



<i>The Classical Academy</i>	<i>Policies and Procedures</i>
Policy Name:	Policy of Nondiscrimination and Equal Opportunity
Policy Number:	AC-TCA
Original Date:	3/8/2010
Last Reviewed:	8/1/2017
Category:	Foundations
Author:	Compliance and Nondiscrimination Specialist
Cabinet Approval:	President

INTRODUCTION

The Classical Academy (TCA) is committed to providing a positive, safe educational environment where all members of the TCA community are treated with dignity and respect and which is sensitive to the diversity of its students, staff and other individuals. TCA is committed to a policy of nondiscrimination in relation to race, color, sex, sexual orientation, religion, national origin, age, marital status, disability, or any other legally protected class. Respect for the dignity and worth of each individual shall be paramount. This policy pertains to employees, students, or third parties.

Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall be denied the benefits of, or be subjected to unlawful discrimination under any TCA program or activity on the basis of race, color, sex, sexual orientation, religion, national origin, age, marital status, disability, or any other legally protected class. Discrimination against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law.

This policy shall be used to address all complaints regarding unlawful discrimination, in collaboration with sexual harassment policy GBAA-TCA (for staff).

1. POLICY STATEMENT

The following shall be objectives of The Classical Academy:

- a. To protect the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations;
- b. 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 or ethnic groups;
- c. 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;
- d. To utilize educational experiences to build each individual's pride in the community in which he or she lives;
- e. To investigate and resolve promptly any complaints of unlawful discrimination or harassment;
- f. To ensure adequate, reliable, and impartial investigations of all complaints. This includes the opportunity for all parties to present witnesses and other evidence.
- g. To take interim measures during the investigation to ensure the safety of the reporting

student and the larger school community, to address any on-going harassment, and to prevent retaliation against the reporting student and identified witnesses.

- h. To not tolerate any retaliation against any individual who files a complaint or participates in an investigation of a complaint, in accordance with Title IX policy.
- i. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of this policy; and
- j. To take any other action reasonably calculated to prevent further discrimination.

2. DEFINITIONS

a. Discrimination

Discrimination is physical or verbal conduct resulting in negative treatment based upon an individual's race, color, sex, sexual orientation, religion, national origin, age, marital status, disability, or other legally-protected class. Discrimination may create an intimidating educational or work environment. Examples include, but are not limited to, name calling, inappropriate jokes, offensive language, physical acts of aggression against a person or property, hostile acts based upon a person's membership in a legally protected class, written or graphic material which intimidates, demeans, or threatens individuals, which may include use of cell phones or the Internet.

Conduct by adults or students may constitute discrimination. Whether discrimination has occurred in any particular circumstance must be evaluated in light of all the facts, including considerations such as (i) the ages and maturity levels of students, (ii) the history and relationship among the parties, and (iii) the positions and roles of the parties, *e.g.*, teacher, administrator, supervisor, subordinate, volunteer, parent, child, sibling, or student leader of an athletic team, club, or other activity.

Information on equal opportunity and differential treatment can be found in Academy School District 20 (ASD20) Policy JB Equal Educational Opportunity.

b. Harassment is a Subset of Discrimination

Legally, harassment is one type of discrimination. Harassment is often thought of as repeated or persistent conduct based on a protected class. 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 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. Because discrimination includes harassment, this broader term is most often used in this policy.

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment.

Sexual violence refers to a physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. Examples include rape, sexual assault, sexual battery, and sexual coercion.

Additional information on sexual harassment can be found in Policy GBAA-TCA for staff.

3. DISCRIMINATION IS PROHIBITED

Preventing and remedying discrimination at TCA is essential to ensure a nondiscriminatory, safe environment in which students can learn and staff members can work. All discrimination (as defined above) by TCA staff, students and third parties is prohibited.

All TCA staff and students share the responsibility to ensure that discrimination does not occur at any TCA school, on any TCA property, at any TCA sanctioned activity or event, or any TCA curricular or non-curricular activity or event, or off school property when such conduct has a nexus to the school.

4. ANNUAL NOTICE

TCA shall issue a written notice at 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 TCA are offered without regard to race, color, sex, sexual orientation, religion, national origin, age, marital status, disability, or any other legally protected class.

With respect to employment practices, TCA shall also issue written notice that it does not discriminate on the basis of age or genetic information. The announcement shall also include the name or title, address, email address and telephone number of the persons designated to coordinate Title IX, Section 504, and ADA compliance activities.

The notice shall appear on a continuing basis in all TCA media containing general information including school publications, the TCA website, recruitment materials, staff handbook, student handbooks, and annual letters to parents.

5. PROCEDURE FOR REPORTING UNLAWFUL DISCRIMINATION

This policy describes the process by which to file a verbal or written report of discrimination and the appeal procedures. The Classical Academy expects parents, students, and staff who witness discrimination to make a timely report of discrimination to enable The Classical Academy to promptly investigate, respond, and correct any discriminatory conduct.

Any student or member of the public who believes he or she has been subject to unlawful discrimination or harassment as defined above, or who has witnessed such unlawful discrimination or harassment of a student, shall immediately report it to a principal or the Compliance and Nondiscrimination Specialist as outlined in this policy.

Any employee or applicant for employment who believes he or she has been subject to unlawful discrimination or harassment, or who has witnessed such unlawful discrimination of an employee or applicant for employment shall file a complaint with a principal or the Human Resources Employee Liaison.

TO FILE A COMPLAINT, CONTACT THE FOLLOWING PEOPLE:	
For Staff:	For Students or Community Members:
<u>Katryna Lays</u> <u>Human Resources Generalist/Employee</u> <u>Liaison</u> <u>975 Stout Road, Colorado Springs, CO 80921</u> <u>719-488-6232</u> <u>klays@asd20.org</u>	<u>Cheryl Birkey</u> <u>Compliance and Nondiscrimination Specialist</u> <u>975 Stout Road, Colorado Springs, CO 80921</u> <u>719-488-6209</u> <u>cbirkey1@asd20.org</u>

6. TCA ACTION

All TCA staff members who witness unlawful discrimination shall take prompt and effective action to stop it. TCA shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination, 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, TCA shall take interim measures during the investigation to protect against further unlawful discrimination, harassment, or retaliation.

Principals, assistant principals, or activities directors will conduct all staff or student discrimination investigations for the TCA campus or activities in their area of responsibility. If the responsible principal, assistant principal or activities director is not available to conduct an immediate investigation, the Director of Academic Services shall appoint another principal, assistant principal, or activities director to conduct the investigation. A Cabinet member or another neutral party, assigned by the Director of Academic Services, will conduct any discrimination complaint involving a principal, assistant principal or activities director. The President or a designee shall conduct any investigation regarding a Cabinet member and the TCA Board of Directors shall appoint a representative to investigate any discrimination complaint regarding the President.

The Compliance and Nondiscrimination Specialist will serve as a consultant for all investigations with student involvement and the Human Resource Generalist/Employee Liaison shall serve as a consultant for all investigations with staff member involvement.

TCA shall strive to complete an investigation of every complaint in a prompt equitable manner. Written notification shall be given to the parties when an investigation is completed. TCA may be limited to what can be stated regarding the outcome of an investigation, due to the involvement of minors.

To the best of its abilities, TCA shall strive to complete investigations within 60 days (excluding appeals), per the Department of Education Office for Civil Rights recommendations. If local law enforcement is involved, TCA may not be able to control the time table of the investigation.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential.

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

Any student or employee who engages in unlawful discrimination shall be disciplined according to applicable administrative policies and TCA shall take reasonable action to restore lost educational or employment opportunities to the victim(s). Consequences of discrimination for students may

include, but are not limited, to suspension or expulsion. Consequences of discrimination for employees may include, but are not limited to, termination of employment. In cases involving potential criminal conduct, a principal shall determine whether appropriate law enforcement officials should be notified.

Victims of discrimination will be assured TCA will take action to identify and stop discriminatory behavior. TCA will remedy the effects of discrimination in the most appropriate manner, including offering appropriate counseling or academic services. TCA is committed to ensuring that all students feel safe and have the opportunity to benefit fully from TCA's education programs and activities.

7. RETALIATION

It is prohibited to retaliate against anyone who reports discrimination or participates in any related proceedings. TCA shall take appropriate action against students or staff who retaliated against any person who has reported discrimination or participated in related proceedings. No student, staff member or member of the public shall be subject to adverse treatment in retaliation for any good faith report of discrimination or harassment under this policy.

Consequences for students found to be participating in retaliation may include, but are not limited to suspension. Consequences for staff found to be committing acts of retaliation may include disciplinary action, up to and including termination of employment.

8. PREVENTION AND NOTICE OF POLICY

To reduce unlawful discrimination and to ensure a respectful school environment, the administration is responsible to conduct employee and student training annually. The training will include, but not be limited to:

- a. awareness of groups protected under state and federal law and/or targeted groups;
- b. how to recognize and react to unlawful discrimination and harassment; and
- c. prevention strategies.

This policy, or a policy summary, shall be (1) displayed in prominent areas of each building in a location accessible to students, parents and staff; (2) included in the student and employee handbooks; (3) annually sent to parents of all students within 30 calendar days of the start of school; and (4) posted on the TCA website.

9. FALSE CHARGES

Students or staff members who knowingly make false complaints or give false statements during an investigation shall be subject to appropriate disciplinary action by TCA, up to and including suspension/expulsion for students and termination of employment for staff. Students or staff members may be subject to civil or criminal legal proceedings as well.

10. APPEAL PROCEDURES

a. Introduction

While TCA's goal is to promptly and effectively end any discriminatory conduct, it is recognized that there may be times when someone may disagree with an assessment or decision related to a report of alleged discrimination. Accordingly, TCA has established an appeal process. Appeals will be conducted in a fair and equitable manner by an impartial decision-maker.

It is our intent that both parties will come to an understanding that is consistent with the TCA Core Values, Creed, and policies, and the conflict is resolved with respect and fairness.

We ask our parent community to consider the following with regard to the appeal process:

- i. If you have an issue with a discrimination or harassment decision, please talk first with the school administrator.
- ii. While we seek to support and assist individual families, please recognize that all decisions must factor in the impact on other students and staff.
- iii. Please be civil. We ask our staff and administration to treat you with respect and courtesy, so please return that same respect and courtesy. If we disagree, let's show our kids how to handle conflict well.
- iv. Please understand that privacy laws or other confidential requirements may expressly prohibit the administration from telling you about discipline measures taken against other students. We recognize that the limitation on full and open communication can be very frustrating for both parents and administrators.
- v. Failure to meet timelines stated in these appeal procedures will result in your appeal being denied, unless an extension has been coordinated in advance. If an appeal has been denied for not adhering to the timelines in this policy, it may not be taken to a higher level.

We appreciate your willingness to follow the above guidelines when dealing with school conflict. In doing so, you are making an important contribution to our school's culture. Future TCA families will benefit from your willingness to resolve conflict in a respectful and productive manner.

b. Public Concerns and Appeal Procedures

These appeal procedures are designed to clearly and concisely describe a process, which allows you to seek resolution to unresolved issues regarding a discrimination investigation. We sincerely hope to partner with you when resolving issues, but recognize that there may be times in which you disagree with an administrative decision, and we want to afford you a clearly defined and understandable appeals process.

In order to satisfactorily address each discrimination/harassment appeal and to avoid convoluting the issues, you must address them separately in writing, beginning with the appropriate complaint forms. The Principals, Cabinet members, and President will not entertain complaints that have not been formally addressed using the appropriate forms and appeal procedures. TCA will continue to be very sensitive to issues related to the treatment of students and/or their parents, and this appeal process is intended to provide you with a well-defined means of describing and bringing forth concerns.

While the following procedures designate appropriate timelines and steps for raising concerns and receiving feedback, if your concern involves eminent danger to a student, staff member, or other member of our community, or if there is an urgent need for immediate resolution to the matter, please make that issue known to a TCA staff member and request that the TCA President immediately be notified in order to expedite this process. If such a request is not granted, you and our staff must adhere to the guidelines presented in these procedures. Failure to adhere to these requirements may result in a denial of all appeals.

If there is any question as to whether someone should file a discrimination appeal or a conflict resolution (TCA Policy KE-TCA), the discrimination appeal process outlined in this policy supersedes the conflict resolution process. If the appeal is directly related to a discrimination investigation, a discrimination appeal should be filed.

c. Student Appeal Process

i. Cabinet Level Procedure

If discussions between parents and administrators do not resolve the concern or complaint to both parties' mutual satisfaction, TCA requests that you:

- Submit a written appeal using AC-TCA-F2 Student Discrimination/ Harassment Cabinet Level Appeal Form within five working days of the discrimination/harassment decision.
 - The written appeal shall be submitted to the Director of Academic Services and shall include the School Administrative Level decision.
 - The appeal shall be limited to the topic(s) addressed with the school administrator regarding the discrimination investigation and/or decision.
- Describe the concern in writing along with the justification and your suggested remedy for the concern.
 - The Director of Academic Services will assign a Cabinet member or another neutral party to review the appeal. In order to review the appeal, the person or the person's department shall not have been involved in the discrimination investigation. This will be completed and communicated with all parties within one business day of receiving the appeal.
 - By the following business day after assigning of responsibility, the Cabinet member will contact you to set up a meeting. The purpose of this meeting is to understand the situation fully. The meeting will include the administrator(s) who provided the decision at the School Administrative Level (unless these staff members opt to not attend).
 - Within five working days of the meeting, the Cabinet member shall communicate to you his/her written decision. This decision shall include the findings, conclusions, and recommendations of the Cabinet member.
- Click [\[here\]](#) to complete the online Student Discrimination/Harassment Cabinet Level Appeal Form.

ii. President Level Procedure

If discussions during the Cabinet Level Procedure do not resolve the concern or complaint to both parties' mutual satisfaction, TCA requests that you:

- Submit a written appeal using AC-TCA-F3 Student Discrimination/ Harassment President Level Appeal Form within five working days of the Cabinet Level decision.
 - The written appeal shall include the School Administrative Level and Cabinet Level decisions.

- The appeal shall be limited to the topic(s) addressed with the School Administrative and Cabinet Levels regarding the discrimination investigation and/or decision.
- Describe the concern in writing along with the justification and your suggested remedy for the concern.
 - The President or a designee will review the concern/complaint.
 - You will be contacted within one business day of receiving the appeal to confirm receipt of appeal submission. Both parties will meet at a mutually agreed upon time to ensure the President understands the situation fully. The President will review the materials from the School Administrative and Cabinet Levels appeals.
 - Within five working days of the meeting, the President shall communicate to you his/her written decision to uphold or overturn the decision made at the Cabinet Level.
- Click [[here](#)] to complete the online Student Discrimination/Harassment President Level Appeal Form.

The President is the final authority on a student discrimination decision.

d. Staff Appeal Process

If you feel the supervisor does not appropriately address your concern, or you are uncomfortable with your supervisor, you may bring the concern to the Human Resources department within five (5) business days of a supervisor's determination. If your concern is still unresolved, you may bring the issue to the TCA President within five (5) business days of a determination by Human Resources.

The TCA Board of Directors may appoint one of its Board members to represent the Board of Directors and oversee the employee complaint procedure if it has not been resolved at the President level. The appeal must be submitted within five (5) business days of the determination by the President. A Board representative or her/his committee will attempt to handle grievances that have come to this level.

11. RESPONSE TO CONDUCT OTHER THAN DISCRIMINATION

TCA may respond to conduct other than discrimination, including conduct complained of as potential discrimination under this procedure, in order to address conduct which is problematic or otherwise at odds with the goals and values of TCA. Thus, TCA may choose to correct and discipline reported conduct, even when that conduct is not found to be "discrimination" as defined in this policy or otherwise.

Legal References:

- 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act)
- 20 U.S.C. 1681-1686 (Title IX of the Education Amendments of 1972)
- 20 U.S.C. 1701-1758 (Title II of the Equal Educational Opportunities Act of 1974)
- 29 U.S.C. 621 et seq. (Age Discrimination Employment Act of 1967)
- 29 U.S.C. 794 (Section 504, Rehabilitation Act of 1973)
- 42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964, as amended in 1972)
- 42 U.S.C. 2000e et seq. (Title VII of the Civil Rights Act of 1964)
- 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)

42 U.S.C. 12101 et seq. (Title II of the Americans with Disabilities Act)
 28 C.F.R. Part 35
 34 C.F.R. Parts 100, 104, and 106
 C.R.S. 2-4-401(13.5) (definition of sexual orientation)
 C.R.S. 18-9-121 (bias-motivated crimes)
 C.R.S. 22-32-109(1)(ll)(w) and(x)
 C.R.S. 22-32-110(1)(k)
 C.R.S. 22-61-101
 C.R.S. 24-34-301 et seq (Colorado Civil Rights Division)
 C.R.S. 24-34-301(7) (“sexual orientation” defined)
 C.R.S. 24-34-401 et seq. (discriminatory or unfair employment practices)
 C.R.S. 24-34-402
 C.R.S. 24-34-601 (unlawful discrimination in places of public accommodation)
 C.R.S. 24-34-602 (penalty and civil liability for unlawful discrimination)

Cross References:

AC-TCA-F1 Report of Discrimination or Harassment
 AC-TCA-F2 Student Discrimination/Harassment Cabinet Level Appeal Form
 AC-TCA-F3 Student Discrimination/Harassment President Level Appeal Form
 GBA-TCA Equal Employment Opportunity
 GBAA-TCA Sexual Harassment of Staff
 GBAA-TCA-P1 Sexual Harassment of Staff Procedure
 JICDA-TCA Student Code of Conduct
 KE-TCA Conflict Resolution Policy
 ASD20 JB Equal Educational Opportunity
 ASD20 JJA Student Organizations (Secondary Schools)
 ASD20 JJA-R Student Organizations (Secondary Schools) Procedure
 ASD20 JKD/JKE, JKD-R/JKE-R Student Suspension/Expulsion/Denial of Admission Policies and Procedures

This TCA Policy Replaces ASD20 Policies AC, AC-E-2, AC-R, and JBB.

Policy Revision History

Date	Revision Details	Revised By
4/8/2015	Consolidated JII-TCA into AC-TCA and confirmed that policy was consistent with other TCA policies	Title IX Coordinator
3/16/2016	Appeal procedures updated	Title IX Coordinator
8/1/2016	Title IX Coordinator changed to Nondiscrimination Specialist and procedures updated	Compliance and Nondiscrimination Specialist
8/17/2016	Staff appeal procedures updated	Director of Human Resources
8/1/2017	Appeal forms links updated. Added clarification for using discrimination or conflict resolution process.	Compliance and Nondiscrimination Specialist