

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, color, creed, sex, sexual orientation, marital status, religion, national origin, ancestry, disability or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public will 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 race, color, creed, sex, sexual orientation, marital status, religion, national origin, ancestry, disability or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law.

For purposes of this policy, 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.
- “Sexual Orientation” means a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person’s perception thereof.

This policy and supporting regulations shall be used to address all concerns regarding unlawful discrimination and harassment, including sexual harassment prohibited under Title IX.

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 utilize educational experiences to build each individual's pride in the community in which they live.
4. 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.
5. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.

6. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of Board policy.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and will constitute sexual harassment.

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

The notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made available to persons who are visually or hearing impaired.

The notice will appear on a continuing basis in all district media containing general information, including but not limited to: teachers' guides, school publications, the district's website, recruitment materials, application forms, vacancy announcements, student handbooks, school program notices, summer program newsletters and annual letters to parents.

Harassment is prohibited

Harassment based on a person's race, color, creed, sex, sexual orientation, marital status, religion, national origin, ancestry, disability or need for special education services 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 and non-curricular activity or event.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's race, color, creed, sex, sexual orientation, marital status, religion, national origin, ancestry, disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or

pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school.

Harassing conduct may take many forms, including but not limited to:

1. Verbal acts and name-calling;
2. Graphic depictions and written statements, which may include use of cell phones or the Internet; and
3. Other conduct that may be physically threatening, harmful or humiliating.

Sexual harassment in violation of Title IX

Certain forms of sexual harassment are specifically addressed by Title IX. Sexual harassment prohibited by Title IX means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditions the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity;
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

The district has implemented specific procedures consistent with the requirements of Title IX, including a Title IX Sexual Harassment Grievance Process at Administrative Policy AC-R-2.

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 regulations, or who has witnessed such unlawful discrimination or harassment, must immediately report it to a teacher, counselor, principal, district level administrator or the district's compliance officer(s) (identified in Policy Exhibit AC-E-1) and submit a complaint as set forth in the regulation(s) that accompany this policy.

Any employee, applicant for employment or member of the public who believes they have been a target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, must immediately file a complaint with either an immediate supervisor or the district's compliance officer(s) (identified in Policy Exhibit AC-E-1).

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, an alternate compliance officer will be designated to investigate the matter in accordance with this policy's accompanying regulations.

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.

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 and pending the final outcome to protect the alleged target or aggrieved individual 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 may be subject to discipline, up to and including suspension/expulsion for students and termination of employment.

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 alleged target(s) of the unlawful behavior.

In cases involving potential criminal conduct, the compliance officer will determine whether appropriate law enforcement officials should be notified and the compliance officer or designee will coordinate with law enforcement authorities the timing of the investigation of the prohibited conduct so as to uphold the criminal justice system, minimize trauma to targets of unlawful conduct and ensure timely process of the investigation.

Retaliation is prohibited

Concerns about unlawful discrimination and harassment often can only be raised and remedied when members of the public, students, employees, and applicants for employment feel that they can report such prohibited conduct without fear of retaliation. Thus, the district prohibits retaliation against an individual for filing a report or complaint or participating in an investigation of prohibited conduct in good faith. The district will investigate and respond to an allegation of retaliation in the same manner as

an allegation of unlawful discrimination or harassment in accordance with this policy and its accompanying regulations.

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. Such notice is set forth in Policy Exhibit AC-E-1. The policy and complaint process will be prominently posted on the district's website, referenced in student and employee handbooks and otherwise available to all students, staff and members of the public through electronic or hard-copy distribution. Training materials regarding sexual harassment under Title IX 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 will receive additional training related to handling reports of unlawful discrimination and harassment. The training shall 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: March 12, 1985

Revised: January 26, 1993

June 27, 2000

December 19, 2013

June 9, 2016

December 11, 2018

August 25, 2020 (Temporary Approved)

September 10, 2020 (Permanently Approved)

LEGAL REFS.: 20 U.S.C. §1681 (*Title IX of the 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 through Part 110 (*Civil rights regulations*)
 C.R.S. 2-4-401(13.5) (*definition of sexual orientation, which includes transgender*)
 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, which includes transgender*)
C.R.S. 24-34-301 *et seq.* (*Colorado Civil Rights Division*)
C.R.S. 24-34-402.3 (*Discrimination based on pregnancy, childbirth or related condition*)
C.R.S. 24-34-402 *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-R-1, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)
AC-R-2, Title IX Sexual Harassment Grievance Process
GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment
JB, Equal Educational Opportunities
JBB, Sexual Harassment Under Title IX and Other Prohibited Misconduct of a Sexual Nature

Pueblo School District No. 60, Pueblo, Colorado