File: AC-R

Nondiscrimination/Equal Opportunity
(Complaint and Compliance Process)

The district is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The district must promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint will be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

Definitions

1. "**Compliance officer**" means the superintendent, who is responsible for receiving and investigating complaints of alleged unlawful discrimination and harassment in accordance with this regulation.

2. "**Aggrieved individual**" means a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, a district employee, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.

Compliance officer's duties

The compliance officer is responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment. The compliance officer's duties include providing notice to students, parents/guardians of students, employees, and the general public concerning the compliance process; providing training for district staff regarding the prohibition of discrimination/harassment in all district programs, activities and employment practices; disseminating information concerning the forms and procedures for the filing of complaints; ensuring the prompt investigation of all complaints; coordinating hearing procedures; and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

Complaint procedure

An aggrieved individual is encouraged to promptly report the incident as provided in Board policy and this regulation. All reports received by teachers, counselors, principals or other district employees must be promptly forwarded to the compliance officer. If the compliance officer is the individual alleged to have engaged in the prohibited conduct, the complaint must be forwarded to the Board President. The Board will then appoint another person to serve as the compliance officer.

Any aggrieved individual may file a complaint with the compliance officer, charging the district, another student or any district employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint are encouraged to use the district's complaint form.

All complaints must include a detailed description of the alleged events, the dates the alleged events occurred and names of the parties involved, including any witnesses. The complaint must be made as soon as possible after the incident.

The compliance officer must confer with the aggrieved individual and/or the alleged target of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 3 calendar days following the compliance officer's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within 10 calendar days following the initial meeting with the aggrieved individual and/or alleged target, the compliance officer must attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. Such person(s) must be informed of all allegations that, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, the compliance officer must explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the target and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer must also explain that whether or not the individual files a written complaint or otherwise requests action, the district is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment or retaliation against anyone who makes a report or participates in an investigation. The compliance officer must also explain that any request for confidentiality will be honored so long as doing so does not preclude the district from responding effectively to prohibited conduct and preventing future prohibited conduct.

Informal action

If the aggrieved individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the compliance officer believes that

the matter is suitable to such resolution, the compliance officer may attempt to resolve the matter informally through mediation, counseling, or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party may be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution may not be used to process complaints against a district employee and shall not be used between students where the underlying offense involves sexual assault or other acts of violence.

Formal action

If informal resolution is inappropriate, unavailable or unsuccessful, the compliance officer must promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The compliance officer may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

a. statements by any witness to the alleged incident;

b. evidence about the relative credibility of the parties involved;

c. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others;

d. evidence of the aggrieved individual and/or alleged target's reaction or change in behavior following the alleged prohibited conduct;

e. evidence about whether the alleged target and/or aggrieved individual took action to protest the conduct;

f. evidence and witness statements or testimony presented by the parties involved;

g. other contemporaneous evidence; and/or

h. any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances must be considered by the compliance officer, including:

a. the degree to which the conduct affected one or more student's education or one or more employee's work environment;

b. the type, frequency and duration of the conduct;

c. the identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged target;

d. the number of individuals alleged to have engaged in the prohibited conduct and number of targets of the prohibited conduct;

e. the ages of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged target;

f. the size of the school, location of the incident and context in which it occurred; and

g. other incidents at the school.

The compliance officer must prepare a written report containing findings and recommendations for disciplinary or other action, as appropriate, and submit the report to the Board of Education within 10 calendar days following the compliance officer's receipt of the complaint or 10 calendar days following the termination of the informal resolution process.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be notified in writing of the final outcome of the investigation and all steps taken by the district within 10 calendar days following the Board's determination.

Hearing procedure

For allegations under Section 504 and as otherwise required by law, the aggrieved individual may request a hearing. This hearing procedure will not address guilt or innocence or disciplinary consequences, which are instead governed by the Board's discipline policies and procedures.

The district must retain a person to serve as the impartial haring officer, who must be knowledgeable about Section 504 and/or the ADA, if applicable.

The hearing must be informal and must be recorded. Formal rules of evidence do not apply. A student is entitled to be represented by their parent or by an attorney. A district employee is entitled to be represented by an attorney or other representative of their choice. The complainant may appear at the hearing and is entitled to present testimony and other evidence. A district representative is likewise entitled to present testimony and other evidence. The hearing must be closed to the public.

Within 10 calendar days after the hearing, the hearing officer must issue a written decision based upon evidence presented at the administrative hearing, including any remedial or corrective action deemed appropriate. Remedial actions include measures designed to stop the unlawful discrimination or harassment, correct its negative impact on the affected individual, ensure that the conduct does not recur, and restore lost educational opportunities.

After the hearing officer has issued the decision, the recording of the hearing, all physical and documentary evidence, and all other items comprising the record of the hearing must be returned to the district.

Either party may seek review of the hearing officer's decision in a court of competent jurisdiction, in accordance with applicable law and applicable timelines for requesting such review.

Nothing contained herein may be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation, or agreement expressly conferring such right. This process applies, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation, or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement will govern.

Outside agencies

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR), U.S. Department of Education, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582. [1]Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417. Email: OCR. Denver @ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC), 303 E. 17th Avenue, Suite 410, Denver, CO 80203. Telephone: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. ASL Video Phone: 844-234-5122. Website: https://publicportal..eeoc.gov/portal/

Colorado Civil Rights Division (CCRD), 1560 Broadway, Suite 825, Denver, CO 80202. Telephone: 303-894-2997 or 800-886-7675. Fax: 303-894-7830. Email: DORA_CCRD@state.co.us (general inquiries), DORA CCRDIntake@state.co.us (intake unit)

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