



Mt. Evans BOCES

Clear Creek RE-1 - Gilpin RE-1 - Platte Canyon #1

Strong Partnerships Ensuring Success for Exceptional Students

Nondiscrimination/Equal Opportunity

The Board is committed to a policy of nondiscrimination in accordance with applicable federal and state laws and constitutional provisions. Accordingly, no otherwise qualified 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 BOCES program or activity on the basis of race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, disability. 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 and regulation shall be used to address all concerns regarding unlawful discrimination and harassment, except those regarding sexual harassment which are addressed in policy GBAA.

In keeping with these statements, the following shall be objectives of this BOCES:

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 initiate a process of reviewing all policies and practices of this BOCES in order to achieve the objectives of this policy to the greatest extent possible.
4. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.
5. To investigate and appropriately discipline staff found to be responsible for incidents of harassment or unlawful discrimination in violation of BOCES policy.

Annual notice

The BOCES shall issue a written notice prior to the beginning of each school year that advises employees and the general public that the programs, activities and employment opportunities offered by the BOCES are offered without regard to race, color, sex (which includes marital status), sexual orientation, religion, national origin, ancestry, creed, disability or need for special education services. With respect to employment practices, the BOCES shall also issue written notice that it does not discriminate on the basis of age or genetic information. The notice shall also include the name/title, address, email address and telephone number of the person designated to coordinate 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 in all BOCES media containing general information, including: the BOCES's website, recruitment materials, application forms, vacancy announcements.

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 is essential to ensure a nondiscriminatory, safe environment in which employees can work and members of the public can access and receive the benefit of BOCES facilities and programs. All such harassment, by BOCES employees and third parties is strictly prohibited.

All BOCES employees share the responsibility to ensure that harassment does not occur at on any BOCES property, at any BOCES sanctioned activity or event, or off BOCES property when such conduct has a nexus to the BOCES.

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 sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from a BOCES's program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the BOCES. Board policy on sexual harassment (GBAA) 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 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 BOCES'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 executive director who shall designate an alternate compliance officer to investigate the matter.

[NOTE: If the executive director is the compliance officer, the Board must identify an alternate person who can take the necessary action.]

BOCES action

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

The BOCES 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 BOCES 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. Employees who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including termination of employment. No 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 BOCES settings or activities, the BOCES shall implement measures designed to remedy the problem in those areas or activities.

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

In cases involving potential criminal conduct, the compliance officer shall determine whether appropriate law enforcement officials should be notified.

Notice and training

To reduce unlawful discrimination and harassment and ensure a respectful environment, the administration is responsible for providing notice of this policy to all BOCES departments. The policy and complaint process shall be referenced in employee handbooks and otherwise available to all staff and members of the public through electronic or hard-copy distribution.

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

Adoption date: 12/15/2014

LEGAL REFS.: [20 U.S.C. §1681 (Title IX, 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)
42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)
34 C.F.R. Part 100 (Section 504 regulations)
C.R.S. 2-4-401(13.5) (definition of sexual orientation)
C.R.S. 18-9-121 (bias-motivated crimes)
C.R.S. 24-34-301(7) (definition of sexual orientation)
C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division)
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)
C.R.S. 24-34-602 (penalty and civil liability for unlawful discrimination)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment
[JB, Equal Educational Opportunities]
[JBB*, Sexual Harassment]

NOTE 3: State law defines "sexual orientation" as "a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof." C.R.S. 2-4-401(13.5), 24-34-301(7).