

Nondiscrimination/Equal Opportunity

(Complaint Process)

This regulation sets forth the means through which students, employees, and members of the public may resolve complaints of discrimination (including harassment) in violation of District Policy AC and applicable federal and state law. This regulation shall be used to address all complaints of discrimination (including harassment), except those regarding sexual harassment, which shall be addressed as set forth in District Policies GBAA or JBB, as applicable.

Definitions

For the purpose of District Policy AC and this Regulation AC-R, the following definitions shall apply:

1. "**Compliance Officer**" means the superintendent, who shall be responsible for receiving and investigating complaints of alleged unlawful discrimination and harassment in accordance with this regulation. The contact information for the Compliance Officer is set forth in District Policy AC-E-1. If the Compliance Officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the business manager, who shall serve as the Compliance Officer. In such a case, the Superintendent shall have no authority as the Compliance Officer with regard to the investigation, determination, dismissal, or resolution of the complaint except to forward the complaint or related records to the business manager. The Compliance Officer may delegate any or all of the responsibilities set forth in this policy as necessary and/or appropriate under the circumstances.
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, a district employee, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.

Complaint Process

If an aggrieved individual believes that there has been a violation of the District's policy against discrimination, then he or she shall submit to the District Compliance Officer a written statement setting out the alleged violations in specific terms, describing the incident or activity, the individuals involved and the dates, times and locations. An aggrieved individual is encouraged to submit his or her complaint using the District Complaint Form, which is located at District Policy AC-E-2. Employees and members of the general public can obtain a copy of the District's complaint form from the District's administrative office. If an aggrieved individual is unable to complete a complaint form,

he/she may schedule an appointment with the Compliance Officer who will assist the aggrieved individual in completing the complaint form.

If the facts as alleged in the complaint do not constitute a violation of the District's policy against discrimination, then the Compliance Officer may dismiss the complaint without investigation. If the Compliance Officer decides to dismiss a complaint without investigation, then the Compliance Officer shall report the dismissal and the basis thereof to the aggrieved individual and the alleged perpetrator in writing within ten (10) calendar days of receiving the complaint.

Upon receiving a complaint with facts that, if true, constitute a violation of the District's policy against discrimination, the Compliance Officer shall confer with the aggrieved individual as soon as is reasonably possible, but no later than ten (10) calendar days following the Compliance Officer's receipt of the complaint to obtain a clear understanding of the basis of the complaint and to discuss the action that the aggrieved individual is seeking.

The Compliance Officer shall promptly investigate the complaint to determine whether and/or to what extent the discrimination and/or harassment has occurred in violation of District policy. The Compliance Officer may consider the following types of information in determining whether unlawful discrimination and/or harassment has occurred:

- Statements by any witness to the alleged incident;
- Evidence about the relative credibility of the parties involved;
- Evidence relative to whether the individual alleged to have engaged in the prohibited conduct has been found to have engaged in prohibited conduct against others;
- Evidence of the alleged victim's reaction or change in behavior following the alleged prohibited conduct;
- Evidence about whether the alleged victim took action to protest the conduct;
- Evidence and witness statements or testimony presented by the parties involved;
- Other contemporaneous evidence;
- Any other evidence deemed relevant by the Compliance Officer.

In deciding whether conduct is a violation of District policy, all relevant circumstances shall be considered by the Compliance Officer, including, but not limited to:

- The degree to which the conduct affected one or more student's education or one or more employee's work environment;
- The type, frequency and duration of the conduct;
- The identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the alleged victim;

- The number of individuals alleged to have engaged in the prohibited conduct and number of alleged victims of the prohibited conduct;
- The age of the individual alleged to have engaged in the prohibited conduct and the alleged victim;
- The size of the school, location of the incident and context in which it occurred;
- Other incidents at the school.

As necessary and appropriate, the Compliance Officer shall take steps during and after an investigation to end discriminatory behavior, prevent the recurrence of such behavior, and prevent retaliation against individuals who file complaints and/or participate in investigations.

Upon conclusion of an investigation, the Compliance Officer shall take disciplinary or other action, as appropriate. Within thirty (30) calendar days of receiving a complaint that is not dismissed as set forth above, the Compliance Officer shall report the findings of the investigation and the actions taken in writing to the aggrieved individual and the alleged perpetrator. To the extent that there has been a violation of District policy, the Compliance Officer will ensure that prompt, corrective action is taken.

If either party is not satisfied with the Compliance Officer's handling of the matter, then he or she may appeal the matter to the Board of Education by submitting a written notice of appeal to the Compliance Officer within ten (10) calendar days of receiving the Compliance Officer's report of findings and action. The Compliance Officer will notify the non-appealing party that an appeal has been made within 5 school days of receiving the appeal and will submit the appeal to the Board within five school days of notifying the non-appealing party. The Board will review and take action on the appeal as soon as practicable, but not later than forty-five (45) calendar days after the Compliance Officer's submission of the appeal. The Board's review on appeal shall be limited to whether or not this policy AC-R was followed and whether there has been a violation of District policy. Any action taken by the Board of Education shall be final. Within ten school days of the Board's action the parties will be informed in writing of the Board's decision, including sanctions imposed on the harasser that relate to the student who was harassed.

All reports of unlawful discrimination or harassment will be kept confidential so long as doing so does not preclude the District from responding effectively and preventing future discrimination and/or harassment in violation of District policy.

Hearing Procedure for Section 504 Complaints

If a complaint involves a student's identification, evaluation, or educational placement, then in addition to the complaint process set forth above, the student's parents or legal guardians also have the option of requesting an impartial due process hearing. An impartial due process hearing may be requested by filing written notice with the Compliance Officer. Within ten (10) school days of receiving a written request for a

hearing, the Compliance Officer will select an impartial hearing officer to decide the matter.

The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing. Within ten (10) school days after the conclusion of the hearing, the hearing officer will issue a written decision. The decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and the superintendent. The decision of the hearing officer shall constitute the final administrative decision in the matter. If either the parent/legal guardian or the District is not satisfied with the decision rendered by the hearing officer, the parent/legal guardian or District may initiate legal proceedings in a court of competent jurisdiction.

Outside agencies

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR), U.S. Department of Education, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582. Toll Free: 800-262-4845 English/Spanish. Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417. Email: OCR Denver @ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC), 303 E. 17th Avenue, Denver, CO 80203. Toll Free: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. Email: egov.eeoc.gov.eas

Colorado Civil Rights Division (CCRD), 1560 Broadway, Suite 1050, Denver, CO 80202. Toll Free: 800-262-4845. Telephone: 303-894-2997. Fax: 303-894-7830. Email: dora_CCRD@state.co.us

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