory Harassment” means unwelcome conduct directed at an individual based on one or more of the individual’s protected classes which is so severe, persistent, or pervasive that it interferes with an individual’s academic performance, employment, or participation in District programs or activities, and creates an environment that a reasonable person would find intimidating, hostile or abusive. Offensive conduct based on an individual’s protected class may include, but is not limited to:

- 4.4.1 Offensive jokes, slurs, epithets, or name calling;
  - 4.4.2 Physical assaults, threats, or intimidation;
  - 4.4.3 Offensive objects or pictures;
  - 4.4.4 Interference with school or work performance.
- 4.5 “Retaliation” means any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, harassment, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the academic or working environment of an individual or if they hinder or prevent the individual from accessing the District’s educational programs or from carrying out the staff member’s work responsibilities.
- 4.6 The District’s “Non-Discrimination Compliance Officer” is the Title IX/Non-Discrimination Coordinator. The Title IX/Non-Discrimination Coordinator shall be responsible for coordinating, monitoring and documenting District compliance with this policy and with Titles VI and 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. The District’s Title IX/Non-Discrimination Coordinator is:
- Megan Brooks
  - Educational Support Center (ESC)
  - 1500 E. 128<sup>th</sup> Avenue
  - Thornton, CO 80241
  - 720-972-4179
  - megan.brooks@adams12.org
- 5.0 **Compliance Requirements.**
- 5.1 The Title IX/Non-Discrimination Coordinator 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.
  - 5.2 All students, parents or guardians, sources of referral of applicants for employment, applicants for employment, and employees of the District shall be notified of the title, address, and telephone number of the Title IX/Non-Discrimination Coordinator by inclusion in the District’s employment application materials, new employee handbooks, online postings of student/parent handbooks, and/or by other means reasonably calculated to advise all students, parents or guardians, sources of referral of applicants for employment, applicants for employment, and employees.
- 6.0 **Complaint and Resolution Process.**
- 6.1 Any student or staff member who believes s/he/they has/have been discriminated against or harassed shall promptly make a complaint to an administrator, supervisor, or the Title IX/Non-Discrimination Coordinator. Students, parents or guardians, and other non-employees who witness suspected discrimination or harassment are encouraged to

- Report it immediately to a teacher, building administrator, or the Title IX/Non-Discrimination Coordinator to assist in the District's discrimination and harassment prevention efforts. If the person alleged to have engaged in discrimination or harassment is the administrator or supervisor, complaints should be made to the supervisor for the administrator or supervisor, the chief human resources officer, or the Title IX/Non-Discrimination Coordinator. If the complaint concerns administrative personnel at the Educational Support Center, the complaint shall be submitted to the Title IX/Non-Discrimination Coordinator, except that complaints concerning the Title IX/Non-Discrimination Coordinator shall be submitted to the Superintendent and complaints concerning the Superintendent shall be submitted to the President of the Board of Education.
- 6.2 A complaint may be made orally or in writing. Individuals requiring accommodations for purposes of making a complaint due to disability or other reasons shall contact the Title IX/Non-Discrimination Coordinator. Persons who desire to submit their complaint in writing shall be encouraged to use the form in Exhibit 1.
  - 6.3 The Title IX/Non-Discrimination Coordinator shall conduct a preliminary inquiry of all complaints to determine whether to proceed to an investigation under this policy or to take other appropriate steps.
  - 6.4 Complaints by students, parents/guardians, community members and staff shall be resolved according to the procedures in sections 6.5 – 6.8 below.
  - 6.5 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 6.1 as soon as possible from the date of the complainant's knowledge of the alleged discrimination. Except as provided in this Section 6.5, the allegations shall be investigated and responded to in writing by an appropriately-trained investigator designated by the Title IX/Non-Discrimination Coordinator. Reports/complaints filed more than 180 days after the alleged discrimination occurred shall not be accepted for investigation, except extensions may be granted upon a determination by the Title IX/Non-Discrimination Coordinator that the aggrieved individual was prevented from filing as a result of circumstances beyond the individual's control.
  - 6.6 Upon the institution of an investigation, the investigator shall provide the parties with written notice of the complaint. The written notice shall include the names of the parties involved, the specific section of the policy allegedly violated, and the conduct constituting the alleged violation.
  - 6.7 Both parties shall have an equal opportunity to be heard and to provide evidence obtained through the course of the investigation. The investigator shall interview the parties and any witnesses and shall review any available relevant evidence. The investigator shall also determine the relevance of evidence and what evidence shall be included in the investigator's findings of fact.
  - 6.8 The investigator shall give both parties the investigator's written findings regarding the allegations within thirty (30) work days, unless good cause for delay is shown. The investigator may use the questions in Exhibit 2 as a resource in conducting the investigation.

- 6.9 If either party is not satisfied with the findings made by the investigator, the complainant may appeal the findings to the Title IX/Non-Discrimination coordinator within ten (10) work days following receipt of the findings/resolution. The Title IX/Non-Discrimination Coordinator or designee shall meet with the parties in interest and/or their representatives within ten (10) work days after receipt of the appeal. The Title IX/Non-Discrimination Coordinator or designee shall provide all parties in interest with written findings concerning the appeal within ten (10) work days after the meeting.
- 6.10 If the party is not satisfied with the Title IX/Non-Discrimination Coordinator disposition of the appeal or if no decision has been rendered within ten (10) work days after meeting with the parties in interest, then the party may appeal, within ten (10) work days thereafter, by submitting a written request for review to the Superintendent or designee. If the Superintendent or designee accepts the request for review, the Superintendent or designee shall have up to ten (10) work days to arrange for and hold a meeting with the parties in interest. The Superintendent or designee shall provide all parties in interest with written findings concerning the appeal within ten (10) work days after the meeting. If the Superintendent or designee does not accept the request for review, the decision of the Title IX/Non-Discrimination Coordinator shall be final.
- 6.11 Reporting to Federal or State Agency. In addition to, or as an alternative to, filing a discrimination/harassment complaint pursuant to this policy, a person may file a 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  
 Telephone: 303-844-5695  
 FAX: 303-844-4303; TDD: 303-844-3417  
 Email: [OCR\\_Denver@ed.gov](mailto:OCR_Denver@ed.gov)

Colorado Civil Rights Division  
 1560 Broadway, Suite 1050  
 Denver, CO 80202  
 Telephone: 303-894-2997  
 FAX: 303-894-7830  
 Toll Free: 800-262-4845  
 English/Spanish  
 Email: [DORA\\_CCRDIntake@state.co.us](mailto:DORA_CCRDIntake@state.co.us)

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

## 7.0 Consequences.

7.1 If the investigating official concludes that the policy has been violated, appropriate consequences shall be imposed, including but not limited to warning, exclusion, suspension, expulsion, transfer, remediation or termination. Consequences to third parties include imposing conditions or a total ban upon the individual's future presence on District property, cancellation of a contract, or other appropriate measures.

- 7.2 The District will make available support and interventions (e.g., counseling) as appropriate.
- 7.3 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 or harassment as defined here, otherwise violates one or more of the Board's or District policies or an applicable collective bargaining agreement.
- 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 discrimination/harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to discrimination/harassment allegations. A violation of this anti-retaliation provision may exist regardless of whether the underlying complaint of discrimination/harassment is substantiated.
- 8.2 Allegations of retaliation shall be subject to the complaint, investigation, and enforcement procedures set forth in this policy or other applicable policy.
- 8.3 Any person who knowingly makes a false report or complaint of discrimination/harassment shall be subject to disciplinary action in accordance with District policies. The outcome of an investigation, standing alone, shall be insufficient to support a finding of a false report or complaint.

**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. 22-32-110(1)(k)  
 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:**

Policy 1210  
 Policy 2100  
 Policy 4140  
 Policy 5110  
 Policy 5260  
 Policy 8410  
 Policy 8800

**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 this individual? Have you taken any classes from this individual? What class(es)? When? Were you in the class the whole year?

Where else do you come into contact with this individual?

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 this individual 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 this individual did?

What did you do?

11. Was there anything that prompted this individual?
  - Pictures?
  - Topics?
  - Certain people?
12. What did this individual's mood seem to be when these incidents occurred?
  - Joking?
  - Angry?
  - Mysterious?
13. How did you feel after these things happened?
14. Did this individual 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 this individual did? Did anyone ever tell this individual to stop?
18. Did you tell anyone about the incident? Your family?
19. Has anyone else told you about anything inappropriate that \_\_\_\_\_ did?