

Nondiscrimination/Equal Opportunity

The Board 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/expression (including transgender status), national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall 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 race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, gender identity/expression (including transgender status), disability or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and related to pregnancy and childbirth is also prohibited in accordance with state and/or federal law.

This policy and regulation shall be used to address all concerns regarding unlawful discrimination and harassment. Prohibitions against sexual harassment for staff members and students are defined in Board 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 utilize educational experiences to build each individual's pride in the community in which he or she lives.
4. 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.
5. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.
6. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of Board policy.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment.

Annual notice

The district shall issue a written notice prior to 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, sex (which includes marital status), sexual orientation, gender identity/expression (including transgender status), religion, national origin, ancestry, creed, 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, genetic information or conditions related to pregnancy or childbirth. The announcement shall also include the name/title, address, email address and telephone number of the person designated to coordinate Title IX and Section 504 and ADA compliance activities.

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: teachers' 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 race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, gender identity/expression (including transgender status), 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 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 based on or directed at a person's race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender identity/expression (including transgender status), 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 environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment (GBAA for employees and JBB* for students) shall 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 or harassment as defined in Board policy, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to a teacher, counselor, administrator or the district's compliance officers (identified in Board policy AC-E-1) and submit a complaint as set forth in the regulation which accompanies this policy.

Any employee, applicant for employment or member of the public who believes he or she has been a victim of unlawful discrimination or harassment, who has been notified that unlawful discrimination or harassment has allegedly occurred, or who has witnessed such unlawful discrimination or harassment, shall immediately file a

complaint with either an immediate supervisor or the district's compliance officers (identified in Board policy AC-E-1).

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

District action

The district shall take appropriate action to promptly and neutrally investigate allegations of unlawful discrimination and harassment as described and outlined in more detail in Board policy AC-R, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files 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.

To the extent possible, all reports of unlawful discrimination or harassment shall be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment.

Upon determining 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 employee who engages in unlawful discrimination or harassment shall be disciplined according to applicable Board policies and the district shall take reasonable action to restore lost educational or employment opportunities to the victim(s).

In cases involving potential criminal conduct, the compliance officer shall determine whether appropriate law enforcement officials should be notified

Retaliation is prohibited

Concerns about unlawful discrimination and harassment often can only be raised and remedied when members of the public, students, employees, and applicants for employment feel that they can report such prohibited conduct without fear of retaliation. Thus, the district prohibits retaliation against an individual for filing a complaint or participating in an investigation of prohibited conduct in good faith. The district shall investigate and respond to an allegation of retaliation in the same manner as an allegation of unlawful discrimination or harassment in accordance with this policy and its accompanying regulation.

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. The policy and complaint process shall be referenced in student and employee handbooks and otherwise available to all students, staff and members of the public through electronic or hard-copy distribution.

Students and district employees shall receive periodic training related to recognizing and preventing unlawful

discrimination and harassment. District employees shall receive additional training related to handling reports of unlawful discrimination and harassment. The training shall 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: March 12, 1985

Revised: January 26, 1993

Revised: June 27, 2000

Revised: December 19, 2013

Revised: June 9, 2016

Revised: December 11, 2018

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(13.5) (*definition of sexual orientation, which includes transgender*)
C.R.S. 18-9-121 (*bias-motivated crimes*)
C.R.S. 22-32-109(1)(II) (*Board duty to adopt written policies prohibiting discrimination*)
C.R.S. 24-34-301(7) (*definition of sexual orientation, which includes transgender*)
C.R.S. 24-34-301 *et seq.* (*Colorado Civil Rights Division*)
C.R.S. 24-34-402.3 (*Discrimination based on pregnancy, childbirth or related conditions*)
C.R.S. 24-34-402 *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*)

CROSS REF.: AC, Nondiscrimination/Equal Opportunity
AC-R, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)
GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment
JB, Equal Educational Opportunities
JBB*, Sexual Harassment

Pueblo School District No. 60, Pueblo, Colorado

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