



AC-R - REPORTING DISCRIMINATION / DISTRICT RESPONSE TO DISCRIMINATION COMPLAINTS

The District shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination, which includes harassment; shall promptly take effective action to stop unlawful discrimination/harassment when it is discovered and take steps to prevent a reoccurrence; shall impose appropriate sanctions on offenders in a case-by-case manner; shall take steps to protect anyone participating in good faith in an unlawful discrimination/harassment report, complaint or investigation from retaliation; and shall protect the privacy of all those involved in unlawful discrimination/harassment reports and complaints as required by law. Reports and complaints that appear to involve criminal law violations shall also be referred to law enforcement authorities.

Reports and complaints of unlawful discrimination/harassment, except discrimination/harassment based on disability, shall be handled in accordance with the procedures set forth in this regulation and may be submitted orally or in writing. Reports and complaints of unlawful discrimination/harassment based on disability may be made orally or in writing in accordance with the procedures specified in District Policy ACE.

DEFINITIONS

1. As used in this regulation, "Compliance Officer" means the employee designated by the superintendent to receive and coordinate the handling of reports and complaints of alleged unlawful discrimination/harassment.
 - a. The Compliance Officer for handling reports and complaints of unlawful discrimination/harassment against students and community members is the director of student services, 1630 South Stover Street, Fort Collins, Colorado 80525, (970) 490-3033.
 - b. The Compliance Officer for handling reports and complaints of unlawful discrimination/harassment against employees is the executive director of human resources, 2407 LaPorte Avenue, Fort Collins, Colorado 80521, (970) 490-3620.
2. As used in this regulation, "aggrieved individual" means a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, a community member or an employee who is directly affected by and/or is witness to an alleged violation of a District policy prohibiting unlawful discrimination/harassment.

INITIAL PROCESSING OF REPORTS AND COMPLAINTS

Aggrieved individuals are encouraged to promptly report incidences of discrimination/harassment as provided in this regulation and other applicable District policies. All reports received by teachers, counselors, principals and other District employees shall be promptly forwarded to the appropriate Compliance Officer as specified above. If the specified Compliance Officer is the individual alleged to have engaged in the prohibited conduct, the report shall be forwarded to the other Compliance Officer. The responsible Compliance Officer or Compliance Officer's designee shall document the report and follow up as necessary to ensure that to the extent possible the documentation includes a detailed description of the alleged events, the dates the alleged events occurred and names of the parties involved, including any witnesses.

Any aggrieved individual may file a complaint with the appropriate Compliance Officer as specified above charging the District, a student or a District employee with unlawful discrimination or harassment. If the specified Compliance Officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be filed with the other Compliance Officer. A complaint should be in writing unless the person filing the complaint (the "Grievant") has a disability that prevents the grievant from submitting a complaint in writing. If the complaint is submitted orally, the Compliance Officer will document the complaint in writing and give the grievant an opportunity to review and ask for any corrections to the documentation of the complaint. All complaints shall to the extent possible include a detailed description of the alleged events, the dates the alleged events occurred and names of the parties involved, including any witnesses. Aggrieved individuals will be permitted to present witnesses and other evidence in support of their complaint.

Reports and complaints shall not be accepted for investigation more than ninety (90) calendar days after the last date on which the alleged harassment or discrimination occurred, except that extensions may be granted upon a showing that the aggrieved individual was prevented from timely filing as a result of circumstances beyond his/her control.

Upon receiving the report or complaint, the Compliance Officer or Compliance Officer's designee shall confer with the aggrieved individual and/or the alleged victim of the unlawful discrimination/harassment as soon as is reasonably possible to obtain a clear understanding of the basis of the report/complaint.

Following the initial meeting with the aggrieved individual and/or alleged victim, the Compliance Officer or Compliance Officer's designee shall attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if that individual is a student, with his or her parents/guardian, in order to obtain a response to the report or complaint. Such person(s) shall be informed of all allegations that, in the Compliance Officer's or designee's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the report/complaint.

At the initial meetings, the Compliance Officer or Compliance Officer's designee shall explain the avenues for informal and formal action, provide a description of the process, and explain that both the victim and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The Compliance Officer or designee shall also explain that whether or not the aggrieved individual files a written complaint or otherwise requests action, the District is required by law to take steps to correct the unlawful discrimination/harassment and to prevent recurring unlawful discrimination, harassment, or retaliation against anyone who makes a report or participates in an investigation. The Compliance Officer or designee shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude the District from responding effectively to prohibited conduct and preventing future prohibited conduct.

INFORMAL ACTION

If the aggrieved individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the Compliance Officer or Compliance Officer's designee believes that the matter is suitable to such resolution, the Compliance Officer or designee may attempt to resolve the matter informally through mediation, counseling or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action need be taken. No party shall be compelled to resolve a report or complaint of unlawful discrimination/harassment informally and either party may request an end to the informal process at any time.

Informal resolution shall not be used to process reports or complaints against a District employee and shall not be used between students where the underlying offense involves sexual assault or another act of violence.

FORMAL ACTION

If informal resolution is inappropriate, unavailable or unsuccessful, the Compliance Officer or Compliance Officer's designee shall promptly and impartially investigate the allegations to determine whether and/or to what extent unlawful discrimination/harassment has occurred.

The Compliance Officer or Compliance Officer's designee shall prepare written findings and recommendations, as appropriate, and submit them to the superintendent within forty (40) calendar days following the Compliance Officer's receipt of the report or complaint, or within thirty (30) calendar days following the termination of the informal resolution process. The Compliance Officer's or designee's recommendations shall be advisory and shall not bind the superintendent or the District to any particular course of action or remedial measure. Within twenty (20) business days after receiving the Compliance Officer's or designee's findings and recommendations, the superintendent or superintendent's designee shall determine whether any sanctions or other action,

including disciplinary action, is appropriate and should be imposed. Also within twenty (20) business days after receiving the Compliance Officer's or designee's findings and recommendations, and to the extent permitted by law, all parties, including the parents/guardians of all students involved, shall be notified in writing of the investigation findings and the superintendent's or designee's determination regarding sanctions and/or other action taken to address the matter.

APPEALS / OUTSIDE AGENCIES

If the aggrieved individual is not satisfied with the written findings or determination of the superintendent or superintendent's designee, he/she may pursue any remedy or litigation authorized by law.

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex/gender) and Section 504/ADA (disability) may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

Adopted by Superintendent: June 15, 2016, effective July 1, 2016