

Nondiscrimination/Equal Opportunity

The Board 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 discrimination on the basis of disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, need for special education services, or any other category as covered under federal or state statute. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public may 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 disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, need for special education services, or any other category as covered under federal or state statute. Discrimination against employees and applicants for employment based on age, military or veteran status, genetic information or conditions related to pregnancy or childbirth is also prohibited in accordance with state and federal law.

For the purposes of this policy and other policies including a nondiscrimination statement, 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.
- Other categories as covered in statutes C.R.S 2-4-401 (3.4, 3.5, 13.5) and C.R.S. 24-34-301 (3.3, 3.5).

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

In keeping with these statements, the following are objectives of this school 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 school 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.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of district policy.

Annual notice

The district will 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 disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, need for special education services, or any other category as covered under federal or state statute. With respect to employment practices, the district will also issue written notice that it does not discriminate on the basis of age, military or veteran status, or genetic information, or conditions related to pregnancy or childbirth. The announcement will also include the name/title, address, email address and telephone number of the person(s) designated to coordinate Title IX, Section 504, and ADA compliance activities.

Harassment is prohibited

Harassment based on a person's disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, military or veteran status, conditions related to pregnancy or childbirth, ancestry, need for special education services, or any other category as covered under federal or state statute is a form of discrimination prohibited by state and federal law. 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 district 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.

Reporting unlawful discrimination and harassment

Any student who believes they have been a target of unlawful discrimination or harassment, as defined in Board policy and supporting regulation(s), or who has witnessed such unlawful discrimination or harassment, is encouraged to immediately report it to an administrator, counselor, teacher or the district's compliance officer and file a complaint as set forth in the regulation which accompanies this policy.

Any applicant for employment or member of the public who believes he or she has been a victim of unlawful discrimination or harassment, or who has witnessed such

unlawful discrimination or harassment, is encouraged to immediately file a complaint with the district's compliance officer.

Any employee who believes they have been a target of unlawful discrimination or harassment is encouraged to immediately file a complaint with either an immediate supervisor or the district's compliance officer. Any employee who has witnessed such unlawful discrimination or harassment must immediately file a complaint with either an immediate supervisor or the district's compliance officer.

The district's compliance officers are identified by name/title, address, telephone number, and email in Exhibit AC-E-1.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint must be made to the superintendent who will designate an alternate compliance officer to investigate the matter.

District action

All district employees who witness unlawful discrimination or harassment must take prompt and effective action to stop it, as prescribed by the district. Employees are not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed.

The district will take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the district will take interim measures during the investigation to protect against further 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 will be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee or member of the public will 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 are occurring in particular district settings or activities, the district will implement measures designed to remedy the problem in those areas or activities.

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

In cases involving potential criminal conduct, the compliance officer will 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 must be

prominently posted on the district's website, be referenced in student and employee handbooks, and made otherwise available to all students, staff 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 district employees will receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District employees must 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 and/or targeted groups;
- how to recognize and react to unlawful discrimination and harassment; and
- proven harassment prevention strategies.

Adopted: July 30, 1985

Revised: September 25, 1990

Revised: March 1994

Revised: May 31, 2000

Revised: October 26, 2011

Revised: June 20, 2012

Revised: May 8, 2019

Revised: February 26, 2020

Revised: August 19, 2020

Revised: October 19, 2021

Revised: December 8, 2021

Revised: May 4, 2022

LEGAL REFS.: 20 U.S.C. 1681 (*Title VII, 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*)
42 U.S.C. 2000ff *et. seq.* (*Genetic Information Nondiscrimination Act of 2008*)
34 C.F.R. Part 100 (*Code of Federal Regulations*)
C.R.S. 2-4-401 (3.4) (*definition of gender expression*)
C.R.S. 2-4-401 (3.5) (*definition of gender identity*)
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. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)
C.R.S. 24-34-301 (7) (*definition of sexual orientation*)
C.R.S. 24-34-301 *et seq.* (*Colorado Civil Rights Division*)
C.R.S. 24-34-401 *et seq.* (*discriminatory or unfair employment practices*)
C.R.S. 24-34-601 (*unlawful discrimination in places of public accommodation*)
C.R.S. 24-34-602 (*penalty and civil liability for unlawful discrimination*)

CROSS REFS.: AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice) - Exhibit

GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment
JB, Equal Educational Opportunities
JBB*, Sexual Harassment

Fountain-Fort Carson School District #8, Fountain, Colorado