

STUDENT DISCRIMINATION/HARASSMENT REPORTING & INVESTIGATION PROCEDURES

I. INTRODUCTION:

The Board expects that all staff, students, and visitors of District Eleven 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 race, creed, color, sex, religion, national origin, ancestry, sexual orientation or disability.

I. REPORTING PROCEDURES:

Any student who believes he or she has been the victim of harassment or discrimination based on race, creed, color, religion, national origin, ancestry, sex, sexual orientation or disability by a student, teacher, administrator, volunteer, visitor or other personnel of School District Eleven or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the School District, is encouraged to immediately report the alleged acts to the Principal/Building Administrator or designee, the School District Eleven Equal Opportunity Officer/Ombudsperson (520-2271) or to the District Eleven Security Office (520-2287) during the evenings or outside the normal school day.

Any teacher, administrator, volunteer, visitor, or other personnel of School District Eleven who has or receives notice that a student has or may have been the victim of harassment or discrimination is required to immediately report the alleged acts to the officials identified in the preceding paragraph.

School District Eleven encourages the reporting party or complainant to use the report form available from the Principal of each building or available from the Equal Opportunity/Ombudsperson's Office, but oral reports shall be considered complaints as well. While reports to District Eleven employees identified above are encouraged, reports also may be made directly to the Superintendent of Schools for School District Eleven.

III. INVESTIGATION:

Upon receipt of a report or complaint alleging harassment or discrimination the Principal or Equal Opportunity Officer shall promptly undertake or authorize an investigation after receipt of the report or complaint. Simultaneous with the formal process, voluntary informal alternative dispute resolution (ADR) techniques such as mediation may be used where and when deemed appropriate by the District to resolve the complaint. If the issue is not resolved using these informal techniques the formal process continues and will not delay the investigation or its' outcome.

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FFORMAL PROCEDURE

Step 1

The investigator shall fill out a complaint form based on the written or verbal allegations of the complaining student.

An investigation shall be completed by the this official within 14 calendar days from the date of the formal complaint or report. Any extension of this deadline may be granted by the Superintendent of Schools or designee.

Step 2

The investigation may consist of personal interviews with the complaining student, the alleged perpetrator and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.

In evaluating the alleged conduct the investigator should consider the surrounding circumstances; any relevant documents; the nature of the behavior; past incidents or continuing patterns of behavior; the relationships between the parties involved; the context in which the alleged incidents occurred; and the age of the students involved.

Whether a particular action or incident constitutes a violation of Board Policy requires a determination based on all the facts and circumstances.

The complaining student and alleged perpetrator shall be informed of the results of the investigation in a timely manner.

IV. OTHER ISSUES:

Confidentiality - The district recognizes that both the complaining student and the alleged perpetrator have strong interests in maintaining the confidentiality of the allegations and related information. The

privacy of the complaining student, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with the need to investigate, to take remedial action, and to comply with any discovery or disclosure obligations. Confidentiality cannot be guaranteed in all circumstances.

- A. Retaliation - It is a separate and distinct violation for any member of the school community to harass or discriminate against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such alleged harassment/discrimination or against any person who reports or participates in an investigation, proceeding or hearing relating to such. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through the same reporting, investigation, and enforcement procedures.
- B. False Reporting - A person who knowingly makes a false report may be subject to disciplinary action.
- C. Consequences - Any school employee or student that is found to have violated Board Nondiscrimination Policy may be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, termination, or discharge.
- D. Police Reporting - Several behaviors considered to be sexual harassment (i.e., sexual touching, grabbing, pinching, being forced to kiss someone) may also constitute sexual assault. Thus, under certain circumstances, alleged harassment may also require notification of the police. In addition, behaviors noted as racial/ethnic intimidation may also require notification of the police. The district security office should be notified in both instances for clarification/assistance.

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LEGAL REF.: 20 U.S.C. §1681 (Title IX of the Education Amendments of 1972)
42 U.S.C. §2000d (Title VI of the Civil Rights Act of 1964)

CROSS REF.: AC, Nondiscrimination/Equal Opportunity
AC-R, Resolution of Discrimination Complaints
GBA, Equal Opportunity and Affirmative Action
GBAA, Sexual Discrimination and Harassment
JIC, Student Conduct & Discipline Code

Colorado Springs School District No. Eleven, Colorado Springs Colorado
June, 1999

FILE: JBB-R

JK, Student Discipline
JK-R, Student Discipline Regulations
KF, Community Use of School Facilities
KFA, Public Conduct on School Property
KHA, Public Solicitations in Schools
KI, Visitors to Schools