



## **Nondiscrimination/Harassment /Equal Opportunity**

The Colorado Early Colleges Governing Board (Board) is committed to providing a safe learning and work environment where all members of Colorado Early Colleges (CEC) are treated with dignity and respect. CEC is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, national origin, marital status, religion, ancestry, age (when applicable), or need for special education services, or any other class protected by law.

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 CEC program or activity on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, national origin, marital status, religion, ancestry, age (when applicable), 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.

### **Annual Notice**

CEC shall issue a written notice prior to 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 CEC are offered without regard to disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, national origin, marital status, religion, ancestry, age (when applicable), or need for special education services. The announcement shall also include the name/title, address, and telephone number of the person designated to coordinate Title IX, and Section 504 and ADA 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, including on CEC's homepage of its website, recruitment materials, application forms, vacancy announcements, student/family handbooks, employee handbooks, and separately distributed to all students K through twelfth grade.

### **Harassment is Prohibited**

Harassment means to engage in or the act of engaging in any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class based on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, or ancestry, which conduct or communication is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication need not be severe or pervasive to constitute harassment or discrimination and constitutes harassment or discrimination if:

- Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's access to an educational service, opportunity, or benefit;

- Submission to the conduct or communication is explicitly or implicitly made a term or condition of employment;
- Submission to, objection to, or rejection of the conduct or communication is used or explicitly or implicitly threatened to be used as a basis for educational decisions affecting the individual;
- Submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual;
- The conduct or communication has the purposes or effect of unreasonably interfering with the individual's access to their educational service, opportunity, or benefit or creating an intimidating, hostile, or offensive educational environment; or
- The conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.
- Petty slights, minor annoyances, and lack of good manners do not constitute harassment or discrimination unless the slights, annoyances, or lack of manners, when taken in combination and under the totality of the circumstances, meet the definition of harassment as defined above.

Preventing and remedying harassment in school 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 CEC facilities and programs. All such harassment by CEC employees, students, and/or third parties is strictly prohibited.

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

### **Sexual Harassment**

CEC prohibits sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment or education;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment or education; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees, students, and non-employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct that violates this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, or e-mails;
- Verbal form such, as comments, jokes, foul or obscene language of a sexual nature, gossiping or asking questions about another's sex life, or repeated unwanted requests for dates; or
- Physical gestures and other nonverbal behavior, such as unwelcomed touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

### **Abusive Conduct**

CEC does not tolerate abusive conduct or bullying in the workplace. Abusive conduct is generally defined as repeated, health-harming mistreatment of an employee or student; abusive conduct that is verbally abusive;

threatening, humiliating, or intimidating; or interference that prevents work from getting done. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct unless it is especially severe and egregious.

### **Workplace Bullying**

CEC will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

#### Definition

CEC defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

Such behavior violates CEC's Code of Conduct.

CEC considers the following types of behavior examples of bullying:

- Verbal bullying. Slandering, ridiculing, or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying. Nonverbal gestures that can convey threatening messages.
- Exclusion. Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.

- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse, or threats of abuse to an individual or an individual's property (defacing or marking up property).

Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow CEC to take appropriate action.

### **Reporting Harassment**

Any student who believes they have been a victim of unlawful discrimination or harassment as defined in this policy shall immediately report it to the Head of School, school counselor, teacher, or Title IX Coordinator, and file a formal complaint as set forth in the [CEC Network Grievance Policy](#).

Any employee, applicant for employment, or member of the public who believes they have been a victim of unlawful discrimination or harassment shall file a complaint with the CEC Department of Human Resources or the Title IX Coordinator.

All students who witness such harassment shall immediately report it to the Head of School or other school employee.

All CEC employees who witness such harassment shall take prompt and effective action to stop it, as prescribed by CEC, promptly forward the report to their immediate supervisor and to the Title IX Coordinator. Under certain circumstances, harassment may constitute child abuse that must be reported to proper authorities.

A report of harassment or discrimination received by CEC is confidential and employees shall keep information learned during an investigation of harassment or discrimination confidential to the extent practicable.

### **Interim Institute School Action**

When appropriate, CEC shall take interim measures during the investigation of a harassment report to protect the alleged subject of the harassment from further harassment or retaliation.

In cases involving potential criminal conduct, the CEA, or designee shall determine whether appropriate law enforcement officials should be notified.

### **Investigation**

CEC will promptly conduct a fair and impartial investigation into all claims of unlawful behavior, harassment, and/or code of conduct violations. CEC will make a good faith effort to complete an investigation related to discrimination or harassment within sixty (60) days. The investigator will interview the complainant and the accused, all those who were witnesses to the claims, and review all related documents and materials, and make findings based on a preponderance of the evidence. Updates will be provided, at a minimum, every fifteen (15) business days throughout the investigation process. In line with confidentiality and laws related, all parties will be informed of the outcome of the investigation and any findings made.

All questions related to the investigations be directed to the individual conducting the investigation, or the individual's designee, and that the individual or designee conducting the investigation shall consider patterns of misconduct as relevant evidence.

CEC does not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination. CEC may still pursue an independent investigation.

### **Action Following Investigation**

The school shall take appropriate action to end the unlawful harassment, to prevent its recurrence, to prevent retaliation against the individual making the report and anyone participating in the investigation, and to restore lost educational opportunities to the harassed student or employment opportunities to staff. In addition, any student or employee who engages in harassment of another student or employee shall be disciplined according to applicable policies. Steps shall also be taken to ensure that victims of, and witnesses to, harassment are protected from retaliation. Further, students or employees who knowingly file false harassment 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. CEC will never use a student report of harassment or discrimination, or information revealed in any investigation or disciplinary proceedings of the report as the basis for or a consideration in, investigating or exacting any disciplinary response for a school violation by the reporting student or complainant related to the reported incident for engaging in reasonable self-defense against the respondent, consensual sexual activity, drug use, alcohol use, late arrival, truancy, unauthorized access to facilities, talking publicly about the reported harassment or discrimination, or expressing a trauma symptom. To the extent possible, all reports of harassment will be kept confidential. Upon determining that incidents of harassment are occurring in particular school settings or activities, CEC shall implement measures designed to remedy the problem in those areas or activities.

Students will be granted an excused absence due to time the student is out of school due to therapy, medical, legal, or victim services related to the harassment or discrimination. CEC will offer accommodations and supportive measures to a student experiencing harassment or discrimination that are designed to protect the safety of all students and that preserve and restore equal access to education for the student. Accommodations and supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, extra time for homework or tests, the opportunity to resubmit homework or retake a test, remedying an impacted grade, excused absences, the opportunity for home instruction, modifications to class schedules, and restrictions on contact between the parties to a report of harassment or discrimination. Additional accommodations are available for students with disabilities. A finding of harassment or discrimination is not required for CEC to provide related reasonable accommodations to a student or employee.

### **Training**

To reduce harassment and ensure a respectful school environment, CEC is responsible for providing training to all employees about harassment and discrimination.

CEC employees shall receive training when hired and, at a minimum, every three (3) years thereafter, related to recognizing and preventing unlawful harassment. CEC employees shall receive additional training related to handling reports of harassment. The training will include, but not be limited to:

- Awareness of groups protected under state and federal law and/or targeted groups, whether real or perceived;

- How to recognize and react to harassment or discrimination, including indicators of grooming and child sexual abuse;
- How to prevent harassment, deter future harassers, and protect employees and students from harassment;
- The appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee;
- Reporting harassment or discrimination to CEC and CEC's procedure for responding to allegations of harassment or discrimination; and
- Proven harassment prevention strategies

### **Records**

CEC shall retain all records of harassment or discrimination reports for seven (7) years. The report will include any accommodation or supportive measures taken in response to a report or formal complaint of harassment or discrimination and documentation of the basis for CEC's action and response.

### **Resources**

The Office for Victims Programs (OVP) houses a number of programs to support victims of crime. The programs include grant funding for victim service agencies, support for local victim compensation and Victim Assistance and Law Enforcement (VALE) programs, victim rights compliance, supporting statewide anti-human trafficking efforts, and supporting statewide responses to sexual assault. For general inquiries, please call 303-239-5719.

Colorado domestic and/or sexual violence-related resources:

- Violence Free Colorado map of domestic violence-related resources.
- Domestic Violence Services Map.
- List of free and confidential domestic violence advocacy services funded by DVP.
- The Colorado Address Confidentiality Program (opens in new window) provides a legal substitute address for survivors of domestic violence, sexual assault, and stalking/harassment. Visit the Enrollment Page (opens in new window) to find out about eligibility and the application process.

National domestic violence-related resources:

- National Domestic Violence Hotline - 800.799.7233
- National Teen Dating Abuse Hotline - 866.331.9474