

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 may 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 disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law.

For purposes of this policy and other policies including a nondiscrimination statement, these terms have the following meanings:

- "Race" includes hair texture, hair type, 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.
- "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.
- "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.

This policy and supporting regulation(s) will be used to address all concerns regarding unlawful discrimination and harassment. Alleged conduct regarding sex-based discrimination and sexual harassment will follow the complaint and investigation procedures specific to this conduct.

In keeping with these statements, the following are 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 and students found to be responsible for incidents of harassment or unlawful discrimination in violation of BOCES policy.

Annual notice

The BOCES will 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 disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the BOCES will also issue written notice that it does not discriminate on the basis of age, genetic information, or conditions related to pregnancy or childbirth. The notice will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX and Section 504 and ADA compliance activities.

The notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made available to persons who are visually or hearing impaired.

The notice will 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 disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, 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 students can learn, 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, students and third parties is strictly prohibited.

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

Reporting unlawful discrimination and harassment

Any employee, applicant for employment, or member of the public who believes they have been a target of unlawful discrimination or harassment as defined in Board policy, or who has witnessed such unlawful discrimination or harassment, must 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, an alternate compliance officer will be designated to investigate the matter, in accordance with this policy's accompanying regulation.

BOCES action

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

The BOCES will 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 will 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 may be subject to discipline, up to and including termination of employment. No employee or member of the public may 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 will implement measures designed to remedy the problem in those areas or activities.

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

In cases involving potential criminal conduct, the BOCES will 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 must be referenced employee handbooks and otherwise available to all staff and members of the public through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sexual harassment are available to the public on the BOCES's website.

BOCES employees will receive periodic training related to recognizing and preventing unlawful discrimination and harassment. BOCES employees must receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not be limited to:

- awareness of groups protected under state and federal law and/or targeted groups;
- how to recognize and react to unlawful discrimination and harassment; and
- proven harassment prevention strategies.

(Adoption date: January 19, 2022)

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 through Part 110 (civil rights regulations)

C.R.S. 2-4-401 (3.4) (definition of gender expression)
C.R.S. 2-4-401 (3.5) (definition of gender identity)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation)
C.R.S. 18-9-121 (bias-motivated crimes)
C.R.S. 22-32-110(1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyles)
C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division)
C.R.S. 24-34-301 (3.3) (definition of gender expression)
C.R.S. 24-34-301 (3.5) (definition of gender identity)
C.R.S. 24-34-301 (7) (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 conditions; notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees)
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]

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