



AC - NONDISCRIMINATION/EQUAL OPPORTUNITY

Poudre School District is committed to providing a safe learning and working environment where all members of the School District community are treated with dignity and respect. The District is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of a protected class, and is committed to the policy that no otherwise qualified individual shall be denied access to, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any District program or activity on the basis of race, color, creed, religion, national origin, ancestry, immigration/citizenship status, sex, sexual orientation, gender identity, gender expression, transgender identity, pregnancy, family composition, marital status, veteran status, age, disability, or need for special education services. For employees or applicants, protected class also includes genetic information. . The District does not discriminate on the basis of a protected class in access or admission to, or treatment or employment in, its programs or activities.

This policy defines prohibited conduct and guides individuals to the specific regulation governing the applicable reporting and response processes. Supportive measures and prompt response times are required components of all regulations. Complaints will be addressed by the following regulations:

- *Complaints of harassment or discrimination against students:* District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students
- *Complaints of harassment and discrimination against applicants or employees:* District Regulation AC-R2 – Harassment and Discrimination Investigation Procedures for Employees or Applicants for Employment
- *Complaints of sex-based harassment (Title IX) against students, applicants or employees:* District Regulation AC-R3 – Sex-based Harassment Investigation Procedures

The following policies further address harassment and bullying:

- District Policy GBAA – Harassment of Employees
- District Policy JBB – Harassment or Discrimination of Students
- District Policy JICDE – Bullying Prevention and Education

Definitions

For purposes of this policy and the policies listed above, unless otherwise noted in those policies, these terms or phrases have the following meanings:

- **“Bullying”** is any written or oral expression, physical or electronic act or gesture, or a pattern thereof, that is intended to willfully cause physical, mental, or emotional harm to any student or to use coercion or intimidation to influence and/or obtain control over another person. District Policy JICDE – Bullying Prevention and Education, has more information. If the bullying is based on a student’s protected class, the behavior may constitute harassment or discrimination. Bullying based on a student’s protected class that meets the definition of harassment or discrimination under District Policy JBB – Harassment or Discrimination of Students should be addressed through District Regulation AC-R1 - Harassment and Discrimination Investigation Procedures for Students.
- **“Complainant”** means a student or their parent/guardian on the student’s behalf, employee, or community member alleged to have experienced discrimination or harassment when participating in or attempting to participate in a District education program or activity. A complainant may or may not be the reporting party.
- **“Compliance officer”** means the District employee who is responsible for coordinating and overseeing the District’s discrimination and harassment prevention and response efforts. Among other responsibilities, the compliance officer will coordinate and oversee the District’s discrimination and harassment investigation, consultation, recordkeeping, monitoring, and training processes. To facilitate this work, all District employees must inform the compliance officer of all reports and complaints raising discrimination and harassment issues implicating this policy. The compliance officer may appoint a designee to perform any of their assigned duties, including performing the investigation and issuing the report.
- **“Discrimination”** occurs when an individual is denied or limited in the ability to participate in or benefit from the District’s services, activities, or opportunities on the basis of any protected class. Discrimination does not require discriminatory intent and can result from implicit bias.
- **“Harassment”** against employees or applicants for employment is defined in District Policy GBAA – Harassment of Employees.
- **“Harassment or discrimination”** against students is defined in District Policy JBB – Harassment or Discrimination of Students.
- **“Protected class/classes”** include race, color, creed, religion, national origin, ancestry, immigration/citizenship status, sex, sexual orientation, gender identity, gender expression, transgender identity, pregnancy, family composition, marital

status, veteran status, age, disability or need for special education services. For employees or applicants, protected class includes genetic information.

- **“Creed”** means all aspects of religious beliefs, observances or practices, as well as sincerely-held moral and ethical beliefs as to what is right and wrong, and/or addresses ultimate ideas or questions regarding the meaning of existence, as well as the beliefs or teachings of a particular religion, church, denomination or sect. A creed does not include political beliefs, association with political beliefs or political interests, or membership in a political party.
- **“Gender expression”** means an individual’s way of reflecting and expressing the individual’s gender to the outside world, typically demonstrated through appearance, dress, and behavior.
- **“Gender identity”** means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth.
- **“Marital status”** means a relationship or a spousal status of an individual, including, but not limited to, being single, cohabitating, engaged, widowed, married, in a civil union, or legally separated, or a relationship or a spousal status of an individual who has had or is in the process of having a marriage or civil union dissolved or declared invalid.
- **“National origin”** refers to the country where a person was born, or, more broadly, the country from which a person’s ancestors came.
- **“Race”** includes hair texture, hair type, hair length, or a protective hairstyle that is commonly or historically associated with race.
 - **“Protective hairstyle”** includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and head wraps.
- **“Religion”** means all aspects of religious observance, belief and practice. A person does not have to be a member or follower of a particular organized religion, sect or faith tradition to have a religion.
- **“Sexual orientation”** means an individual’s identity, or another individual’s perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
- **“Transgender”** means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth.

- **“Reporting party”** means a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant with the compliance officer. Any District student, employee, or community member may be a reporting party.
- **“Respondent”** means a student, employee, or other individual who has been reported to have engaged in alleged harassment or discrimination.
- **“Retaliation”** is intimidating, threatening, coercing, or discriminating against an individual by the District, a student, or an employee or other person authorized by the District because the individual raised a good-faith concern about or participated in good faith in an investigation of discrimination or harassment. Retaliation includes charges against a student for code of conduct violations related to the incident for the purpose of punishing a student for making a report or otherwise interfering with a student’s rights under this policy. The District will investigate and respond to an allegation of retaliation.
- **“Sex-based Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **“Sex-based Harassment”** under Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
 - Quid pro quo harassment. An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the recipient’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
 - Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity (i.e., creates a hostile environment); Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties’ ages, roles within the District’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

- The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the recipient's education program or activity; or
- Specific offenses. Sexual assault, dating violence, domestic violence, or stalking, as further defined in District Policy AC-R3 – Sex-based Harassment Investigation Procedures.
- **“Supportive measures”** are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter harassment and discrimination. Supportive measures may be provided regardless of whether a complaint has been filed. 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, including for any therapy, medical, legal, or victim's services appointment associated with the report;
 - The opportunity for home instruction;
 - Modifications to class schedules; and
 - Restrictions on contact between the parties to a complaint of harassment or discrimination.
- **“Title IX Coordinator”** means the employee(s) designated by the District to coordinate its efforts to comply with Title IX of the Education Amendments. The Title IX Coordinator retains ultimate oversight over the District's responsibilities and ensures the District's consistent compliance with its responsibilities under Title IX, including direct action and investigation in lieu of a designee when appropriate.
- **“Designated administrator”** means an employee designated by a compliance officer at each school or site to whom the compliance officer(s) has delegated certain responsibilities to receive and respond to complaints and reports of harassment or discrimination.

Harassment, Discrimination, and Retaliation Prohibited

Discrimination, harassment, and bullying on the basis of a protected class are prohibited at any District school, at any District or school-sanctioned activity or event, on any District property, off District property when such conduct has a connection to the District, or any District curricular or non-curricular activity or event. Retaliation for

reporting harassment or discrimination, or for participating in any way in an investigation of harassment or discrimination is also prohibited.

Reporting Harassment and Discrimination

All District employees and students share the responsibility to ensure that harassment and discrimination does not occur at any District school, or any District property, at any District or school-sanctioned activity or event, or off school property when such conduct has a nexus (link or connection) to the school.

Any student or parent/guardian of a student who believes they have been a target of harassment or discrimination as defined in District policy, or who has witnessed harassment or discrimination, is encouraged to immediately report it to an administrator, counselor, teacher, through the District's online reporting form, or the District's compliance officer(s) and file a complaint as set forth in the regulations that accompany this policy.

District Action

All District employees who witness harassment or discrimination must take prompt and effective action to stop the harassment or discrimination, including reporting the harassment or discrimination to the appropriate school or District employee.

The District's response to allegations of harassment or discrimination will include:

- Promptly and impartially investigating allegations of harassment or discrimination;
- Promptly taking effective action to stop harassment or discrimination when it is determined by a preponderance of the evidence (more likely than not) that incidents of harassment or discrimination have occurred and take steps to prevent it from happening again and remedying the effects of harassment or discrimination;
- Taking steps to protect anyone participating in good faith in an unlawful discrimination report, complaint or investigation from retaliation;
- Providing regular updates to all parties regarding the investigation;
- Implementing supportive measures during the investigation; and
- Referring reports and complaints that appear to involve criminal law violations to law enforcement authorities.

To the extent possible, all reports of harassment or discrimination will be kept confidential. No student, employee, or member of the public shall be subject to adverse

treatment or retaliation for any good faith report of harassment or discrimination. Students or employees who knowingly file false complaints or give false statements in an investigation will be subject to discipline, up to and including suspension/expulsion for students and dismissal from employment for employees.

Any student or employee who engages in harassment or discrimination will be disciplined according to applicable District policies, and the District will take reasonable action to restore lost educational or employment opportunities to the complainant(s) of harassment or discrimination.

Compliance Officers

The District's compliance officers are responsible for District compliance with this policy.

For District students/members of the public, the compliance officers for harassment or discrimination, including under Title IX, Americans with Disabilities Act (ADA) and Section 504:

Senior Executive Director of Student Services/Title IX Coordinator, Assistant
Director of Student Services, and LGBTQIA+ Coordinator
2407 LaPorte Avenue
Fort Collins, Colorado 80521
Phone: (970) 490-3264
Email: nondiscrimination@psdschools.org

For District employees/applicants for employment:

Chief of Staff
2407 LaPorte Avenue
Fort Collins, Colorado 80521
Phone: (970) 490-3333
Email: HRCompliance@psdschools.org

Annual Notice and Training

The District will 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 the District are offered without regard to protected class.

The announcement will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, ADA, and other nondiscrimination compliance activities.

Communications regarding this policy notice will be written in simple and age-appropriate language. When possible, the notice will be disseminated to persons with limited English language skills in the person's own language. The policy and

implementing regulations will be prominently posted on the District's website in plain language, and made available to all students, parents, and employees through electronic or hard-copy distribution.

Training materials regarding sex-based harassment are available to the public on the District's website. Students and District employees will receive periodic training related to recognizing, reporting, and preventing discrimination and harassment. District employees must receive additional training related to handling reports of discrimination and harassment.

Reporting to Federal or State Agency

In addition to, or as an alternative to, filing a harassment or discrimination complaint to this policy and the accompanying regulations, an individual may file a complaint with the U.S. Department of Education, Office for Civil Rights, Federal Office of Equal Employment Opportunity Commission, or the Colorado Civil Rights Division at the addresses below:

Denver Office for Civil Rights (OCR)
U.S. Department of Education
1244 Speer Blvd., Suite 310
Denver, CO 80204
Phone: (303) 844-5695
Fax: (303) 844-4303
TTY: (303) 844-3417
Email: OCR.Denver@ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC)
303 E. 17th Ave., Suite 410
Denver, CO 80203
Phone: (303) 800-669-4000
Fax: (303) 866-1085
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122

Colorado Civil Rights Division (CCRD)
1560 Broadway, Suite 825
Denver, CO 80202
Phone: (303) 894-2997 or (800) 886-7675
Fax: (303) 894-7830
Email: DORA_CCRD@state.co.us (general inquiries); DORA_CCRDIntake@state.co.us (intake unit)

Current practice codified 1995
Adopted by Board: May 22, 1995
Revised by Board: December 11, 1995

Revised by Board: February 14, 2000
Revised by Board: November 25, 2002
Revised by Superintendent: September 2, 2008
Revised by Superintendent: August 27, 2012
Revised by Superintendent: September 28, 2015
Revised by Superintendent: June 15, 2016, effective July 1, 2016
Revised by Superintendent: September 26, 2016
Revised by Superintendent: August 14, 2020
Revised by Superintendent: June 10, 2021, effective July 1, 2021
Revised by Superintendent: March 28, 2024
Revised by Superintendent: August 22, 2024

CROSS REFERENCES:

ACE – Nondiscrimination on the Basis of Disability
AC-R1 – Harassment and Discrimination Investigation Procedures for Students
AC-R2 – Harassment and Discrimination Investigation Procedures for Employees and Applicants for Employment
AC-R3 – Sex-based Harassment Investigation Procedures
GBAA – Harassment or Discrimination of Employees
JBB – Harassment or Discrimination of Students
JICDE – Bullying Prevention and Education

LEGAL REFERENCES:

20 U.S.C. 1681 (Title IX of the Education Amendments 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. (Americans with Disabilities Act)
42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964)
C.R.S. 24-34-301(7), 24-34-401 et seq., & 24-34-601 et seq. (Colorado Civil Rights Statutes)
3 C.C.R. 708-1 (Colorado Civil Rights Commission Regulations)
C.R.S. 22-32-110(1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)
C.R.S. 22-1-143 (definition of harassment and discrimination)
C.R.S. 22-4-401 (definitions of gender expression, gender identity, and sexual orientation)
C.R.S. 24-34-301 (definitions of gender expression, gender identity, and sexual orientation)
C.R.S. 24-34-402 *et seq.* (discriminator or unfair employment practices)
C.R.S. 24-34-601 (unlawful discrimination in places of public accommodation)