

NONDISCRIMINATION/EQUAL OPPORTUNITY

The Kit Carson School R-1 Board of Education (the Board) is committed to a policy of nondiscrimination in relation to disability, race, creed, color, sex, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, and protected activity. Kit Carson School District R1 (the District) values the diversity of the family, and of the social and cultural backgrounds of the students, parents/guardians, and personnel who participate in its programs and activities. Respect for the dignity and worth of each individual shall be a consideration in the establishment of all policies by the board and in the administration of those policies by the administration.

In keeping with these statements, the following shall be objectives of the 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 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 he lives.
5. To initiate a process of reviewing all policies and practices of the District in order to achieve, to the greatest extent possible, the objectives of this policy.

The District is subject to the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulations, 34 C.F.R. § 106 et seq., and in compliance with these requirements prohibits discrimination on the basis of sex in the educational programs and activities of the District, including employment and enrollment therein.

This policy applies to all educational and employment decisions of the District. It applies also to all programs, events and activities in which district students and personnel may participate, including, but not limited to, sporting events and other extra-curricular activities.

The Board expects that all staff, students, and visitors of the District shall treat other staff, students, and visitors with respect and dignity, and shall not engage in any intimidation, discrimination, physical harm and/or harassment against such persons on account of disability, race, creed, color, sex, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, or protected activity. Specifically, the District expects that its students shall not be illegally discriminated against on the basis of disability, race, creed, color, sex, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, or protected activity in regard to access to and participation in course offerings, athletics, counseling, employment assistance, and extracurricular activities.

An individual and/or individuals shall be designated to be responsible for coordinating district implementation of this policy and to serve as the District's Title IX, Section 504 and ADA coordinator and/or compliance officer. The designee shall be the superintendent of schools unless otherwise noted. The designee(s) shall, annually, notify district students and employees of this policy, its accompanying regulation, and the name, location, address, and telephone number of the designee(s). Such notice shall be provided by a posting at each school and work site, or by other means that are reasonably designed to provide notice to each student and employee. Other notice relating to the subject matter of this policy shall be provided as required by law.

The term "protected activity" generally means opposition to unlawful discrimination or participation in making a complaint of discrimination or harassment.

Individuals or groups are in violation of this policy if on district property, including but not limited to any district vehicle, or at a district-sponsored activity, regardless of where it occurs, they:

1. Make demeaning remarks directly or indirectly such as name-calling, racial slurs or jokes, or threaten or physically harm an individual on the basis of disability, race, creed, color, sex, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, or participation in protected activity.
2. Display visual or written material, or use or deface school property or materials to demean the disability, race, creed, color, sex, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, or participation in protected activity of an individual or group.
3. Damage, deface or destroy private property of any person because of that person's disability, race, creed, color, sex, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, or participation in a protected activity.

Employees have the right under law to file a complaint of unlawful harassment with the EEOC or the Colorado Civil Rights Commission. The deadlines for filing such complaints are 300 days under federal law, and 180 days under Colorado law, counted from the last date of unlawful harassment.

LEGAL REFS: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 C.F.R. Part 104
34 C.F.R. Part 106
Fair Labor Standards Act, 29 U.S.C. §201
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621
Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq.
Exceptional Children's Education Act, C.R.S. 22-2-101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e
42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)
C.R.S. 2-4-401
C.R.S. 18-9-121
C.R.S. 22-32-109(1)(II)
C.R.S. 22-32-109.1(2)(a)(X)(B)
C.R.S. 22-32-110(1)(k)
C.R.S. 22-33-105(2)(c)
C.R.S. 22-93-101, et seq.
C.R.S. 22-61-101
C.R.S. 24-34-301 through 24-34-308
C.R.S. 24-34-401 through 24-34-406

3 CCR 708-1

March 15, 2016

**NONDISCRIMINATION/EQUAL OPPORTUNITY
(SAMPLE NOTICE)**

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and Colorado law, Kit Carson School District R-1 does not unlawfully discriminate on the basis of race, color, sex, religion, national origin, ancestry, creed, age, marital status, sexual orientation, genetic information, disability or need for special education services in admissions, access to, treatment, or employment in educational programs or activities which it operates.

Complaint procedures have been established for students, parents, employees and members of the public. The following person(s) have been identified as the compliance officer for the district:

_____, Superintendent

Name of title of employee designated as compliance officer

102 W. 5th Ave. Kit Carson, CO 80825

Address

719-962-3219

Telephone number

Robert.Framel@kcsdr1.org

Email

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. 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 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

March 15, 2016

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 an employee designated by the Board to receive complaints of alleged unlawful discrimination and harassment act. The compliance officer shall be identified by name/title, address, telephone number and email address. See exhibit AC-E-1. If the designated individual is not qualified or is unable to act as such, the superintendent shall designate the principal who shall serve until a successor is appointed by the Board.
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, public who is directly affected by and/or is witness to an alleged violation of Board district 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 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 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 superintendent.

Any aggrieved individual 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 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 5 school days following the district's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within 5 school 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 the harassment 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 school 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, the number of individuals alleged to have engaged in the prohibited conduct and number of victims as subjects of the prohibited conduct,
- d. the age of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim,
- e. the size of the school, location of the incident and context in which it occurred,
- f. other incidents at the school.

The compliance officer shall prepare a written report containing findings and recommendations, as appropriate within 15 days following the compliance officer's receipt of the complaint or 15 days following the termination of the informal resolution process. The compliance officer's report shall be advisory and shall not bind the district to any particular course of action or remedial measure. Within 15 school days after receiving the compliance officer's findings and recommendation, the superintendent or designee shall determine any sanctions or other action deemed appropriate, including if appropriate recommendations to the Board for disciplinary or other action.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, shall be notified in writing by the superintendent of the final outcome of the investigation and all steps taken by the district within 15 days following the superintendent'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 hearing officer will be an administrative employee of the district designated by the superintendent. The hearing shall be informal. A student shall be entitled to be represented by his/her parent or by an attorney. An 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. Formal rules of evidence shall not apply. The compliance officer or designee may represent the district at the hearing and shall likewise be entitled to present testimony and other evidence. The hearing shall be closed to the public.

The hearing officer shall make a written recommendation to the superintendent based upon evidence presented at the administrative hearing. Within 15 school days of receiving the hearing officer's recommendations, the superintendent or designee shall determine any action deemed appropriate. Any party not satisfied with a decision made by superintendent may present his/her concerns to the Board. Any action taken by 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. 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 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

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