Strasburg School District 31J

Policy:	File:
Nondiscrimination/Equal Opportunity – Non Students	AC R-2
Adopted:	Revision:
2006	June 2024

Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment and Members of the Public

The district prohibits discrimination against any employee, applicant for employment, and members of the public. It is a violation of policy for any staff member or student to harass employees, applicants for employment, or members of the public, or to retaliate against those who report harassment or discrimination or participate in an investigation of harassment or discrimination. For the purposes of this regulation, **"harassment"** is any unwelcome conduct or communication directed at an individual because of their protected class, as described in Policy AC. The conduct or communication must be subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class.

The conduct or communication must meet at least one of the following:

- Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment
- Submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual
- Conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

The below grievance procedures provide for the fair, impartial, and prompt resolution of complaints of harassment or discrimination against employees, applicants for employment and members of the public.

Allegations of sex-based discrimination or sexual harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within **sixty school days** after the complaint is made, with an additional **thirty school day** extension possible for reasonable cause. The deputy coordinator will attempt to adhere to all timelines. If the deputy coordinator

needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

All parties will be treated equitably and will be provided equal opportunity to present evidence.

Making a Complaint

The following steps are provided for guidance:

- Any person who witnesses or experiences harassment, discrimination, or retaliation against employees, applicants for employment or community members, is encouraged to report the conduct by making a complaint with the district's deputy coordinator.
- Any staff member who receives information about, witnesses, or experiences harassment, discrimination or retaliation must report the incident to the district's deputy coordinator.
- Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged events occurred, and name(s) of the parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- Deputy Coordinators:

Principal Strasburg Elementary
56729 East Colorado Ave
Strasburg, CO 80136
(303) 622-9215
titleIX@strasburg31j.com

Principal Hemphill Middle School
2100 Wagner Street
Strasburg, CO 80136
(303) 622-9213
titleIX@strasburg31j.com

Principal Strasburg High School
56729 East Colorado Ave
Strasburg, CO 80136
(303)622-9212
titleIX@strasburg31j.com

Principal Prairie Creeks High School
56729 East Colorado Ave
Strasburg, CO 80136
(720) 640-6186
titleIX@strasburg31j.com

No person can serve as the deputy coordinator in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct. If the deputy coordinator is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- Title IX Coordinator:
  Superintendent of Schools
  2102 Wagner Street, Strasburg, CO 80136
  (303) 622-9211 EXT. 898
  titleIX@strasburg31j.com

Retaliation against the complainant, respondent, or any other person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

Evaluation by Deputy coordinator
Before proceeding with the investigation, the deputy coordinator will review the complaint to determine whether the alleged conduct constitutes potential discrimination or harassment. The deputy coordinator may refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The deputy coordinator will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the deputy coordinator will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The deputy coordinator will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence collected by law enforcement in making any determinations.

The deputy coordinator may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term "deputy coordinator" refers to the deputy coordinator or their designee.

Initial Meetings with the Parties
The following details actions to be taken by the deputy coordinator upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- *Initial meeting with Reporting Party, if any, and Complainant:* Within **five school days** following receipt of the complaint, the deputy coordinator will meet with the complainant and any reporting party.
- The purpose of the initial meeting is for the deputy coordinator to:
    - provide the complainant with the information detailed in paragraph (c) below; and
    - Collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute discrimination or harassment.

If the deputy coordinator determines there is no merit to the allegations, the deputy coordinator may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the deputy coordinator may meet with the respondent to advise them of the allegations and offer supportive measures.

- *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the deputy coordinator will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the deputy coordinator will:
    - Advise the respondent as to the allegations against them
    - Provide the respondent a chance to respond to those allegations

- *Information Provided at the Initial Meetings:* The deputy coordinator will provide to both the complainant and respondent the same basic information, including:
    - Available supportive measures;
    - Copies of Board Policy AC and this regulation
    - Timeline for the investigation process and the District's legal obligation
    - the possibility of resolving the complaint informally upon agreement of all parties
    - Information collected is confidential, so long as confidentiality does not prevent the District from responding effectively to prohibited conduct and preventing future prohibited conduct
    - All parties have a right to have an advisor present during all stages of the investigation

Informal Complaint Resolution

When the deputy coordinator deems it appropriate, an informal resolution process may be instituted. The informal resolution process may involve: mediation, arbitration, or restorative justice but may only be used if both parties are non-students and both parties agree. Agreement must be voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within **ten school days** following the conclusion of the informal resolution process, the deputy coordinator must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the deputy coordinator will engage in formal complaint resolution. The deputy coordinator will proceed as follows:

- *Collect Evidence*: The deputy coordinator will collect evidence, including, but not limited to:
    - Statements by any witness to the incident and any available physical or documentary evidence

- Evidence about the credibility of the parties involved
- Evidence about whether the respondent has engaged in other incidents of misconduct
- Evidence of the complainant and respondent's respective reactions or changes in behavior following the incident
- Evidence regarding whether the complainant took action to protest the conduct.
- Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or other appropriate ways.

- *Determination*: No later than **sixty school days** following receipt of the complaint, the deputy coordinator must prepare a written report which determines whether discrimination or harassment occurred. The deputy coordinator will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the deputy coordinator, including:
    - Degree to which the conduct affected the complainant's ability to participate in or benefit from the school environment
    - Type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment
    - Identity of and relationship between the respondent and the complainant
    - Context of the incident, including school size and location of the incident and/or other incidents at the school
    - Whether the conduct was threatening
    - Use of epithets, slurs or other conduct that is humiliating or degrading
    - Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class
    - Ages and number of respondents and complainants involved
    - Patterns of misconduct of the respondent
    - Real or perceived power differentials between the parties
    - Any other relevant circumstances

Whether harassment has previously occurred in the district is not relevant as to whether the conduct or communication is discriminatory. Petty slights, minor annoyances, and lack of good manners do not constitute harassment, unless, combined, they impact an individual's employment or create a hostile environment as described in the definition of harassment.

The decision must include a determination of whether the respondent engaged in harassment or discrimination, an explanation of how and why the deputy coordinator reached the conclusions outlined in the report, a description of any supportive measures/disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the deputy coordinator is not the superintendent, the deputy coordinator's report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the deputy coordinator is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

Disciplinary Measures and Outcome

As soon as practicable after receiving the deputy coordinator's findings and recommendations, the superintendent must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

To the extent permitted by federal and state law, all parties must be notified in writing of the final outcome of the investigation no later than seven days following the superintendent's final determination.

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
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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