

## **NONDISCRIMINATION/EQUAL OPPORTUNITY**

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 educational programs or activities which it operates. The District values the diversity of the family, and of the social and cultural backgrounds of the students, parents/ guardians, and personnel who participate in its programs and activities. Respect for the dignity and worth of each individual shall be a consideration in the establishment of all policies by the Colorado Springs School District 11 Board of Education (the Board) and in the administration of those policies by the administration.

In keeping with these statements, the following shall be objectives of the 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 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 lives.
5. To initiate a process of reviewing all policies and practices of the District in order to achieve, to the greatest extent possible, the objectives of this policy.

This policy applies to all educational and employment decisions of the District. It applies also to all programs, events and activities in which District students and personnel may participate, including, but not limited to, sporting events and other extra-curricular activities.

The Board expects that all staff, students, and visitors of the District 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 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. Specifically, the District expects that its students shall not be illegally discriminated against 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 regard to access to and participation in course offerings, athletics, counseling, employment assistance, and extracurricular activities.

An individual and/or individuals shall be designated to be responsible for coordinating District implementation of this policy and to serve as the District's Title IX, Section 504 and ADA coordinator and/or compliance officer. The designee(s) shall, annually, notify District students and employees of this policy, its accompanying regulation, and the name, location, address, and telephone number of the designee(s). Such notice shall be provided by a posting at each school and work site, or by other means that are reasonably designed to provide notice to each student and employee. Other notice relating to the subject matter of this policy shall be provided as required by law.

The term "protected activity" generally means opposition to unlawful discrimination or participation in making a complaint of discrimination or harassment.

Individuals or groups are in violation of this policy if on District property, including but not limited to any District vehicle, or at a District-sponsored activity, regardless of where it occurs, they:

1. Make demeaning remarks directly or indirectly such as name-calling, racial slurs or jokes, or threaten or physically harm an individual 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 participation in protected activity.
2. Display visual or written material, or use or deface school property or materials to demean the 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 participation in protected activity of an individual or group.
3. Damage, deface or destroy private property of any person because of that person's 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 participation in a protected activity.

The District has developed policies specifically addressing sexual and racial harassment. See board policies JBB and GBAA.

Students who believe they have been the subject of discrimination or harassment in violation of this policy, or other policies of the District, or who have witnessed such behavior directed towards another individual, are encouraged to make a report according to regulation JBB-R. Staff members who witness, or are otherwise informed of, a student being subjected to behavior that may constitute discrimination or harassment in violation of this policy, or other policies of the District, shall report such information according to regulation JBB-R.

Staff members who believe they have been the subject of discrimination or harassment in violation of this policy, or other policies of the District, or who have witnessed such behavior directed towards another individual who is not a student, are encouraged to make a report according to regulation AC-R. Staff members are encouraged to report harassment before it becomes severe or pervasive. The District desires to have an opportunity to address harassment before it rises to the level of unlawful harassment.

Retaliation against persons who bring a complaint of actual or perceived racial, sexual, or other harassment or discrimination is prohibited by the District, and may be unlawful. Staff members and associates should not engage in adverse treatment of other staff members and students because

they have reported harassment or discrimination or have provided information in a review or investigation of a harassment or discrimination complaint. Persons who believe they have experienced or observed retaliation should report it according to regulation JBB-R or AC-R as appropriate. Retaliatory behavior may result in immediate discharge or disciplinary action of the responsible staff member, or expulsion or suspension of the responsible student, or other remedial action, as deemed appropriate in the circumstances by the District.

Any student or staff member who violates this policy may be subject to disciplinary action, discharge or expulsion, or other action as deemed appropriate by the District, as outlined in applicable board policies and regulations.

Employees have the right under law to file a complaint of unlawful harassment with the EEOC or the Colorado Civil Rights Commission. The deadlines for filing such complaints are 300 days under federal law, and 180 days under Colorado law, counted from the last date of unlawful harassment.

Adopted December 9, 1981  
Revised August 1982  
Revised June 1988  
Revised February 1991  
Revised to conform with practice: date of manual revision  
Revised June 1999  
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Revised June 13, 2012  
Revised November 11, 2015

LEGAL REFS: 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. 22-93-101, et seq.  
C.R.S. 22-61-101  
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 REFS.: AC-R, Regulation to Policy AC, Nondiscrimination/Equal Opportunity  
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 and Racial Harassment/Discrimination toward Students
- JBB-R, Sexual and Racial Harassment/Discrimination toward Students  
(Reporting & Investigation Procedures)
- JK, Student Discipline
- JK-R, Student Discipline Regulations