



Title: **Nondiscrimination/Equal Opportunity Procedure**

Code: AC R

Section: Section A: Foundations and Basic Commitments

Academy District 20 is committed to providing a working and learning environment that is free from discrimination and harassment. The district shall promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and, protect the privacy of all those involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

Definitions

1. "Compliance officer" means an employee designated by the superintendent to receive complaints of alleged unlawful discrimination and harassment. The compliance officer shall be identified by name/title, address, and telephone number. See exhibit AC-E-1. If the designated individual is not qualified or is unable to act as such, the superintendent shall designate another administrator to serve as compliance officer.
2. "Complainant" shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, an employee of the district, or member of the public who is directly affected by and/or is witness to an alleged violation of district policies prohibiting unlawful discrimination or harassment.

Compliance officer's duties

The compliance officer or his or her designee shall be responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or administrative policy prohibiting unlawful discrimination or harassment. The compliance officer's duties shall include providing notice to students, parents/guardians of students, employees and the general public concerning the compliance process, providing training for district staff regarding the prohibition of discrimination/harassment in all district programs, activities and employment practices,

disseminating information concerning the forms and procedures for the filing of complaints, ensuring the prompt investigation of all complaints, coordinating hearing procedures, and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

Complaint procedure

A complainant is encouraged to promptly report the incident as provided in administrative policy and this regulation. All reports received by teachers, counselors, principals or other district employees shall be promptly forwarded to the compliance officer. If the compliance officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the deputy superintendent.

Any complainant may file with the compliance officer a complaint charging the district, another student or any school employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint shall be encouraged to use the form in AC-E-2.

All complaints shall include a detailed description of the alleged events, the dates the alleged events occurred and names of the parties involved, including any witnesses. The complaint shall be made as soon as possible after the incident.

The compliance officer or designee shall confer with the alleged victim of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 5 working days following the district's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint. The compliance officer will designate an administrator to conduct the investigation and will inform the complainant who the designated investigator is.

At the initial meeting, the compliance officer shall explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the victim and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer shall also explain that whether or not the individual files a written complaint or otherwise requests action, the district is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment or retaliation against anyone who makes a report or participates in an investigation. The compliance officer shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude the district from responding effectively to prohibited conduct and preventing future prohibited conduct.

Within 5 working days following the initial meeting involving the compliance officer and the complainant, the investigator shall attempt to meet with the complainant and with the individual alleged to have engaged in the prohibited conduct and, if a student, his or her parents/guardians

in order to obtain a response to the complaint. Such person(s) shall be informed of all allegations that are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

Informal action

If the complainant and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the compliance officer believes that the matter is suitable to such resolution, the compliance officer or designee may attempt to resolve the matter informally through mediation, counseling or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party shall be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution shall not be used to process complaints where the underlying offense involves sexual assault or other act of violence.

Formal action

If informal resolution is inappropriate, unavailable or unsuccessful, the compliance officer shall assign an administrator to promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The compliance officer may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

- a. statements by any witness to the alleged incident;
- b. evidence about the relative credibility of the parties involved;
- c. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others;
- d. evidence of the aggrieved individual and/or alleged victim's reaction or change in behavior following the alleged prohibited conduct;
- e. evidence about whether the alleged victim and/or aggrieved individual took action to protest the conduct;
- f. evidence and witness statements or testimony presented by the parties involved;
- g. other contemporaneous evidence; and/or,
- h. any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the investigator, including:

- a. the degree to which the conduct affected one or more student's education or one or more employee's work environment;
- b. the type, frequency and duration of the conduct;
- c. the identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the alleged victim;
- d. the number of individuals alleged to have engaged in the prohibited conduct and number of victims of the prohibited conduct;
- e. the age of the individual alleged to have engaged in the prohibited conduct and the alleged victim;
- f. the size of the school, location of the incident, and context in which it occurred; and/or
- g. other incidents at the school.

The investigator shall prepare a written report containing findings and recommendations, as appropriate, and submit the report to the complainant within ten working days following the compliance officer's receipt of the complaint or ten working days following the termination of the informal resolution process.

If the complainant is not satisfied with the response, he or she may seek relief from the superintendent or designee within ten working days of receiving the response. The complainant will forward copies of all documents filed at the first formal step, including the investigator's written response.

The superintendent or designee shall review the information submitted by the complainant, including the findings of the investigators, and shall have the option of meeting with the affected persons, either separately or as a group. Within ten working days of receipt of the complaint, the superintendent or designee shall issue a written report indicating the findings of his or her investigation.

If the complainant is not satisfied with the decision of the Superintendent or designee, a final appeal may be filed with the board of education within ten working days of receipt of the superintendent's or designee's response. The board of education shall be the final determining body and shall decide the merits of the case based on the information contained in the formal complaint and 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 working days subsequent to the filing of the appeal. A decision shall be issued within 20 working days of the board's consideration. The decision of the board shall be final.

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a 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 event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

Outside agencies

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex/gender), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204, Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417.

Email: OCR.Denver@ed.gov. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 410, Denver, CO 80202, Telephone: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. ASL Video Phone: 844-234-5122. Website: <https://publicportal.eeoc.gov/portal/>, or the Colorado Civil Rights Commission, 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).

Cross References:

Administrative Policy AC and AC E, Nondiscrimination/Equal Opportunity

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