



Boulder Valley School District

File: AC

Adopted: date of manual adoption

Revised: May 26, 1994, May 8, 2007, October 23, 2012

Associated Regulation: [AC-R](#)

Associated Exhibits: [AC-E1](#), [AC-E2](#), [AC-E3](#)

NONDISCRIMINATION/EQUAL OPPORTUNITY

The Board of Education 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 and harassment on the basis of disability, race, creed, color, sex, sexual orientation, gender identity/expression, 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 disability, race, creed, color, sex (which includes marital status), sexual orientation, gender identity/expression, national origin, religion, ancestry or need for special education services. Discrimination and harassment against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law. In addition, the Board prohibits discrimination and harassment against all members of the school community (students, employees and members of the public) on the basis of physical characteristics.

This policy and accompanying regulation shall be used to address all concerns regarding unlawful discrimination and harassment, except those regarding sexual harassment which are addressed in policies GBAA and JBB.

Annual nondiscrimination notice

The district shall issue a written notice 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 disability, race, creed, color, sex, sexual orientation, gender identity/expression, national origin, religion, ancestry, need for special education services, or physical characteristics. With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age or genetic information. The announcement shall also include the title, address, email address and telephone number of the person(s) designated to coordinate Title IX, Section 504 and ADA, and other nondiscrimination 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 district and school electronic and hard-copy publications containing general information.

Harassment is prohibited

Harassment based on a person's disability, race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, gender identity/expression, need for special education services, or physical characteristics is a prohibited form of discrimination. 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.

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 disability, race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender identity/expression, disability, need for special education services or physical characteristics that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or 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.

Harassing conduct may take many forms, including but not limited to:

1. verbal acts and name-calling;
2. graphic depictions and written statements, which may include use of cell phones or the Internet;
3. other conduct that may be physically threatening, harmful or humiliating.

Reporting unlawful discrimination and harassment

Any student who believes he or she has been a victim of unlawful discrimination or harassment as defined in Board policy, or who has witnessed such unlawful discrimination or harassment, is encouraged to immediately report it to an administrator, counselor, teacher or the district's compliance officer and file a 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, or who has witnessed such unlawful discrimination or harassment, shall file a complaint with either an immediate supervisor or the district's compliance officer.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint shall be made to the Board which shall designate an alternate compliance officer.

District action

All district employees who witness unlawful discrimination or harassment shall take prompt and effective action to stop it, as prescribed by the district.

The district shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the district shall take interim measures during the investigation to protect against further unlawful discrimination, harassment or retaliation.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or employees who knowingly file false 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, employee or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.

Upon determining that incidents of unlawful discrimination or harassment are occurring in particular district settings or activities, the district shall implement measures designed to remedy the problem in those areas or activities.

Any student or employee who engages in unlawful discrimination or harassment shall be disciplined according to applicable Board policies and the district shall take reasonable action to restore lost educational or employment opportunities to the victim(s) of unlawful discrimination or harassment.

In cases involving potential criminal conduct, appropriate law enforcement officials should be notified.

Notice and Training on Policy and Complaint Process

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the Superintendent or designee is responsible for providing notice of this policy to all district schools and departments. The policy and complaint process in the

accompanying regulation shall be referenced in student and employee handbooks and otherwise available to all students, staff and members of the public through electronic or hard-copy distribution.

Students and district employees shall receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District employees shall receive additional training related to handling reports of unlawful discrimination and harassment.

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. § 24-34-301 (7) (*definition of sexual orientation*)
C.R.S. § 24-34-401 *et seq.* (*discriminatory or unfair employment practices*)
C.R.S. § 24-34-601 (*unlawful discrimination in places of public accommodation*)

CROSS REFS.: [GBA](#), Open Hiring/Equal Employment Opportunity
[GBAA](#), Sexual Harassment
[JB](#), Equal Educational Opportunities
[JBB](#), Sexual Harassment
AC-R (Nondiscrimination/Equal Opportunity)
AC-E1 (Sample Notice)
AC-E2 (Complaint Form)
AC-E3 (Guidelines Regarding the Support of Students who are Transgender and Gender Nonconforming)

End of File: AC