



AC-R2 – HARASSMENT AND DISCRIMINATION INVESTIGATION PROCEDURES FOR EMPLOYEES AND APPLICANTS FOR EMPLOYMENT

As set forth in District Policy AC – Nondiscrimination/Equal Opportunity, Poudre School District is committed to providing a safe working environment where all employees are treated with dignity and respect and no otherwise qualified employee is excluded from participation in, denied the benefits of, or subjected to harassment or discrimination under any District program or activity on the basis of protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity. When the District receives complaints of alleged harassment or discrimination, the District has a responsibility to put in appropriate remedies to address the allegation(s) and stop or prevent harassment or discrimination from occurring or continuing to occur.

Harassment and Discrimination Prohibited

The District is committed to nondiscrimination in all areas of employment including job advertising, pre-employment requirements, recruitment, compensation, fringe benefits, job classifications, promotion, and termination.

Reporting

Any employee who believes they may have experienced harassment or discrimination or believes they may have witnessed or received information about harassment or discrimination taking place will immediately report this information to their immediate supervisor, any administrator in the building, or the Human Resources Department.

The District will protect the confidentiality of employees and applicants who report harassment or discrimination or participate in a harassment or discrimination investigation, to the greatest extent possible.

Investigation

If the complaint of harassment or discrimination is not made directly to the Human Resources Department, the supervisor or administrator receiving the complaint must immediately refer the matter to the Human Resources Department for investigation of the complaint according to the following:

1. The investigation conducted must be fair, impartial, and prompt.
2. The standard of proof to be applied to the findings of whether harassment or discrimination occurred shall be the preponderance of the evidence (whether it is more likely than not that the alleged conduct occurred).

3. During the investigation, both parties will be informed of the investigation process and the District's legal obligations including preventing and remedying the effects of harassment and discrimination.
4. The individual investigating the complaint will complete the investigation and render a decision within sixty (60) days. This deadline may be extended for good cause and with prior written notice to the complainant and to the respondent of the delay and the reason for the delay or may extend the deadline at the request of a law enforcement agency.
5. The investigator will write and issue a written report that states whether the actions violated District policy and includes the recommended course of action. After completing an investigation, a final report or final documentation will be sent concurrently to all parties.

Disciplinary Measures and Remedies

Any employee found to have engaged in harassment or discrimination will be subject to discipline and/or remedies, including but not limited to, verbal warnings, written directives, suspension, or dismissal from employment, subject to applicable procedural requirements. Employees may be required to participate in educational trainings related to harassment and discrimination.

Retaliation

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation is prohibited. Filing of a complaint or otherwise reporting harassment or discrimination in good faith will not reflect upon an employee's status or affect future employment or work assignments and/or promotions. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

Record Keeping

Records of complaints maintained in accordance with this policy are not public records, as defined in C.R.S. § 24-72-202(6), are considered personnel records, as defined in C.R.S. § 24-72-202(4.5), and are not open to public inspection. Additionally, any record of a sexual harassment complaint or investigation is not open to public inspection except as specified in C.R.S. § 24-72-204(3)(a)(X).

Notice of Policy

Notice of this policy shall be provided to all employees via publication on the District website.

Outside Agencies

In addition to or as an alternative to filing a complaint pursuant to this regulation, a person may file a discrimination complaint with outside agencies as identified and listed in District Policy AC – Nondiscrimination/Equal Opportunity.

Adopted by Superintendent: August 22, 2024

CROSS REFERENCES:

AC - Nondiscrimination/Equal Opportunity

GBAA – Harassment or Discrimination of Staff

AC-R3 – Sex-based Harassment Investigation Procedures

LEGAL REFERENCES:

20 U.S.C. 1681 (Title VII, Education Amendments of 1972)

C.R.S. 24-32-109(1)(II) (Board duty to adopt written policies prohibiting discrimination)

C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division)

C.R.S. 24-34-301(1) (definition of age)

C.R.S. 24-34-301(7) (definition of disability)

C.R.S. 24-34-301(9) (definition of gender expression)

C.R.S. 24-34-301(10) (definition of gender identity)

C.R.S. 24-34-301(14) (definition of marital status)

C.R.S. 24-34-301(21) (definition of race)

C.R.S. 24-34-301(24) (definition of sexual orientation)

C.R.S. 24-34-402 et seq. (discriminatory or unfair employment practices)

C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth, or related condition)