Book	Administrative Policies
Section	Section A: Foundations and Basic Commitments
Title	Nondiscrimination/Equal Opportunity
Code	AC
Status	Active
Adopted	March 7, 1991
Last Revised	September 25, 2023

Academy District 20 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, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, staff member, applicant for employment, or member of the public may 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 disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services. Discrimination against staff members and applicants for employment based on age, genetic information, and conditions 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 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.

This policy and supporting regulation(s) will be used to address all concerns regarding unlawful discrimination and harassment. Alleged conduct regarding sex-based discrimination and sexual harassment will follow the complaint and investigation procedures specific to this conduct.

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 consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which they live.
5. 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.
6. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of administrative policy.

Annual notice
The District will issue a written notice prior to the beginning of each school year that advises students, parents, staff members, and the general public that the educational programs, activities, and employment opportunities offered by the District 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 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, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, and ADA compliance activities. The District's Title IX coordinator is Haylee Ziton, Compliance Coordinator, 1110 Chapel Hills Drive, Colorado Springs, CO 80920; 719-234-1200; haylee.ziton@asd20.org.

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: 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 disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, 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, staff members can work, and members of the public can access and receive the benefit of District facilities and programs. All such harassment, by District staff members, students, and third parties, is strictly prohibited.

All District staff members 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 or non-curricular activity or event.

Reporting unlawful discrimination and harassment
Any student who believes they have been a target of unlawful discrimination or harassment, as defined in administrative policy and supporting regulations, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher, or the District's compliance officer and file a complaint in person, by phone, email or online form, or any other method as set forth in the regulation which accompanies this policy.

Any 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, is encouraged to immediately file a complaint with the District's compliance officer.

Any staff member who believes they have been a target of unlawful discrimination or harassment is encouraged to immediately file a complaint with either an immediate supervisor or the District's compliance officer, and any staff member who has witnessed such unlawful discrimination must immediately file a complaint with either an immediate supervisor or the District's compliance officer.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint shall be made to the assistant superintendent for human resources who shall designate an alternate compliance officer to investigate the matter in accordance with this policy's accompanying regulation.

You are not required to engage with any persons who are the source of your issue or closely associated with the person who is the source of such issue. Instead, you may utilize any of the other various avenues of internal complaint. You are required to make a reasonable effort to bring forward any allegations of unlawful discrimination or harassment so that the District may work to stop such wrongdoing and prevent future occurrences.

District action
All District staff members who witness unlawful discrimination or harassment must take prompt and effective action to stop it, as prescribed by the District.

The District shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to provide regular updates to all parties regarding the investigation, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual(s) who file(s) the complaint and/or any person who participates in the investigation. When appropriate, the District shall take interim measures during the investigation to protect against further unlawful discrimination, harassment, or retaliation.

The District will make reasonable effort to ensure that those named in a complaint, or are too closely associated with those involved in the complaint, will not lead the investigative team or efforts.

The District may utilize a neutral third-party investigator to address allegations of discrimination, harassment, or other work-related misconduct.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or staff members 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. No student, staff member, or member of the public may be subject to adverse treatment in retaliation for any good faith report of harassment, or participation in an investigation into a report made, under this policy.

Upon determining by a preponderance of the evidence that incidents of unlawful discrimination or harassment are occurring in particular District settings or activities, the District shall implement measures designed to remedy the problem in those areas or activities.

Any student or staff member who engages in unlawful discrimination or harassment shall be disciplined according to applicable administrative policies and the District shall take reasonable action to restore lost educational or employment opportunities to the target(s).

In cases involving potential criminal conduct, the District will determine whether appropriate law enforcement officials should be notified.

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. All communications regarding this policy must be written in simple and age-appropriate language. The policy and complaint process shall be prominently posted on the District's website, referenced in student and staff member handbooks, described in hard-copy notices posted at schools, and made otherwise available to all students, staff, and members of the public through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sexual harassment are available to the public on the District's website.

Students and District staff members shall receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District staff members shall receive additional training related to handling reports of unlawful discrimination and harassment. The training will 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/Approved: March 7, 1991

Amended: June 8, 1995

Revised: November 1, 2001
August 8, 2008
December 15, 2008
August 29, 2011
October 28, 2011
August 12, 2013
September 16, 2013
August 31, 2016
April 16, 2018
October 20, 2020
March 28, 2022
July 11, 2022
September 25, 2023

LEGAL REFS.: 20 U.S.C. 1681 (Title VII, 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 (3.4) (definition of gender expression)
C.R.S. 2-4-401 (3.5) (definition of gender identity)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation)
C.R.S. 18-9-121 (bias-motivated crimes)
C.R.S. 22-1-143 (definition of harassment or discrimination)
C.R.S. 22-32-109 (1)(ll) (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 et seq. (Colorado Civil Rights Division)
C.R.S. 24-34-301 (3.3) (definition of gender expression)
C.R.S. 24-34-301 (3.5) (definition of gender identity)
C.R.S. 24-34-301 (7) (definition of sexual orientation)
C.R.S. 24-34-402 et seq. (discriminatory or unfair employment practices)
C.R.S. 24-34-402(1.3)(a) (definition of "harass" or "harassment")
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to staff members)
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.: GBA, Equal Employment Opportunity
GBAA, Sexual Harassment of Staff
JB, Equal Educational Opportunities
JBB, Sexual Harassment of Students

AC Nondiscrimination.pdf (111 KB)