

SEXUAL, RACIAL OR DISABILITY HARASSMENT/DISCRIMINATION TOWARD STUDENTS (REPORTING & INVESTIGATION PROCEDURES)

INTRODUCTION

Colorado Springs School District 11 (the District) is subject to the following laws: Titles VI and 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 the Colorado Anti-Discrimination Act. Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates.

REPORTING PROCEDURES

Any student who believes he or she has been the victim of harassment, or discrimination based on disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, by a student, teacher, administrator, volunteer, visitor or other personnel of the District or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the District, is encouraged to immediately report the alleged acts to the Principal/Building Administrator or designee, the District Eleven Equal Opportunity Officer/Ombudsperson (719-520-2271) or to the District 11 Security Office (719-520-2287) during the evenings or outside the normal school day.

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

The District 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 employees identified above are encouraged, reports also may be made directly to the Superintendent of Schools for the District.

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.

FORMAL 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 official within 14 calendar days from the date of the formal complaint or report. An extension of this deadline may be granted by the Superintendent of Schools or designee. The time frame to complete the investigation will vary depending on the complexity of the investigation and the severity and extent of the harassment. Typically (with an extension of the deadline by the Superintendent or designee), the investigation should be completed within 60 calendar days.

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 Colorado Springs School District 11 Board of Education (the Board) Policy requires a determination based on all the facts and circumstances.

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

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.

Retaliation - It is a separate and distinct violation of Board policy for any member of the school community to retaliate against any person who reports alleged harassment/discrimination or against any person who testifies, assists 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.

False Reporting - A person who knowingly makes a false report may be subject to disciplinary action.

Consequences - Any school employee or student that is found to have violated a 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.

Police Reporting – Behavior that would constitute sexual violence, such as rape, sexual battery or coercion, or 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. If a criminal investigation is initiated, the District will temporarily delay the fact finding portion of the District investigation and will promptly resume its investigation oat the conclusion of the criminal investigation. However, such delay shall not prevent the District from taking measures to protect its students and staff. 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.

Adopted: June, 1999
Revised: January 2008
Revised: May 9, 2012
Reviewed: November 11, 2015
Revised: April 12, 2017

LEGAL REF.: 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. § 22-61-101
C.R.S. § 22-93-101, et seq.

C.R.S. § 24-34-301 through 24-34-308
C.R.S. § 24-34-401 through 24-34-406
3 CCR 708-1

CROSS REF.: AC, Nondiscrimination/Equal Opportunity
AC-R, Employee Discrimination/Harassment Reporting and Investigation Procedures
EHC, Educational Technology Resources Policy
GBA, Open Hiring/Equal Employment Opportunity and Affirmative Action
GBAA, Employee Sexual and Racial Harassment/Discrimination
GBEA, Staff Ethics/Conflict of Interest/Employment of Relatives
JB, Equal Educational Opportunities
JBB, Sexual, Racial or Disability Harassment/ Discrimination Toward Students
JIC, Student Conduct, Discipline and Attendance Code
JICDE, Bullying Prevention and Education
JK, Student Discipline
JK-R, Student Discipline Regulations
KF, Community Use of School Facilities
KFA, Public Conduct on School Property
KI, Visitors to Schools