



<i>The Classical Academy</i>	<i>Policies and Procedures</i>
Policy Name:	Nondiscrimination and Equal Opportunity
Policy Number:	AC-TCA
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Category:	Foundations
Author:	Compliance Officers/Title IX Coordinators
Cabinet Approval:	President

## INTRODUCTION

The Classical Academy (TCA) is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. All TCA schools are subject to all federal and state laws and constitutional provisions prohibiting discrimination 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. Accordingly, no otherwise qualified student, staff member, 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 school program or activity on the basis of any protected classes listed above. Discrimination against staff members 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.

TCA welcomes students with disabilities into all programs, including the Cottage School Program. In accordance with Individuals with Disabilities Education Act (IDEA), Section 504, and Americans with Disabilities Act (ADA) policies and procedures, we work collaboratively with families to determine whether the student needs appropriate accommodations and/or services. Once those accommodations and/or services are determined, in accordance with applicable policies and laws, we ensure the appropriate meeting takes place to determine whether and how the student can be appropriately accommodated and served to access our programs.

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 TCA:

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 consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which they live.

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

## DEFINITIONS

For purposes of this policy, these terms have the following meanings:

1. "Harassment or discrimination" means to engage in, or the act of engaging in, any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by an individual or employee that is directed at an individual or group of individuals because of that individual's or group's membership in, or perceived membership in a protected class, which conduct or communication is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication need not be severe or pervasive to constitute harassment or discrimination if:
  - The conduct or communication is explicitly or implicitly made a term or condition of the individual's access to an educational service, opportunity, or benefit;
  - Submission to, objection to, or rejection of the conduct or communication is used or explicitly or implicitly threatened to be used as a basis for educational decisions affecting the individual; or
  - The conduct or communication has the purpose or effect of unreasonably interfering with the individual's access to their educational service, opportunity, or benefit or creating an intimidating, hostile, or offensive educational environment.

Whether conduct constitutes harassment or discrimination is judged under the totality of the circumstances, which may include, but is not limited to:

- The frequency of the conduct or communication, recognizing that a single incident may rise to the level of harassment or discrimination;
- The number of individuals engaged in the conduct or communication;
- The type or nature of the conduct or communication;
- The duration of the conduct or communication;
- The location where the conduct or communication occurred;
- Whether the conduct or communication is threatening;
- Whether any power differential exists between the individual alleged to have engaged in harassment or discrimination and the individual alleging the harassment or discrimination;
- Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading;
- Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class; or
- Whether the conduct includes an act of physical violence.

Examples include, but are not limited to, singling out a student based on a protected class, name calling, inappropriate jokes, offensive language, physical acts of aggression against a

person or property, hostile acts based upon a person's membership in a legally protected class, written or graphic material which intimidates, demeans, or threatens individuals, which may include use of technology, including cell phones or the Internet. Conduct by adults or students may constitute discrimination.

See Policy AC-TCA-R2 for the definition of sexual harassment.

2. "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.
3. "Protective Hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps.
4. "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.
5. "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.
6. "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.

## **ANNUAL NOTICE**

TCA will issue a written notice prior to the beginning of each school year that advises students, parents, staff members, and the general public that the educational programs, activities, and employment opportunities offered by TCA 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, TCA 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 announcement will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, and ADA compliance activities.

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

The notice will appear on a continuing basis in all TCA media containing general information, including: guides, school publications, the school's website, recruitment materials, application forms, vacancy announcements, student handbooks, school program notices, summer program newsletters, and annual letters to parents.

## **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 in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, staff members can work, and members of the public can access and receive the benefit of school facilities and programs. All such harassment, by TCA staff members, students, and third parties, is strictly prohibited.

All TCA staff members and students share the responsibility to ensure that harassment does not occur at any TCA school, on any TCA property, at any TCA or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any TCA curricular or non-curricular activity or event.

### **REPORTING UNLAWFUL DISCRIMINATION AND HARASSMENT**

Any student who believes they have been a target of unlawful discrimination or harassment, as defined in administrative policy and supporting regulations, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher, or a TCA Compliance Officer/Title IX Coordinator and file a complaint in person, by phone, email or online form, or any other method as set forth in the regulation which accompanies this policy.

Any applicant for employment, or member of the public who believes they have been a target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall file a complaint with a Compliance Officer/Title IX Coordinator.

Any staff member who believes they have been a target of unlawful discrimination or harassment is encouraged to immediately file a complaint with either an immediate supervisor, the Director of Human Resources, or a TCA Compliance Officer/Title IX Coordinator.

If the individual alleged to have engaged in prohibited conduct is the person designated as a Compliance Officer/Title IX Coordinator, the complaint shall be made to the Director of Human Resources who shall designate an alternate Compliance Officer/Title IX Coordinator to investigate the matter in accordance with this policy's accompanying regulation.

A complainant is not required to engage with any persons who are the source of the issue or closely associated with the person who is the source of such issue. Instead, the complainant may utilize any of the other various avenues of internal complaint. A complainant is required to make a reasonable effort to bring forward any allegation of unlawful discrimination so that TCA may work to stop such wrongdoing and prevent future occurrences.

### **TCA ACTION**

All TCA staff members who witness unlawful discrimination or harassment must take prompt and effective action to stop it, as prescribed by TCA.

TCA shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to provide regular updates to all parties regarding the investigation, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual(s) who file(s) the complaint or any person who participates in the investigation. When appropriate, TCA shall take interim measures during the investigation to protect against further unlawful discrimination, harassment, or retaliation.

TCA will make reasonable effort to ensure that those named in a complaint, or are too closely associated with those involved in the complaint, will not lead the investigation team or efforts.

TCA may utilize a neutral third-party investigator to address allegations of discrimination, harassment, or other work-related misconduct.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or staff members who knowingly file false complaints or give false statements in an investigation may be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, staff member, 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 by a preponderance of evidence that incidents of unlawful discrimination or harassment are occurring in particular school settings or activities, TCA shall implement measures designed to remedy the problem in those areas or activities.

Any student or staff member who engages in unlawful discrimination or harassment shall be disciplined according to applicable administrative policies and the school shall take reasonable action to restore lost educational or employment opportunities to the individual(s).

In cases involving potential criminal conduct, TCA will determine whether appropriate law enforcement officials should be notified.

### **NOTICE AND TRAINING**

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all TCA schools and departments. All communications regarding this policy must be written in simple and age-appropriate language. The policy and complaint process shall be prominently posted on TCA's website, referenced in student and staff member handbooks, described in hard-copy notices posted at schools, and made otherwise available to all students, 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 TCA's website.

TCA students and staff members shall regularly receive training related to recognizing and preventing unlawful discrimination and harassment. TCA staff members shall regularly receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not be limited to:

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

This TCA policy replaces ASD20 Policy AC.

### **Legal References:**

20 U.S.C. 1681 (Title VII, 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. 2-4-301 (3.3) (definition of gender expression)  
C.R.S. 2-4-301 (3.5) (definition of gender identity)  
C.R.S. 2-4-301 (7) (definition of sexual orientation)  
C.R.S. 18-9-121 (bias-motivated crimes)

C.R.S. 22-1-143 (definition of harassment or discrimination)  
 C.R.S. 22-32-109 (1)(ll) (Board duty to adopt written policies prohibiting discrimination)  
 C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)

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. 34-402 (1.3) (a) (definition of “harass” or “harassment”)  
 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 staff members)  
 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 References:**

AC-TCA-E1 Nondiscrimination/Equal Opportunity – Notice  
 AC-TCA-F1 Report of Discrimination or Harassment  
 AC-TCA-F2 Discrimination/Harassment President Level Appeal Form  
 AC-TCA-R1 Nondiscrimination/Equal Opportunity Procedure  
 AC-TCA-R2 Sexual Harassment Investigation Procedure  
 GBA-TCA Equal Employment Opportunity  
 GBAA-TCA Sexual Harassment of Staff  
 JICDA-TCA Student Code of Conduct  
 JJA-TCA Student Organizations (Secondary Schools)  
 JJA-R-TCA Student Organizations (Secondary Schools) Procedure  
 KE-TCA Conflict Resolution Policy  
 JB Equal Educational Opportunity  
 JBB Sexual Harassment of Students  
 ASD20 JKD/JKE, JKD-R/JKE-R Student Suspension/Expulsion/Denial of Admission Policies and Procedures

**Policy Revision History**

<b>Date</b>	<b>Revision Details</b>	<b>Revised By</b>
4/8/2015	Consolidated JII-TCA into AC-TCA and confirmed that policy was consistent with other TCA policies	Title IX Coordinator
3/16/2016	Appeal procedures updated	Title IX Coordinator
8/1/2016	Title IX Coordinator changed to Nondiscrimination Specialist and procedures updated	Compliance and Nondiscrimination Specialist
8/17/2016	Staff appeal procedures updated	Director of Human Resources
8/1/2017	Appeal forms links updated. Added clarification for using discrimination or conflict resolution process.	Compliance and Nondiscrimination Specialist
2/28/2018	Word added for clarification	Director of Academic Services
11/26/2018	Updated HR contact information	Director of Human Resources
3/7/2019	Policy reviewed and updated.	Compliance and Nondiscrimination Specialist
9/19/2019	Updated HR contact information and appeal process for clarity.	Director of Human Resources & Compliance and Nondiscrimination Specialist
12/2/2020	Updated to be compliant with Title IX Final Rule in conjunction with creation and updates of Policies AC-R1-TCA, AC R2-TCA, AC-E1-TCA and AC-E2-TCA.	Compliance and Nondiscrimination Specialist/Title IX Coordinator

5/18/2021	Harassment definition updated.	Compliance Officer/Title IX Coordinator
10/25/21	Policy reviewed and updated.	Compliance Officer/Title IX Coordinator
6/1/2024	Policy reviewed and updated.	Compliance Officers/Title IX Coordinators