

SECTION 400 – STUDENTS

DISCRIMINATION/HARASSMENT

POLICY 404

ARTICLE 1 EQUAL OPPORTUNITY/DISCRIMINATION PROHIBITION

- A. Every student shall have equal educational opportunities through District programs. The concept of equal educational opportunity shall guide the Board, administration and staff in making decisions related to 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. No otherwise qualified student shall be excluded from participation in, be denied the benefits of or be subjected to unlawful discrimination in 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. (See Policy 107.)
- B. Any student who believes he or she has been a victim of unlawful discrimination or any student who has witnessed such unlawful discrimination, shall immediately report it to an administrator, counselor, teacher or School Compliance Officer (Principal) and file a formal complaint. Any employee receiving a complaint from a student shall immediately report the alleged unlawful discrimination to the Compliance Officer (Principal).
- C. The Principal shall investigate the alleged unlawful discrimination and take appropriate corrective action when a student or employee is found to be discriminating against the student. Corrective action includes taking necessary steps to end the discrimination, to prevent the discrimination from recurring, and to prevent retaliation against anyone who reports discrimination or participates in a discrimination investigation. The age of the student shall be considered when determining whether particular conduct occurred, whether it was discrimination and in determining the appropriate response.

ARTICLE 2 HARASSMENT

- A. 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. Bullying (see Article 4) is considered to be harassment. Harassment shall also include "sexual harassment" (see Article 3). Preventing and remedying such harassment is essential to ensure a safe environment in which students can learn.
- B. Any student who believes he or she has been a victim of harassment or any student who has witnessed such harassment, shall immediately report it to an administrator, counselor, teacher or School Compliance Officer (Principal) and file a formal complaint. Any employee receiving a complaint from a student shall immediately report the alleged harassment to the Compliance Officer (Principal).

References:

20 U.S.C. §1681 Title IX of the Education Amendments of 1972
20 U.S.C. §1701-1758 Equal Educational Opportunities Act
20 U.S.C. §701 et seq. Section 504 of the Rehabilitation Act of 1973
C.R.S. 18-3-202 Offenses against person
C.R.S. 18-9-124 Prohibition of hazing
C.R.S. 24-34-401 et. Seq. Non-discrimination
C.R.S. 22-32-109.1 Safe Schools Plan, Bullying

Adopted: February 6, 2002; Revised 10/15/07, 12/12/08

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- C. The Principal shall investigate the alleged harassment and take appropriate corrective action when a student or employee is found to be harassing the student. Corrective action includes taking necessary steps to end the harassment, to prevent the harassment from recurring, and to prevent retaliation against anyone who reports harassment or participates in a harassment investigation. The age of the student shall be considered when determining whether particular conduct occurred, whether it was harassment and in determining the appropriate response. Disciplinary actions for students found to be harassing a student or staff member shall be subject to suspension, other disciplinary action as determined by the Principal or possible expulsion. Incidences deemed to violate law shall be reported to the Park County Sheriff's office. Note: Ethnic intimidation is a criminal offense and any incidences of such intimidation will be reported to the Park County Sheriff's office.
- D. The results of the Principal's investigation and resulting actions, including resulting disciplinary actions, shall be summarized in a written report and filed with the Superintendent within ten school days of the date the student report was filed.

ARTICLE 3 SEXUAL HARASSMENT

- A. All students shall be protected from sexual harassment (see Policy 107, Article 1, Paragraph C for definition of Sexual Harassment).
- B. Sexual harassment cannot be investigated or corrected by the District until officials are made aware of such harassment. Therefore, students are encouraged to report all incidences of sexual harassment to an employee who shall then notify the Principal. All employees who witness sexual harassment shall immediately report it to the Principal.

ARTICLE 4 BULLYING

- A. Bullying means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress or threat upon one or more students in the school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events. Bullying may include a pattern of minor re-occurring incidences or a single major incidence.
- B. Bullying is a form of harassment (see Article 2) and a violation of the conduct code. Any student engaging in bullying behavior shall be suspended for a minimum of three school days and provided guidance counseling to eliminate this behavior. Re-occurring incidences may result in expulsion for a length of time to be determined by the Superintendent.
- C. Each school shall implement a bullying prevention program as deemed appropriate based upon the age of the students enrolled and the number of bullying incidences.
- D. Each school shall, at least once each year, inform students in grades 4 through 12, of Colorado's Safe2Tell hotline number and anonymity when using the hotline to report bullying or other unsafe actions/situations for students.

References:

20 U.S.C. §1681 Title IX of the Education Amendments of 1972
20 U.S.C. §1701-1758 Equal Educational Opportunities Act
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