Harassment and Discrimination Investigation Procedures for Students

The district prohibits discrimination against any district student. It is a violation of policy for any student or staff member to harass students, or to retaliate against those who report harassment or discrimination or those who participate in a harassment investigation. For the purposes of this regulation, **"harassment"** is unwelcome conduct or communication directed at a student based on their protected class, as described in Policy AC, that is 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: (i) submission to the conduct or communication is made a term or condition of access to educational services, (ii) submission to, objection to, or rejection of the conduct or communication is used or threatened to be used as a basis for educational decisions affecting the student; or (iii) the conduct or communication interferes with a student's ability to participate in the district's educational services, or creates an intimidating, hostile, or offensive educational environment.

Harassment under Colorado law also includes the knowing or intentional use of a name other than a student's chosen name, or the refusal to use a student's chosen name. (See Policy ACA)

The district has adopted the below grievance procedures to encourage reporting and ensure that the investigation and resolution of complaints of harassment and discrimination against students are fair, impartial, and prompt.

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 days after the complaint, with an additional thirty day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer 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.

Promptly after receiving a complaint, the compliance officer will offer the complainant and respondent supportive measures and inform the parties that they may request additional supportive measures throughout the investigation by contacting the compliance officer. If a student with a disability is a party, the compliance officer will collaborate with the student's 504/IEP team to determine appropriate supportive measures and will discuss these options with the student. Supportive measures may include, but are not limited to: counseling; extensions of

deadlines or other course-related adjustments; extra time for homework or tests; the opportunity to resubmit homework or retake a test; remedying an impacted grade; excused absences; the opportunity for home instruction; modifications to class schedules; and restrictions on contact between the parties to a report of harassment or discrimination.

During the investigation, all parties will be treated equitably and will be provided equal opportunity to present evidence. Any questions that arise during the investigation should be directed to or forwarded to the compliance officer. The compliance officer will provide regular written updates about the status of the investigation to both parties and their parents/legal guardians at the end of each stage of the investigation, but at least every fifteen business days.

1. **Making a Complaint**

   Any person who witnesses or experiences bullying on the basis of protected class, harassment, discrimination, or retaliation against students are encouraged to report the conduct to school staff by making a complaint with the district's compliance officer.

   Any staff member who receives information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to the compliance officer.

   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 event(s) occurred, and name(s) of the party/parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

   - **Compliance Officer:** Darren Edgar, 719-274-5174,dedgar@northconejos.com
   - **Complaint Form Link:** www.northconejos.com

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

   - **Deputy Title IX Coordinator:** Jesse Shawcroft, 719-274-5174, jshawcroft@northconejos.com

   Retaliation against the complainant, respondent, or any 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.

2. **Evaluation by Compliance Officer**

   The compliance officer will review the complaint to determine whether the alleged conduct constitutes harassment or discrimination. The compliance officer will 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 compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer 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 compliance officer 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 shared by law enforcement in making any determinations.

The compliance officer 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 "compliance officer" refers to the compliance officer or their designee.

3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

a. *Initial meeting with Reporting Party, if any, and Complainant:* Within five school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party and their parents or guardians.

   The purpose of the initial meeting is for the compliance officer to:

   i. provide the complainant with the information detailed in paragraph (c) below; and
   ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute prohibited discrimination or harassment.

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

   If the complainant does not want to proceed with the next steps of the investigation, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the

safety of the school environment.

b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer 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 compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.

c. *Information Provided at the Initial Meetings*: The compliance officer will provide to both the complainant and respondent the same basic information, including:
   i. available supportive measures;
   ii. copies of Board Policy AC and this regulation;
   iii. timeline for the investigation process and the district's legal obligations;
   iv. the possibility of resolving the complaint informally upon agreement of all parties;
   v. that the information collected is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct;
   vi. all parties have a right to have an advisor present during all stages of the investigation; and
   vii. parties will be granted excused absences for any therapy, medical, legal, or victim's services appointment associated with the report.

4. Informal Complaint Resolution

When the compliance officer deems it appropriate, an informal resolution process may be instituted. Informal resolution is not appropriate in all circumstances. It may only be used if both parties are students and both parties agree, with agreement 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 seven school days following the conclusion of the informal resolution process, the compliance officer 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.

5. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution.

a. *Collect Evidence*: The compliance officer will collect evidence. Evidence may be collected by interviews with parties and witnesses, reviewing any available physical or documentary information, requesting written statements, or other appropriate methods at the compliance officer's discretion. Evidence may include, but is not limited to: 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; and evidence regarding whether the complainant took action to protest the conduct.

b. *Determination*: No later than fifty school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred. The compliance officer 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 compliance officer, including:
    i. the degree to which the conduct affected the complainant's ability to participate in or benefit from the school environment;
    ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment;
    iii. the identity of and relationship between the respondent and the complainant;
    iv. the context of the incident, including school size and location of the incident and/or other incidents at the school;
    v. whether the conduct was threatening;
    vi. the use of epithets, slurs or other conduct that is humiliating or degrading;
    vii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
    viii. ages and number of respondents and complainants involved;
    ix. patterns of misconduct of the respondent;
    x. real or perceived power differentials between the parties;
    xi. any other relevant circumstances.

    The decision must include a written determination regarding responsibility, explain how and why the compliance officer reached the conclusions outlined in the report, detail any supportive measures or disciplinary sanctions already taken, and recommendations for future disciplinary measures.

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

    If the compliance officer 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

6. **Disciplinary Measures and Outcome**

As soon as practicable after receiving the compliance officer´s findings and recommendations, the superintendent or designee 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.

The reporting party or complainant will not be disciplined for any of the following acts, if they are connected to the reported incident: truancy, late arrival, drug or alcohol use, consensual sexual activity, expressing a trauma symptom, unauthorized access to facilities, reasonable self-defense against the respondent, or talking publicly about the reported harassment or discrimination.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be concurrently notified in writing of the final outcome of the investigation and any corrective or restorative action taken by the district within five school days following the superintendent´s determination.

A copy of the compliance officer's report, and any corrective, disciplinary or restorative actions shall be provided to the Board of Education.

Approved: September 17 2024
Revised: May 20 2025

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1−800−799−SAFE (7233)
National Sexual Assault Hotline: 1-800-656-4673

Violence Free Colorado*:* https://www.violencefreecolorado.org/
The Crisis Center 24/7 Hotline: 303-688-8484
Local resources for use by students include: Conejos County Sheriff Office: 719-376-2196

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)

NOTE 1: Training for employees on discrimination and harassment against students is required pursuant to Colorado state law, beginning no later than July 1, 2024. Training is required for all new employees, and at least every three years afterwards. Training is also required if an employee switches from working primarily with secondary students to elementary students, or vice versa.

A pending bill in the Colorado Legislature (SB24-162) would extend the training deadline to the 2025-2026 school year and no later than December 31, 2025. As of the date of the publication of this SPU, the bill has not passed, so check C.R.S. 22-1-143(1)(4) to determine the training deadline or check with CASB.

Training must be provided during an employee's normal working hours, and include the following content:

- *recognizing harassment or discrimination, including indicators of grooming and child sexual abuse and distinguishing harassment and discrimination from bullying;*

- *the appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee; and*
- *reporting harassment or discrimination to the public school or school district.*

For all employees who have direct supervision of students, the training must be specific to the age of the students they supervise and must also include:

- *the procedure for responding to allegations of discrimination or harassment;*
- *the difference between the requirements of the policy, mandatory reporting laws, and federal laws including Title IX, Section 504, Title VI, and Title VII;*
- *best practices for avoiding victim-blaming; the effect of trauma on victims of harassment or discrimination;*
- *communicating with victims sensitively, compassionately, and in a gender-inclusive and culturally responsive manner;*
- *the impact of harassment or discrimination on students with disabilities; and*
- *the types of supportive measures available to students and the provision of effective academic, mental health, and safety accommodations for students who report harassment or discrimination.*

C.R.S. 22-1-143(1)(4)

NOTE 2: State law requires local education providers to retain the records of a harassment or discrimination report or complaint concerning a student(s) for at least 7 years. C.R.S. 22-1-143. The record of a report includes any accommodations or supportive measures taken in response to a report or complaint and documentation of the basis for the local education provider's action and response. This documentation likely includes all evidence reviewed and/or considered in the report.

Note 3: SB23-296 also has reporting requirements. By July 1, 2025, schools must report the below information to the district for the previous 12 months. The district will then report the information to the Colorado Department of Education by August 1, 2025. The information must be aggregated and must not include personally identifiable information about the parties.

- *Number of formal harassment or discrimination reports received by the school and the type of bias reported when harassment or discrimination was found*
- *The time to complete each investigation and make findings related to each report.*