



<i>The Classical Academy</i>	<i>Policies and Procedures</i>
Policy Name:	Nondiscrimination/Equal Opportunity Procedure
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Cabinet Level Owner:	President

INTRODUCTION

The Classical Academy (TCA) is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. TCA shall promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and, protect the privacy of all those involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation.

TCA has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

DEFINITIONS

1. "Compliance Officer" means a staff member designated by the president to receive complaints of alleged unlawful discrimination and harassment. The Compliance Officer shall be identified by name, address, telephone number and email address (see Policy AC-TCA-E1). If the designated individual is not qualified or is unable to act as such, the Director of Academic Services must designate another staff member who will serve as Compliance Officer.
2. "Complainant" shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, a staff member of the school, or member of the public who is directly affected by and/or is witness to an alleged violation of administrative policies prohibiting unlawful discrimination or harassment.

COMPLIANCE OFFICER'S DUTIES

The Compliance Officer or designee is responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or administrative policy prohibiting unlawful discrimination or harassment. The Compliance Officer's or designee's duties shall include: providing notice to students, parents/guardians of students, staff members and the general public concerning the compliance process; providing training for TCA staff regarding the prohibition of discrimination/harassment in all TCA programs, activities and employment practices; disseminating information concerning the forms and procedures for the filing of complaints; ensuring the prompt investigation of all complaints; coordinating hearing procedures; and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The Compliance Officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

COMPLAINT PROCEDURE

A complainant is encouraged to promptly report the incident as provided in administrative policy and this regulation. All reports received by teachers, counselors, principals or other TCA staff members shall be promptly forwarded to the Compliance Officer. If the Compliance Officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the Director of Human Resources.

Any complainant may file with the Compliance Officer a complaint charging TCA, another student, or any TCA staff member with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint are encouraged to use the form in Policy AC-TCA-F1.

All complaints shall include a detailed description of the alleged events, the dates the alleged events occurred, and names of the parties involved, including any witnesses. The complaint shall be made as soon as possible after the incident.

The Compliance Officer or designee shall confer with the alleged target of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 5 working days following the Compliance Officer's or designee's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint. The Compliance Officer or designee will designate an administrator to conduct the investigation and will inform the complainant who the designated investigator is.

Within 5 working days following the initial meeting with the alleged target, the Compliance Officer or designee must attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. Such person(s) must 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 complaint.

At the initial meetings, the Compliance Officer or designee shall explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the target 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 individual files a written complaint or otherwise requests action, TCA is required by law to take steps to correct the unlawful discrimination or 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 TCA from responding effectively to prohibited conduct and preventing future prohibited conduct.

INFORMAL ACTION

If the complainant 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 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 must be taken. No party shall be compelled to resolve a complaint of

unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution may not be used to process complaints against a TCA staff member where the underlying offense involves sexual assault or other acts of violence.

FORMAL ACTION

If informal resolution is inappropriate, unavailable or unsuccessful, the Compliance Officer or designee must investigate or designate a staff member to promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The Compliance Officer or designee may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

- a. statements by any witness to the alleged incident;
- b. evidence about the relative credibility of the parties involved;
- c. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others;
- d. evidence of the aggrieved individual and/or alleged target's reaction or change in behavior following the alleged prohibited conduct;
- e. evidence about whether the alleged target and/or aggrieved individual took action to protest the conduct;
- f. evidence and witness statements or testimony presented by the parties involved;
- g. other contemporaneous evidence; and/or,
- h. any other evidence deemed relevant by the Compliance Officer or designee.

In deciding whether conduct is a violation of law or policy, all relevant circumstances must be considered by the Compliance Officer or designee, including:

- a. the degree to which the conduct affected one or more student's education or one or more staff member's work environment;
- b. the type, frequency and duration of the conduct;
- c. the identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the alleged target;
- d. the number of individuals alleged to have engaged in the prohibited conduct and number of targets of the prohibited conduct;
- e. the ages of the individuals alleged to have engaged in the prohibited conduct and the alleged target;
- f. the size of the school, location of the incident, and context in which it occurred; and
- g. other incidents at the school.

The Compliance Officer or designee shall prepare a written report containing findings and recommendations, as appropriate, and submit the report to the principal, assistant principal, or designee within 10 working days following the Compliance Officer's or designee's receipt of the complaint or 10 working days following the termination of the informal resolution process.

The Compliance Officer's or designee's report must be advisory and must not bind the principal, designee, or TCA to any particular course of action or remedial measure. Within 10 working days after receiving the Compliance Officer's findings and recommendations, the principal or designee must determine any sanctions or other actions deemed appropriate and give the determination(s) in writing to both complainant and respondent.

INTRODUCTION TO THE APPEAL PROCESS

While TCA's goal is to promptly and effectively end any discriminatory conduct, it is recognized that there may be times when someone may disagree with an assessment or decision related to a report of alleged discrimination. Accordingly, TCA has established an appeal process. Appeals will be conducted in a fair and equitable manner by an impartial decision-maker. It is our intent that both parties will come to an understanding that is consistent with the TCA Core Values, Creed, and policies, and the conflict is resolved with respect and fairness.

We ask our community to consider the following with regard to the appeal process:

- i. If you have an issue with a discrimination or harassment decision, please talk first with the administrator or the Compliance Officer (or their designees).
- ii. While we seek to support and assist individual families, please recognize that all decisions must factor in the impact on other students and staff.
- iii. Please be civil. We ask our staff and administration to treat you with respect and courtesy, so please return that same respect and courtesy. If we disagree, let's show our kids how to handle conflict well.
- iv. Please understand that privacy laws or other confidential requirements may expressly prohibit the administration from telling you about discipline measures taken against other students. We recognize that the limitation on full and open communication can be very frustrating for both parents and administrators.
- v. Failure to meet timelines stated in these appeal procedures will result in your appeal being denied, unless an extension has been coordinated in advance. If an appeal has been denied for not adhering to the timelines in this policy, it may not be taken to a higher level.

We appreciate your willingness to follow the above guidelines when dealing with school conflict. In doing so, you are making an important contribution to our school's culture.

These appeal procedures are designed to clearly and concisely describe a process, which allows you to seek resolution to unresolved issues regarding a discrimination investigation. We sincerely hope to partner with you when resolving issues, but recognize that there may be times in which you disagree with an administrative decision, and we want to afford you a clearly defined and understandable appeals process.

In order to satisfactorily address each discrimination/harassment appeal and to avoid convoluting the issues, you must address them separately in writing, beginning with the appropriate complaint forms. The Principals, Cabinet members, and President will not entertain complaints that have not been formally addressed using the appropriate forms and appeal procedures. TCA will continue to be very sensitive to issues related to the treatment of students, parents or staff, and this appeal process is intended to provide you with a well-defined means of describing and bringing forth concerns.

While the following procedures designate appropriate timelines and steps for raising concerns and receiving feedback, if your concern involves eminent danger to a student, staff member, or other member of our community, or if there is an urgent need for immediate resolution to the matter, please make that issue known to the Compliance Officer or designee and request that the TCA President immediately be notified in order to expedite this process. If such a request is not granted, you and our staff must adhere to the guidelines presented in these procedures. Failure to adhere to these requirements may result in a denial of all appeals.

If there is any question as to whether someone should file a discrimination appeal or a conflict resolution (TCA Policy KE-TCA), the discrimination appeal process outlined in this policy supersedes the conflict resolution process. If the appeal is directly related to a discrimination investigation, a discrimination appeal should be filed.

APPEAL PROCESS

If either party is not satisfied with the response, he or she may seek relief from the president or designee within ten working days of receiving the response from the school administrator by submitting Form AC-TCA-F2 to the president.

The president or designee shall review the information submitted, including the findings of the investigators, and shall have the option of meeting with the affected persons, either separately or as a group. Within ten working days of receipt of the complaint, the president or designee shall issue a written report indicating the findings of his or her investigation.

The president must be the final determining body and shall decide the merits of the case based on the information contained in the formal complaint and results of the investigation at the previous level.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be notified in writing of the final outcome of the investigation and steps taken by the school within 10 working days following a determination.

SECTION 504 HEARING PROCEDURE

For allegations under Section 504 and as otherwise required by law, the complainant may request a hearing. This hearing procedure will not address guilt or innocence or disciplinary consequences, which are instead governed by the administrative discipline policies and procedures.

TCA must retain a person to serve as the impartial hearing officer, who must be knowledgeable about Section 504 and/or the ADA, if applicable. The hearing must be informal and must be recorded. Formal rules of evidence do not apply. A student is entitled to be represented by their parent/legal guardian or by an attorney. A staff member is entitled to be represented by an attorney or other representative of their choice. The complainant may appear at the hearing and is entitled to present testimony and other evidence. A TCA representative is likewise entitled to present testimony and other evidence. The hearing must be closed to the public.

Within 10 working days after the hearing, the hearing officer must issue a written decision based upon evidence presented at the administrative hearing, including any remedial or corrective action deemed appropriate. Remedial actions include measures designed to stop the unlawful discrimination or harassment, correct its negative impact on the affected individual, ensure that the conduct does not recur, and restore lost educational opportunities.

After the hearing officer has issued the decision, the recording of the hearing, all physical and documentary evidence, and all other items comprising the record of the hearing must be returned to TCA.

Either party may seek review of the hearing officer's decision in a court of competent jurisdiction, in accordance with applicable law and applicable timelines for requesting such review.

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of an administrative policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. This process applies, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

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 the U.S. Department of Education, Office for Civil Rights, (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR), U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204-3582. Telephone: 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. Telephone: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. ASL Video Phone: 844-234-5122. Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD), 1560 Broadway, Suite 825, Denver, CO 80202. Telephone: 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).

This TCA policy replaces ASD20 Policy AC-R1.

Cross References

- AC-TCA Nondiscrimination/Equal Opportunity
- 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-R2 Sexual Harassment Investigation Procedure
- GBA-TCA Equal Employment Opportunity
- GBAA-TCA Sexual Harassment of Staff
- GBAA-TCA-R Sexual Harassment of Staff Procedure
- JB-TCA Equal Educational Opportunity
- JBB-TCA Sexual Harassment of Students

Policy Revision History

Date	Revision Details	Revised By
12/02/2020	Creation of policy	Compliance Officer/Title IX Coordinator