Nondiscrimination/Equal Opportunity

(Complaint and Compliance Process)

The district is committed to providing a working and learning environment that is free from unlawful 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 the superintendent, who shall be responsible for receiving and investigating complaints of alleged unlawful discrimination and harassment in accordance with this regulation.

2. "**Aggrieved individual**" shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, a district employee, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.

Compliance officer's duties

The compliance officer shall be responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board 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

An aggrieved individual is encouraged to promptly report the incident as provided in Board 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 Board president. The Board shall then appoint another person to serve as the compliance officer.

Any aggrieved individual may file a complaint with the compliance officer, charging the district, another student or any district 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 district´s complaint form.

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 shall confer with the aggrieved individual and/or the alleged victim of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than ten (10) calendar days following the compliance officer´s receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within ten (10) calendar days following the initial meeting with the aggrieved individual and/or alleged victim, the compliance officer shall attempt to meet 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, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, 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.

Informal action

If the aggrieved individual 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 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 against a district employee and shall not be used between students 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 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 compliance officer, 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 aggrieved individual and/or 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 aggrieved individual and/or alleged victim,

f. the size of the school, location of the incident and context in which it occurred,

g. other incidents at the school.

The compliance officer shall prepare a written report containing findings and recommendations for disciplinary or other action, as appropriate, and submit the report to the Board of Education within ten (10) calendar days following the compliance officer's receipt of the complaint or ten (10) calendar days following the termination of the informal resolution process.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, shall be notified in writing of the final outcome of the investigation and all steps taken by the district within ten (10) calendar days following the Board´s determination.

Hearing procedure

For allegations under Section 504 and as otherwise required by law, the aggrieved individual may request a hearing. This hearing procedure will not address guilt or innocence or disciplinary consequences which shall instead be governed by the Board's discipline policies and procedures. The district shall retain a person to serve as the impartial hearing officer, who shall be knowledgeable about Section 504 and/or the ADA, if applicable.

The hearing shall be informal and shall be recorded. Formal rules of evidence shall not apply. A student shall be entitled to be represented by his/her parent or by an attorney. A district employee shall be entitled to be represented by an attorney or other representative of his/her choice. The complainant may appear at the hearing and shall be entitled to present testimony and other evidence. A district representative shall likewise be entitled to present testimony and other evidence. The hearing shall be closed to the public.

Within ten (10) calendar days after the hearing, the hearing officer shall issue a written decision based upon evidence presented at the administrative hearing, including any remedial or corrective action deemed appropriate. Remedial actions shall include measures designed to stop the unlawful discrimination or harassment, correct its negative impact on the affected individual, ensure that the conduct does not recur, and restore lost educational opportunities.

After the hearing officer has issued his or her decision, the recording of the hearing, all physical and documentary evidence and all other items comprising the record of the hearing shall be returned to the district.

Either party may seek review of the hearing officer´s decision in a court of competent jurisdiction, in accordance with applicable law and applicable timelines for requesting such review.

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

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. Toll Free: 800-262-4845 English/Spanish. 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, Denver, CO 80203. Toll Free: 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. Toll Free: 800-886-7675. Telephone: 303-894-2997. Fax: 303-894-7830. Email: DORA_CCRD@state.co.us (general inquiries), DORA_CCRDIntake@state.co.us (intake unit)

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