

EMPLOYEE DISCRIMINATION/ HARASSMENT REPORTING AND INVESTIGATION PROCEDURES

A. Scope

This regulation may be used by any Colorado Springs School District 11 (the District) employee who believes he or she has experienced or witnessed violations of Colorado Springs School District 11 Board of Education (the Board) policy AC or GBAA.

B. General Considerations

1. A reporting party may be assisted or represented by a representative of an employee organization formally recognized by the Board, such as the Colorado Springs Education Association or the Educational Support Professionals council, at any point in the process.
2. A reporting party who needs technical assistance with completing paperwork or presenting information may contact the office of the District Equal Opportunity Officer/Ombudsperson (719-520-2271) to request such assistance. Reports and/or complaints may be made during the evenings or outside the normal school day to the District Security Office (719-520-2287).
3. The District recognizes that both the reporting party and the person against whom a complaint or report has been filed have strong interests in maintaining the confidentiality of the allegations and related information. Confidentiality cannot, however, be guaranteed. The privacy of the reporting party, the individual(s) against whom the complaint or report has been filed, and the witnesses will be respected as much as possible, but information may have to be disclosed consistent with the need to investigate, take remedial action to prevent future harassment or discrimination in violation of Board policy, and comply with any discovery or disclosure obligations.
4. A person who knowingly makes a false report may be subject to disciplinary action.
5. The time lines for District action contained in these regulations may be extended as deemed necessary by the District, such as when the investigation is complex, involving many witnesses, or the witnesses involved are not available due to travel, illness or personal circumstances. Any such extension shall be for a finite number of days that is made known to all parties. All time periods are calendar days.
6. The District Ombudsperson may be consulted or brought in at any time to help investigate or resolve a complaint or report.

C. Complaint procedure

The employee has the option of making a formal or informal complaint.

1. Option - Informal

To submit an informal report of discrimination or harassment, the reporting party is encouraged to first submit the report informally to his or her immediate supervisor. The report may be submitted orally or in writing. If the immediate supervisor is believed to have participated in the alleged harassment or discrimination, the reporting party may address the matter informally, with the next level supervisor or the District Ombudsperson. If the perpetrator is someone in another area of the District, or if the alleged violation is a Board policy or workplace or District-wide practice, the reporting party may seek to resolve the matter informally by contacting the District Ombudsperson.

Upon receipt of a report or complaint of alleged harassment or discrimination, the supervisor or District Ombudsperson may conduct or authorize an informal investigation to address the report or complaint. Alternative Dispute Resolution (ADR) techniques such as mediation may be used when and where deemed appropriate by the District. If the report or complaint is not resolved to the satisfaction of the reporting party or if no result is produced within 14 days, the reporting party may submit a formal complaint under the process set out below.

2. Option - Formal

a. District Ombudsperson

To submit a formal report of discrimination or harassment, the reporting party must submit a completed report form with the District Ombudsperson within 10 days after the conclusion of the informal process. A form may be obtained from the District Ombudsperson or the immediate supervisor of the reporting party.

After the report is properly filed, the Ombudsperson will notify the person or persons alleged to be responsible for the harassment or discrimination (Respondent) that a report has been filed. The Respondent may receive a copy of the report upon request and/or be told the name of the reporting party, unless the District Ombudsperson determines that such disclosure would not be in the best interests of addressing the complaint or would otherwise be detrimental to either party. In any event, the Respondent is expected to have no contact of any kind with the reporting party, to cause anyone else to initiate such contact on his behalf, or, at any time, retaliate in any way against the reporting party for submitting a report under this regulation. Further, the Respondent is expected to cooperate fully in the District Ombudsperson's investigation and is not to impede the investigation in any way, including but not limited to, discussing the report or facts related to it with any potential witness.

The District Ombudsperson shall initiate an investigation promptly after receiving the report. The investigation may consist of personal interviews with the reporting party, the Respondent, and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the report or complaint. In evaluating the alleged conduct, the

investigator should consider the surrounding circumstances; any relevant documents; the nature of the behavior; past incidents or continuing patterns of behavior; the relationships between the parties involved; the context in which the alleged incidents occurred; and the age of the persons involved.

The reporting party and Respondent shall be informed of the results of the investigation. The District Ombudsperson should report his or her conclusions within 20 days of the submission of the formal report. In the event the reporting party is not satisfied with the District Ombudsperson's decision, the reporting party may ask for a review of the District Ombudsperson's decision.

b. Superintendent or Designee Review

The reporting party may initiate a further review of the District Ombudsperson's decision by notifying the Superintendent in writing. Such notice must be received by the Superintendent within 15 days of the date the District Ombudsperson's decision is announced. The notice must contain all reasons the reporting party is requesting the review, and must contain a copy of the original report and the District Ombudsperson's decision. A copy of reporting party's request for review will be provided to the Respondent by the Superintendent.

The Superintendent will review the request for review, the original report, and District Ombudsperson's decision. The Superintendent is not required to conduct further investigation and may, but is not required to, meet with the reporting party and Respondent.

The Superintendent may uphold the District Ombudsperson's decision, reverse the District Ombudsperson's decision, or may remand the matter back to the District Ombudsperson for further consideration and/or investigation. The Superintendent shall render her or his decision within 20 days of receiving the Reporting party's written request for review, unless the Superintendent determines that a longer period of time is necessary in the circumstances.

The Superintendent's decision shall be final, except that, if the Superintendent remands the matter for further consideration and/or investigation, the District Ombudsperson shall, within 20 days of the date of the Superintendent's remand, render a subsequent decision based on further consideration and/or investigation. If the reporting party is not satisfied with the Ombudsperson's second decision, he or she may request a second review by the Superintendent. In such case, the steps and time lines in this section shall apply.

The Superintendent's decision shall be final and a copy provided to the reporting party, Respondent, District Ombudsperson and the Office of

Human Resources. The Office of Human Resources may take disciplinary or other action based on the Superintendent's final decision.

Approved June 1977
Revised January 1994
Revised June 1999
Revised May 9, 2012
Reviewed November 11, 2015
Reviewed October 10, 2018

LEGAL REFS: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 C.F.R. Part 104
34 C.F.R. Part 106
Fair Labor Standards Act, 29 U.S.C. §201
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621
Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq.
Exceptional Children's Education Act, C.R.S. 22-2-101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e
42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)
C.R.S. 2-4-401
C.R.S. 18-9-121
C.R.S. 22-32-109(1)(II)
C.R.S. 22-32-109.1(2)(a)(X)(B)
C.R.S. 22-32-110(1)(k)
C.R.S. 22-33-105(2)(c)
C.R.S. 22-61-101
C.R.S. 22-93-101, et seq.
C.R.S. 24-34-301 through 24-34-308
C.R.S. 24-34-401 through 24-34-406
3 CCR 708-1

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
EHC, Educational Technology Resources Policy
GBA, Open Hiring/Equal Employment Opportunity and Affirmative Action
GBAA, Employee Sexual and Racial Harassment/Discrimination
GBEA, Staff Ethics/Conflict of Interest/Employment of Relatives
JB, Equal Educational Opportunities
JBB, Sexual and Racial Harassment/Discrimination toward Students
JBB-R, Sexual and Racial Harassment/Discrimination toward Students
(Reporting and Investigation Procedures)
JK, Student Discipline
JK-R, Student Discipline Regulations