LIBERTY COMMON SCHOOL
NONDISCRIMINATION POLICY

Unlawful discrimination betrays the principles set forth in Liberty Common School's (LCS) Charter, founding documents, school policies, operational foundational-stone virtues, the school's cardinal "Capstone Virtues," and state and federal law to which LCS endeavors to adhere with aggressive fidelity. LCS provides a safe learning and work environment where all members of the school community are treated with dignity and respect. This policy applies to all employees, students, parents, and guardians, volunteers, visitors, and others on or at a Liberty Common campus, event, or activity.

The School does not discriminate in its working or learning environments on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, pregnancy-related conditions, and lactation), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances ("protected characteristics").

Alleged conduct regarding sex-based discrimination and sexual harassment is to be promptly addressed in accordance with LCS's Title IX Policy. Alleged race-based discrimination and harassment is to be addressed in accordance with this policy and the Title VI addendum included herein.

Definitions

- "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 an individual's identity, or another individual's perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
- "Gender Expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior.
- "Gender Identity" means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth.

- "Chosen Name" means any name a student requests to be known as that differs from the student's legal name, to reflect the student's gender identity

- "Harassment" or "discrimination" means to engage in any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class, which conduct or communication is objectively offensive to a reasonable individual who is a member of the same protected class.

  The conduct or communication need not be severe or pervasive to constitute harassment or discrimination if:

  (a) Submission to the conduct or communication is explicitly or implicitly made a term of condition of the individual's access to an educational system opportunity or benefit;

  (b) Submission to, or objection to, or rejection of the conduct or communication is used, or explicitly or implicitly threatened to be used, as a basis for educational decisions affecting the individual; or,

  (c) The conduct or communication has the purpose or effect of reasonably interfering with the individual's access to their educational service, opportunity, or benefit or creating an intimidating, hostile, or offensive educational environment.

The determination of whether conduct constitutes harassment is to be judged under the totality of the circumstances and as proscribed by applicable law, including, but not limited to, C.R.S. 22-1-143, and applicable federal laws like Title VI of the Civil Rights Act of 1964 (Title VI) and Title IX of the Education Amendments of 1972 (Title IX).

A lack of good manners shall not constitute discrimination or harassment unless the totality of the circumstances dictates otherwise.

Harassment

Harassment is prohibited. Harassment based on a person's protected characteristics is a form of discrimination and is prohibited whether perpetrated by School staff, students, or third parties. All members of the LCS community share the responsibility to ensure harassment does not occur at the School, on School property, or at a School-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any School-sponsored curricular or non-curricular activity or event.

Reporting

Any student believing he or she has been a target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, teacher, or the School's Director of Policy and Compliance (compliance officer). Any applicant for employment, member of the public, or staff member who believes he or she has been the target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, is encouraged to immediately report it, and file a complaint.

If the individual alleged to have engaged in prohibited conduct is the compliance officer, the complaint shall be made to any administrator, who with the Headmaster, will designate an alternative compliance officer to investigate the matter in accordance with this policy.

All reports made pursuant to this policy may be made in writing, in person, by telephone, email, or online form but shall include the information set forth in the Discrimination/Harassment Report and Complaint Form.

A. School Action

Any School employee who witnesses unlawful discrimination or harassment must take prompt and effective action to stop it.

Upon receipt of a report of harassment or discrimination, the LCS administration will promptly and impartially investigate allegations of unlawful discrimination and harassment to cease any on-going harassment, to prevent the recurrence of such behavior, and to prevent retaliation against the individual(s) who filed the complaint or any person who participates in the investigation. LCS will take interim measures during the investigation to protect against further unlawful discrimination, harassment, or retaliation, as appropriate.

Reports of harassment or discrimination are never taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the complainant, the respondent, the School, and the greater community. Reports are processed with the highest confidentiality possible under applicable privacy guidelines, and laws, both before and after being submitted to LCS officials, and where appropriate, outside authorities.

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, referral for expulsion for students, and termination of employment for employees. No student, staff member, or member of the public may be subject to adverse treatment in retaliation for any report of harassment determined to have been made in good faith by the investigator.

Any student or employee who engages in unlawful discrimination or harassment will be disciplined according to applicable School policies and the School will take reasonable action to restore lost educational or employment opportunities to the target(s), as appropriate. In cases involving potential criminal conduct, LCS will notify law enforcement as appropriate. All cases of potential child abuse or neglect will be reported to law enforcement in accordance with mandatory reporting laws.

B. Reports

Reports may be made orally or in writing. Reports may be made to any teacher, administrator, or the School's Director of Policy and Compliance:

Sarah Hunt
Director of Policy and Compliance, Liberty Common School
2745 Minnesota Dr. Fort Collins, CO 80525
970-672-5511

Sarah.Hunt@Libertycommon.org

C. Report and Investigation Procedures:

A report made under this policy must include a detailed description of the alleged events, relevant dates, names of the parties involved, and any potential witnesses. A party filing a complaint ("Complainant") should do so as soon as possible after the incident.

All reports received by teachers, administrators, or other LCS staff shall be promptly forwarded to the compliance officer. Upon receipt of the report, the compliance officer shall confer with the administration, and where appropriate, the Complainant as soon as possible but no later than 3 school days after the complaint has been filed in order to obtain a clear understanding of the basis of the complaint. At this meeting, the compliance officer must explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the Complainant and individual alleged to have engaged in the prohibited conduct ("Respondent") have the right to exit the informal process and request a formal resolution at any time. The compliance officer must also explain that regardless of the Complainant's choice, the School is required by law to take steps to correct the discrimination or harassment and to prevent such discrimination or harassment from recurring. The compliance officer will also inform the Complainant that the School is also required to prevent retaliation against anyone who makes a report under this policy 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 School from responding effectively to allegations of misconduct, prohibited conduct, and preventing future prohibited conduct.

The compliance officer will then designate an administrator to investigate (the "investigator") the complaint in a fair, impartial, and prompt manner. The compliance officer may serve as the investigator under appropriate circumstances. The School will make every effort to ensure investigator neutrality. The investigator shall conduct her or his investigation regardless of whether a law-enforcement agency is also investigating the incident. If two investigations occur simultaneously, the School shall coordinate its investigation with the law-enforcement agency; however, the School shall not rely solely on the criminal investigation in lieu of responding to a report of discrimination or harassment promptly and effectively. The Complainant will be informed of who will serve as the investigator.

Within five (5) days of the compliance officer's meeting with the Complainant, the investigator shall meet with the Respondent to inform her/him of the allegations. The investigator must give enough detail about the allegations to permit the Respondent to respond to them fully. If the Respondent is a student, the Respondent's parents or legal guardian shall be included in the meeting. The purpose of this meeting is to inform the Respondent about these procedures and to obtain a response from the Respondent about the allegations in the complaint.

The investigator shall ensure both the Complainant and Respondent are informed about this policy, including the resolution options and anticipated timeline.

At any time during this process, the Complainant and Respondent may have an advisor or other person present. The investigator and/or compliance officer shall provide written updates about the status of the investigation at least every 15 business days while the investigation is pending. Any questions during the pendency of the investigation shall be directed to the investigator and/or the compliance officer.

INFORMAL ACTION

If appropriate, the matter may be resolved in an informal manner, including through facilitated conversation(s) between the parties, counseling, or other non-disciplinary means. Informal resolution must be mutual and voluntary; no party may be compelled to resolve a complaint of discrimination or harassment informally and either party may request an end to an informal process at any time. Complaints where the underlying offense involves sexual assault or other acts of violence may not be informally resolved.

FORMAL ACTION

If a matter cannot or should not be resolved informally prior to a complete investigation, the investigator shall promptly and impartially formally investigate the allegations to determine whether, and to what extent, discrimination or harassment has occurred.

In deciding whether a law or policy was violated, all relevant circumstances must be considered by the investigator including:

- The degree to which the conduct impacted the educational environment or workplace;
- The type, frequency, and duration of the conduct;
- The identity of and relationship between the Respondent and any alleged target;
- The number of individuals alleged to have engaged in the prohibited conduct and the number of targets of that conduct;
- The ages of the Respondents and the alleged target(s);
- Patterns of misconduct;
- Other incidents at the school.

The investigator shall prepare a written findings-of-fact and recommendations within 20 calendar days following the compliance officer's receipt of the complaint or within 10 calendar days of termination of an unsuccessful, informal-resolution process, whichever is later. These written findings shall be submitted to the Headmaster and Principal.

Within 10 calendar days of receiving these written findings, the Headmaster shall make a final determination as to what occurred, whether the Respondent violated any Liberty Common School policies, or state or federal law(s), and, if so, the consequences for this behavior. The Headmaster's final decision(s), including final findings of fact, and all steps taken by the School to investigate and remedy the alleged harassment or discrimination must be shared with all parties concurrently, including the parents/guardians of the parties. The Headmaster's final decisions shall be called the Final Report. The Final Report must be completed within 60 days of the filing of the initial complaint, absent an extension of time as contemplated by this policy.

The decisions made in the Final Report must be supported by a preponderance of the evidence.

While this policy contains deadlines, these deadlines may be extended up to an additional 30 days for good cause and with prior notice of the Complainant and Respondent of the delay and the reason for the delay. Any supportive measures in place will remain throughout any extension. Delays may also occur due to necessary parties or witnesses being unavailable due to school breaks (e.g., winter break, summer vacation) or for other reasons. These deadlines may also be extended upon request of a law-enforcement agency.

APPEAL

If a party named in the complaint is not satisfied with the Final Report, it may seek relief from the President of the Liberty Common School Board of Directors within five (5) days of receiving the Final Report. The Board President shall review the information submitted by the dissenting party including the Final Report and shall have the option of meeting the Complainant, Respondent, or other affected persons, either separately or as a group. Within ten (10) business days of receiving the appeal, the LCS Board President must issue a written report indicating the findings of her or his investigation.

If a party remains unsatisfied, a final appeal may be filed with the LCS Board of Directors within ten (10) working days of receipt of the LCS Board President's decision. The LCS Board of Directors shall be the final determining body and shall decide the merits of the case based on the information contained in the formal complaint, the Final Report, and the results of the investigations at the previous two levels.

The Board's consideration of the matter will occur at its next regular meeting occurring at least seven (7) working days subsequent to the filing of the final appeal. A decision shall be issued within 20 working days after the Board's meeting. The decision of the LCS Board shall be final.

Nothing herein shall be interpreted to confer upon any person a right to a hearing independent of LCS Board policy, administrative procedure, statute, rule, regulation, or agreement expressly conferring such right. This process shall apply, 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 even the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

D. ALTERNATIVE-RESOLUTION OPTIONS

In addition to, or as an alternative to, filing a complaint pursuant to this policy, a Complainant may pursue any remedy authorized by law including filing complaints with the United States Department of Education – Office of Civil Rights, the Equal Employment Opportunity Commission, and/or the Colorado Civil Rights Division. Contact information for these agencies is appended to this policy.

MISCELLANEOUS

a) **Absences** - Should a student need to be excused from school due to discrimination or harassment in order to attend therapy, a medical (physical or mental-health) appointment, legal appointment, or victim-service appointment, such absence shall be deemed an "excused" absence.

b) **Accommodations and Supportive Measures** - Accommodations and supportive measures will be applied to any party to protect student safety, and to preserve and restore equal access to education for the student as soon as the School becomes aware of allegations of harassment or discrimination. Accommodations and supportive measures may include, but are not limited to, counseling, extension of deadlines, extra time for homework or tests, retaking tests or resubmitting homework, the opportunity for home instruction, modifications to class schedules, and/or restrictions on contact between the parties to a report of harassment or discrimination.

Accommodations and supportive measures may be implemented at any point and continued for as long as is deemed necessary and appropriate by the compliance officer. A formal report or finding of discrimination or harassment is not required before the School may begin providing supportive measures. Additional accommodations and supportive measures may be available to support students with IEPs or Section 504 plans.

c) **Effect of Finding of Discrimination or Harassment -** Upon determining, by a preponderance of the evidence, incidents of unlawful discrimination or harassment are occurring in particular settings or activities, the School will implement measures designed to remedy the problem in those areas or activities.

d) **Disciplinary Response Limited–** Students should not avoid reporting alleged discrimination due to fear of a disciplinary response for school-rule violations. If discrimination is alleged to have occurred concurrently with school-rule violations by the complainant, or any other party, the complainant should still report the alleged discrimination. Any investigation into alleged school-rule violations will be conducted separate and apart from the investigation into alleged discrimination.

The School may discipline any student for conduct that violates school rules that has been investigated separate and apart from the specific incident underlying a report made under this policy.

e) **False Reports and Safety –** The School may discipline a student who makes a false report or when necessary to ensure the safety of a student or employee. A finding of "No Discrimination or Harassment" does not constitute a false report.

Annual Notice
The School will issue a written notice prior to the beginning of each school year that advises students, parents/guardians, staff members, and the general public that the educational programs, activities, and employment opportunities offered by the School are offered without regard to disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the School will also issue written notice that it does not discriminate on the basis of age, genetic information, or conditions related to pregnancy or childbirth.

Upon request, the notice will be translated into any language by a contracted translation-services vendor. The notice will also be made available to persons who are visually or hearing impaired as appropriate.

The notice will appear on a continuing basis in School media in accordance with C.R.S. § 22-1-143.

SCHOOL RECORDS

All records of harassment and discrimination, including reports prepared by the School in response to complaints, shall be retained for seven (7) years from the date of the alleged conduct. This record will include information about any accommodations or supportive measures taken in response to the report or complaint filed and documentation of the basis for the School's action and response.

TRAINING

The school shall implement trainings about this policy as required by C.R.S. § 22-1-143.

Outside Resources
If you or someone you know is a victim of domestic violence or sexual violence, please contact:

National Domestic Violence Hotline: 800-799-7233
Rape, Abuse, & Incest National Network (RAINN): 800-656-4673
TESSA: 719-633-3819

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 as follows:

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

- Federal Office of Equal Employment Opportunity Commission (EEOC)
  Address: 303 E. 17th Avenue, Suite 410, Denver, CO 80203
  Telephone: 800-669-4000
  Website: https://eeoc.gov

- Colorado Civil Rights Division (CCRD)
  Address: 1560 Broadway, Suite 825, Denver, CO 80202
  Telephone: 303-894-2997
  Email: DORA_CCRD@state.co.us

TITLE VI ADDENDUM

Title VI prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. A recipient of such funds violates Title VI if it creates, accepts, tolerates, encourages, or leaves uncorrected a racially hostile environment.

A "racially hostile environment" is created by race-based harassment that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a student's ability to participate in or benefit from the school's education program or activity.

A hostile environment can be created by student-to-student, staff-to-student, or third-party-to-student harassment. The harassing acts do not have to be targeted at a particular person to create a hostile environment and can, instead, be directed at anyone. Further, the actions of multiple offenders or situations, taken together, can create a hostile environment. In most cases, however, it will take more than a casual or isolated incident of harassment to create a racially hostile environment. A racially hostile environment can be based on an individual's actual or perceived race as well as an individual's association with others of a different race or color (e.g., the harassment might be referencing the race and/or color of a sibling or parent that is different from the race of the person being harassed whose access to the school's program is limited or denied).

LCS expressly prohibits all race-based harassment in its programs and activities, including student-to-student harassment. Examples of student-to-student race-based harassment include:

- During school, students raise their fists during class to mock Black power, and students create a club called the Kool Kids Klub, which they refer to as the KKK.
- During school, several students are subjected to racial slurs and insults, including statements that Asian students should "go back to their country" and "eat a dog."
- Indian students are mocked for their accents and English language skills and are told to "go back to their country."
- Members of a visiting basketball team mutter racially offensive comments to an LCS team member.

All incidents of racial harassment should be reported to an LCS staff member or LCS's Director of Policy and Compliance so that LCS can determine whether a racially hostile environment exists. This determination will be based on the totality of the circumstances, including consideration of the following factors: the context, nature, scope, frequency, duration, and location of the race-based or color-based harassment, as well as the identity, number, age, and relationships of the persons involved. A hostile environment will be found if the harassment was sufficiently severe or pervasive that it would have limited or denied the ability of a reasonable person, of the same age and race or color as the victim, under similar circumstances, from participating in or enjoying some aspect of the LCS's education program or activity and that the victim, him or herself, was limited or denied the same.

LCS must address all racially hostile environments of which it has actual or constructive notice. LCS has "actual notice" when a responsible employee, staff member, or agent of the school receives facts, reports, or other information that a hostile environment exists or when a responsible employee or agent of the school witnesses the harassment. LCS is deemed to

have “constructive notice” when a reasonably diligent inquiry into reported allegations or incidents of harassment should have informed LCS that a hostile environment exists.

If it is determined that a racially hostile environment exists, LCS has a legal duty to take reasonable, timely, and effective steps to end the harassment, eliminate the racially hostile environment and its effects, and prevent the harassment from recurring.

During its investigation into instances of harassment, LCS will make supportive measures available to students who were reportedly harassed. The supportive measures will be appropriate and reasonable based on each situation and may include, but are not limited to: counseling, modification to class schedules, extra time for homework or tests, retaking tests or resubmitting homework, and/or restrictions on contact between the parties to a report of harassment or discrimination.

Any student who is found to have racially harassed another student will be disciplined pursuant to LCS’s Code of Conduct; the discipline may include suspension or expulsion. LCS may also impose other appropriate measures like detention, changing class schedules, the issuance of a no-contact order, counseling, or mandatory participation in mediation or other restorative processes. LCS may also implement broader initiatives, such as assemblies, guest speakers, awareness campaigns, etc., across appropriate student populations to eliminate any remaining effects of the hostile environment and to prevent the harassment from reoccurring.

If a student with a disability is a victim of harassment on any basis, LCS will convene that student’s IEP team or Section 504 team to determine whether the bullying or harassment has changed the student’s needs such that the student was denied FAPE. If FAPE is implicated, LCS will take all such steps as are necessary to remedy the denial (e.g., providing compensatory education) and ensure that FAPE is provided going forward.

LCS expressly prohibits retaliation against any person who complains or reports, whether formally or informally, about harassment or discrimination based on race, color, or national origin, or participates in any manner in any investigation of the same. “Retaliation” is an action that is intended to deter a reasonable person from reporting the harassment or participating in an investigation. Retaliation is not limited by medium – it can be communicated verbally or nonverbally, through physical action, or writing, for example – and can be expressed as intimidation, threats, coercion, or other adverse action. This policy prohibits retaliation by school staff and students, among others. Student-to-student retaliation may take many forms including name calling (“snitch,” “whiny,” or racial slurs), excluding the reporting student from groups or activities, or physical aggression. LCS does not tolerate retaliation and will discipline any student or staff member who engages in prohibited conduct within the bounds of school policy and the law, up to and including termination of employment for staff and suspension or expulsion for students.