

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. No otherwise qualified student or employee shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any district program or activity on the basis of race, color, national origin, religion, sex (which includes marital status), age or disability. Discrimination against employees based on ancestry, creed or sexual orientation is prohibited in accordance with state law.

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 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 or she lives.
5. 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.

6. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or discrimination in violation of district policy.

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), religion, national origin, age or disability. The announcement shall also include the name/title, 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, 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, religion, sex or disability 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 and employees can work. 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, religion, sex or disability that: (1) results in physical, emotional or mental harm, or damage to property; (2) is so severe, persistent, or pervasive that it 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) will apply to complaints alleging sexual harassment.

Reporting harassment

Any student who believes he or she has been a victim of unlawful discrimination or harassment as defined in this policy shall immediately report it to an administrator, counselor, teacher or compliance officer and file a formal complaint as set forth in the regulation which accompanies this policy.

Any employee who believes he or she has been a victim of unlawful discrimination or harassment shall file a complaint with the compliance officer.

All students who witness such harassment shall immediately report it to an administrator or teacher. All employees who have such harassment reported to them shall promptly forward the report to an immediate supervisor or to the compliance officer.

All district employees who witness such harassment shall take prompt and effective action to stop it, as prescribed by the district. Under certain circumstances, harassment may constitute child abuse that must be reported to proper authorities.

Interim district action

When appropriate, the district shall take interim measures during the investigation of a harassment report to protect the alleged subject of the harassment from further harassment or retaliation.

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

District action following investigation

The district shall take appropriate action to end the unlawful harassment, to prevent its recurrence, to prevent retaliation against the individual making the report and anyone participating in the investigation and to restore lost educational opportunities to the harassed student or employment opportunities to staff. In addition, any student or employee who engages in harassment of another student or employee shall be disciplined according to applicable district policies. Steps shall also be taken to ensure that victims of, and witnesses to, harassment are protected from retaliation. Further, students or employees who knowingly file false harassment 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.

No student or employee shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy. To the extent possible, all reports of harassment will be kept confidential. Upon determining that incidents of harassment are occurring in particular district settings or activities, the district shall implement measures designed to remedy the problem in those areas or activities.

Notice and training

To reduce 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 compliance process shall be incorporated into student and employee handbooks.

Students and district employees shall receive periodic training related to recognizing and preventing unlawful harassment. District employees shall receive additional training related to handling reports of harassment. The training will include, but not be limited to:

- awareness of groups protected under state and federal law and/or targeted groups, whether real or perceived;
- how to recognize and react to harassment; and
- proven harassment prevention strategies.

Adopted: September 9, 1980

Revised: December 14, 1999

Revised: October 12, 2010

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*)
34 C.F.R. Part 100
C.R.S. 18-9-121 (*bias-motivated crimes*)
C.R.S. 24-34-301 *et seq.* (*Colorado Civil Rights Division*)
C.R.S. 24-34-401 *et seq.* (*discriminatory or unfair employment Practices*)

CROSS REFS.: ACE, Nondiscrimination on the Basis of Disability
GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Discrimination and Harassment
JB, Equal Educational Opportunities
JBA, Nondiscrimination on the Basis of Sex
JBB*, Sexual Harassment

Swink School District #33, Swink, Colorado