

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. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any district program or activity on the basis of race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, disability or need for special education services. Discrimination against employees and applicants for employment based on age is also prohibited in accordance with state and federal 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.

Harassment is prohibited

Harassment based on a person's race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, disability or need for special education services 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, employees can work and members of the public can access and receive the benefit of district facilities and

programs. 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, ancestry, creed, religion, sex, sexual orientation, disability or need for special education services 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, applicant for employment or member of the public 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.

Nondiscrimination on the Basis of Disability

The Board is committed to a policy of nondiscrimination on the basis of disability under all applicable laws, including but not limited to Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act ("ADA"). Section 504 and the ADA provide that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any district program or activity. The district

does not unlawfully discriminate on the basis of disability in access or admission to, or treatment or employment in, its programs or activities.

(Complaint and Compliance Process)

The district shall respond to complaints of discrimination and/or harassment reported; take action in response when discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in discrimination and/or harassment complaints to the extent practical and appropriate under the circumstances. These actions shall apply to the extent permitted by law or where personal safety is not an issue. Under certain circumstances, the complaint may be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints about discrimination and/or harassment. Complaints may be submitted informally or formally.

Complaint procedure

An aggrieved individual who believes he or she has been subject to harassment or discrimination in violation of law and district policy is encouraged to report the incident as provided in board policy. All reports received by teachers, counselors, principals or other district employees shall be forwarded to the compliance officer.

Any aggrieved individual may file, with the compliance officer, a complaint charging the district, another student or any school employee with a violation of Title II, Title VI, Title IX or Section 504 or with a violation of district policies prohibiting discrimination or harassment. The complaint shall be in writing and shall describe with reasonable specificity the nature of the complaint.

Formal complaint process

If the aggrieved individual requests a formal complaint process, the compliance officer shall transfer the record within five school days to the superintendent or designee for formal resolution and so notify the parties by certified mail.

After reviewing the record made by the compliance officer, the superintendent or designee may gather additional evidence necessary to decide the case and/or determine that a hearing is necessary. At such time the matter should be referred to an administrative hearing officer for further fact-finding. The hearing officer will be an administrative employee of the district designated by the superintendent.

The hearing shall be informal. The hearing officer shall provide the affected person a written statement of charges, evidence and reasons supporting the proposed adverse action. A student shall be entitled to be represented by his/her parent or by an attorney. An employee shall be entitled to be represented by an attorney or other representative of his/her choice. The complainant shall appear at the hearing and shall be entitled to present testimony and other evidence. Formal rules of evidence shall not apply. The

compliance officer or designee may represent the district at the hearing and shall likewise be entitled to present testimony and other evidence. The hearing shall be closed to the public. The hearing officer shall make a recommendation to the superintendent based upon evidence presented at the administrative hearing.

District action

Whether or not a formal complaint is filed, the district shall take appropriate action to end the harassment, to make the victim whole by restoring lost educational or employment opportunities, to prevent harassment from recurring and to prevent retaliation against anyone that reports harassment or participates in a harassment investigation.

All parties, including the parents/guardians of all students involved, shall be notified by the superintendent of the final outcome of the investigation and all steps taken by the district. If disciplinary action is recommended for a student or employee, that action shall proceed in accordance with applicable district policy. Remedial and/or disciplinary actions shall include measures designed to stop the harassment, correct its negative impact on the affected individual, and ensure that the harassment does not recur.

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. This process shall apply, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

Sexual Discrimination and Harassment (Employees)

The district is committed to a learning and working environment that is free from sexual discrimination and harassment. It shall be a violation of policy for any member of the district staff to discriminate against another on the basis of sex or harass another staff member or student through conduct or communications of a sexual nature.

Sexual harassment is recognized as a form of sex discrimination and thus a violation of the laws which prohibit sex discrimination.

Sexual harassment committed by an employee of the district in the course of employment shall be deemed a breach of duty, and as such, shall subject the offending employee to disciplinary action. This policy similarly applies to non-employee volunteers or any other persons who work subject to the control of school authorities.

Any conduct of a sexual nature directed toward students by teachers or others to whom this policy applies, shall be presumed to be unwelcome.

Sexual harassment prohibited

For purposes of this policy, unwelcome sexual advances, requests for sexual favors, or other unwelcome conduct of a sexual nature constitutes sexual harassment if:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

The prohibition against sexual harassment applies whether the harassment is between people of the same or different gender.

Sexual harassment as defined above may include but is not limited to:

1. Sex-oriented verbal "kidding," abuse or harassment.
2. Pressure for sexual activity.
3. Repeated remarks to a person with sexual implications.
4. Unwelcome touching, such as patting, pinching or constant brushing against another's body.
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, employment status or similar personal concerns.

Reporting, investigation, and sanctions

Sexual harassment cannot be investigated or corrected by the district until the district is made aware of such harassment. Therefore, it is the express desire of the Board to encourage victims of sexual harassment to report such claims. This may be done through the complaint process (AC-R).

Employees who feel that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator or to the district's compliance officer. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of authority.

No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of sexual harassment. Requests for confidentiality shall be honored so long as doing so does not preclude the district from responding effectively to the harassment and preventing future harassment.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.

Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy JLF.

Filing of a grievance or otherwise reporting sexual discrimination or harassment shall not reflect upon the individual's status or affect future employment or work assignments. All matters involving sexual discrimination or harassment complaints shall remain confidential to the extent possible.

Equal Educational Opportunities

Every student of this school district shall have equal educational opportunities through programs offered in the school district regardless of race, color, ancestry, creed, sex, sexual orientation, religion, national origin, marital status, disability or need for special education services.

This concept of equal educational opportunity shall guide the Board and staff in making decisions related to school district facilities, selection of educational materials, equipment, curriculum and regulations affecting students. The district shall make reasonable accommodations for students with identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the superintendent or designee(s) to periodically monitor the following areas:

1. Curriculum and materials – review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training – provide training for students and staff to identify and alleviate problems of discrimination.
3. Student access – review programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District support – ensure that district resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment and related matters.
5. Student evaluation instruments – review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.

Sexual Harassment

The Board recognizes that sexual harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sexual harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sexual harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination.

District's commitment

The district is committed to maintaining a learning environment that is free from sexual harassment. It shall be a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

The district shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third-parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

Sexual harassment prohibited

Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity.
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student.
3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment.

Acts of verbal or physical aggression, intimidation or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.

Sexual harassment as defined above may include, but is not limited to:

1. sex-oriented verbal "kidding," abuse or harassment.
2. pressure for sexual activity.
3. repeated remarks to a person with sexual implications.
4. unwelcome touching, such as patting, pinching or constant brushing against the body of another.
5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns.

Legitimate non-sexual touching or other non-sexual conduct is not sexual harassment.

Reporting, investigation and sanctions

Sexual harassment cannot be investigated or corrected by the district until the district is made aware of such harassment. Therefore, students are encouraged to report all incidences of sexual harassment to either a teacher, counselor or principal in their

school building and file a formal grievance, through the complaint process (AC-R). All reports and indications from students, district employees and third parties shall be forwarded to the compliance officer.

If the alleged harasser is the person designated as the compliance officer, an alternate compliance officer will be appointed by the superintendent to investigate the matter.

All matters involving sexual harassment reports shall remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect grades.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.

Any student found to have engaged in sexual harassment shall be subject to discipline, including, but not limited to, being placed under a remedial discipline plan, suspension or expulsion, subject to applicable procedural requirements and in accordance with applicable law. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy

Nondiscrimination/Equal Opportunity

In compliance with Titles VI & 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 and Colorado law, the Sierra Grande School District does not unlawfully discriminate on the basis of race, color, sex, religion, national origin, ancestry, creed, age, marital status, sexual orientation, disability or need for special education services in admissions, access to, treatment, or employment in educational programs or activities which it operates.

Title VI Coordinator
District Administrative Secretary
17523 Hwy. 160
Blanca, CO 81123
719-379-3259

Complaint procedures for Title IX and Section 504 have been established for students, parents, employees and members of the public. The following person(s) have been identified as the designated employee(s) to coordinate compliance activities for the district:

Specific complaints of alleged discrimination under Section 504 or the ADA (disability) should be referred to:

Director of Student Services
17523 Hwy. 160
Blanca, CO 81123
719-379-3257

Specific complaints of alleged discrimination under Title IX (sex) should be referred to:

Superintendent
17523 Hwy. 160
Blanca, CO 81123

Complaints may also be filed with the Office for Civil Rights, U.S. Department of Education, 1244 Speer Boulevard, Suite 310, Denver, Colorado, 80204-3582.

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