

SEXUAL HARASSMENT/DISCRIMINATION TOWARD STUDENTS (REPORTING & INVESTIGATION PROCEDURES)

Colorado Springs School District 11 (the District) is subject to the following laws: 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, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and the Colorado Anti-Discrimination Act. Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates.

REPORTING PROCEDURES

Any student (or parent or guardian of a student) who believes they have been the victim of harassment, or discrimination based on disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, by a student, teacher, administrator, volunteer, visitor or other personnel of the District or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the District, is encouraged to immediately report the alleged acts to the Principal/Building Administrator or designee, the District 11 Equal Opportunity Officer/Ombudsperson and Title IX Coordinator, Natasha Bullard Ka'ono'hi, 1115 N. El Paso Street, 719-520-2271 or to the District 11 Security Office during the evenings or outside the normal school day (719-520-2287).

Any teacher, administrator, volunteer, visitor, or other personnel of the District who has or receives notice that a student has or may have been the victim of sexual harassment, discrimination or sexual violence is required to immediately report the alleged acts to the officials identified in the preceding paragraph.

The District encourages the reporting party or complainant to use the report form available from the Principal of each building or available at the [District 11 Equal Opportunity Programs and Ombudservice website](#), but oral reports shall be considered complaints as well. While reports to District employees identified above are encouraged, reports also may be made directly to the Superintendent of Schools for the District.

Any person (the alleged victim or any third party) may report to a Title IX Coordinator in person, via telephone, via email, or via mail.

Sexual harassment, including sexual assault, is unlawful sex discrimination as defined under Title IX of the Education Amendments of 1972. A complainant's wishes and autonomy must be respected, giving them the choice to file a formal complaint. A complainant must not be coerced or threatened into participating in a grievance process. The District must respond when there is actual knowledge of sex discrimination that has occurred within the District's education program or activity. Actual knowledge includes notice to any elementary or secondary school employee.

INFORMAL PROCEDURE

Upon receipt of a report or complaint alleging unlawful harassment or discrimination the Principal or Ombudsperson shall promptly undertake or authorize an investigation after receipt of the report or complaint, notifying all parties involved, as well as their parents or guardians, if the parties involved are minors. Simultaneous with the formal process, voluntary informal alternative dispute resolution (ADR) techniques, such as mediation, may be used where and when deemed appropriate by the District to resolve the complaint. If the issue is not resolved using these informal techniques the formal process continues and will not delay the investigation or its outcome.

FORMAL PROCEDURE

Step 1

The investigator or complaining student may fill out a complaint form based on the written or verbal allegations of the complaining student. An investigation shall be completed by the official within 20 calendar days from the date of formal complaint or report. The calculation of days in these procedures shall exclude Saturdays, Sundays, and school holidays, taking into consideration the employees' contracted and/or scheduled hours, and contingent on the availability of the witnesses. An extension of this deadline may be granted by the Superintendent or the complaining party and their parent or guardian, if applicable. The time frame to complete the investigation will vary depending on the complexity of the investigation and the severity and extent of the harassment. Typically (with an extension of the deadline by the Superintendent or the complaining party and their parent or guardian, if applicable), the investigation should be completed within 60 calendar days.

Step 2

The investigation may consist of personal interviews with the complaining student, the alleged perpetrator and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. Minor students will be given the option to have their parent or guardian present prior to being interviewed.

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 students involved.

Whether a particular action or incident constitutes a violation of Colorado Springs School District 11 Board of Education (the Board) Policy requires a determination based on all the facts and circumstances.

The complaining student and alleged perpetrator shall be informed, in writing, of the results of the investigation in a timely manner.

Step 3

If either party is not satisfied with the outcome of the investigation, they may ask for a review of the decision in accordance with the District 11 Grievance Procedure by notifying the Superintendent in writing. Such notice must be received by the Superintendent within 15 days of the date the

decision is announced. The notice must contain all the reasons the reporting party is requesting the review, and must contain a copy of the original report and the decision.

A copy of the request for review will be provided to the other party by the Superintendent. The Superintendent will review the request for review, the original report, and the decision. The Superintendent is not required to conduct further investigation and may, but is not required to, meet with the parties involved. The Superintendent may uphold the decision, reverse the decision, or may remand the matter for further consideration and/or investigation. The Superintendent shall render their 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 given the circumstances.

The Superintendent's decision shall be final, except that, if the Superintendent remands the matter for further consideration and/or investigation, the investigator 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 second decision, they may request a second review by the Superintendent. In such case, the steps and timelines in this section shall apply. The Superintendent's decision shall be final and a copy provided to the parties and the Ombudsperson, and the Office of Human Resources (if a party is a District employee). The Office of Human Resources may take disciplinary or other action based on the Superintendent's final decision.

OTHER ISSUES

A. Confidentiality

The District recognizes that both the complaining student and the alleged perpetrator have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining student, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with the need to investigate, to take remedial action, and to comply with any discovery or disclosure obligations. Confidentiality cannot be guaranteed in all circumstances.

B. Retaliation

It is a separate and distinct violation of Board policy for any member of the school community to retaliate against any person who reports alleged sexual harassment/discrimination or against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through the same reporting, investigation, and enforcement procedures.

C. False Reporting

A person who knowingly makes a false report will be subject to disciplinary action.

D. Consequences

Any school employee or student that is found to have violated a Board nondiscrimination policy may be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, termination, or discharge.

E. Police Reporting

Behavior that would constitute sexual violence, such as rape, sexual battery or coercion, or several behaviors considered to be sexual harassment (i.e., sexual touching, grabbing, pinching, being forced to kiss someone) may also constitute sexual assault. Thus, under certain circumstances, alleged harassment may also require notification of the police. If a criminal investigation is initiated, the District will temporarily delay the fact-finding portion of the District investigation and will promptly resume its investigation at the conclusion of the criminal investigation. However, such delay shall not prevent the District from taking measures to protect its students and staff. The District Security Office should be notified for clarification and/or assistance.

Adopted: June, 1999
Revised: January 2008
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Revised: April 12, 2017
Revised: May 29, 2024

LEGAL REF.: 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. § 22-1-143
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 REF.: AC, Nondiscrimination/Equal Opportunity
AC-R-1, Employee Discrimination/Harassment Reporting and Investigation
Procedures
AC-R-2, Sexual Harassment Procedures
EHC, Educational Technology Resources Policy
GBA, Open Hiring/Equal Employment Opportunity and Affirmative Action
GBAA, Employee Sexual Harassment/Discrimination
GBEA, Staff Ethics/Conflict of Interest/Employment of Relatives
JB, Equal Educational Opportunities
JBB, Unlawful Harassment/ Discrimination Toward Students
JIC, Student Conduct, Discipline and Attendance Code
JICDE, Bullying Prevention and Education
JK, Student Discipline
JK-R, Student Discipline Regulations
KF, Community Use of School Facilities
KFA, Public Conduct on School Property
KI, Visitors to Schools