Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies by the Board and in the administration of those policies by the administration. No student or other person who is otherwise qualified shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to unlawful discrimination under any district program or activity on the basis of race, color, national origin, ancestry, creed, religion, sex, marital status, sexual orientation, disability or need for special education services. Discrimination against employees and applicants for employment because of race, color, national origin, ancestry, creed, religion, sex, marital status, sexual orientation, disability, age, genetic information or conditions related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law.

This policy and its implementing regulation shall be used to address all concerns regarding unlawful discrimination and harassment other than sexual harassment, which is addressed in policies GBAA and JBB.

In keeping with these statements, the following shall be 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 carefully consider, 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 he or she lives.

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 district policy.

Annual notice

The district shall issue a written notice at the beginning of each school year that advises students, parents, employees and the general public that the educational programs, activities and employment opportunities offered by the district are offered without regard to race, color, creed, sex, marital status, sexual orientation, religion, national origin, ancestry and disability or need for special education services. With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age and genetic information. The announcement shall also include the address, and telephone number of the person designated to coordinate nondiscrimination compliance activities pursuant to applicable laws.
The notice shall be disseminated to persons with limited English language skills in the person’s own language. It shall also be made available to persons who are visually or hearing impaired.

The notice shall appear on a continuing basis in all district media containing general information, including: the district’s website, and student and parent handbooks.

**Harassment is prohibited**

Harassment based on a person’s race, color, national origin, ancestry, creed, religion, sex, marital status, sexual orientation, disability or need for special education services is a form of discrimination prohibited by state and federal law. Preventing and remedying such harassment in schools or during school events or activities is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work and members of the public can access and receive the benefit of district facilities and programs. All such harassment, by district employees, students and third parties, is strictly prohibited.

All district employees 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.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct (which may include, but is not limited to, violence, threats of violence or malicious insults) based on or directed at a person’s race, color, national origin, ancestry, creed, religion, sex, sexual orientation, disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual’s ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening school environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment (GBAA for employees and JBB for students) will apply to complaints alleging sexual harassment.

Harassing conduct may take many forms, including but not limited to:
1. verbal acts and name-calling;
2. graphic depictions and written statements, which may include use of cell phones or the Internet;
3. other conduct that may be physically threatening, harmful or humiliating.

**Reporting unlawful discrimination and harassment**

Any student who believes he or she has been a victim of unlawful discrimination, including harassment as defined above, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher or the district’s compliance officer.

Any employee, applicant for employment or member of the public who believes he or she has been a victim of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall report it to an immediate supervisor or the district’s compliance officer.

Any person who believes he or she has been a victim of unlawful discrimination or harassment may file a complaint as set forth in the regulation that accompanies this policy. 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 superintendent who shall designate an alternate compliance officer to investigate the matter.

**District action**

The district shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files the report or 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.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statement in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.

Upon determining that incidents of unlawful discrimination or harassment are occurring in particular district settings or activities, the district shall implement appropriate remedial measures.

Any student or employee who engages in unlawful discrimination or harassment shall be discipline according to applicable Board policies.

**Notice**

The administration is responsible for providing notice of this policy to all district schools and departments. This policy and the complaint process set forth in its accompanying regulation shall be referenced in student and parent handbooks and otherwise available to all students, staff and members of the public through the district’s website.

**Legal References:**

42 U.S.C. §12101 *et seq.* (Title II of the Americans with Disabilities Act of 1990)


42 U.S.C. §2000e (Title VII of the 1964 Civil Rights Act)


20 U.S.C. §1681 (Title VII, Education Amendments of 1972)

20 U.S.C. 1681 *et seq.* (Title IX of the Education Amendments of 1972)

C.R.S. §2-4-401(13.5) (Definition of sexual orientation)

C.R.S. §22-32-109(1)(II) (Board duty to adopt written policies prohibiting discrimination)

C.R.S. §4-34-301 et seq. (Colorado Civil Rights Division procedures)

C.R.S. §24-34-301(7) (definition of sexual orientation)

C.R.S §24-34-401 et seq. (discriminatory or unfair employment practices)

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)

C.R.S. §18-9-121 (bias-motivated crimes)

29 U.S.C. §701 et seq. (Section 504 of the Rehabilitation Act of 1973)

34 C.F.R., Part 100-110 (civil rights regulations)


Cross References:

GBA, Equal Opportunity Employment
JB, Equal Educational Opportunities
JBB Sexual Harassment
GBAA Sexual Harassment