



<i>The Classical Academy</i>	<i>Policies and Procedures</i>
Policy Name:	Nondiscrimination and Equal Opportunity
Policy Number:	AC-TCA
Original Date:	3/8/2010
Last Reviewed:	10/25/2021
Category:	Foundations
Author:	Compliance Officer/Title IX Coordinator
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, marital status, national origin, religion, ancestry, age, genetic information, or conditions related to pregnancy or childbirth. 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 IDEA, Section 504, and 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:

- “Discrimination” is physical or verbal conduct resulting in negative treatment based upon an individual’s race, color, sex, sexual orientation, religion, national origin, age, marital status, disability, or other legally protected class. Discrimination may create an intimidating educational or work environment. Examples include, but are not limited to, 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. Whether discrimination has occurred in any particular circumstance must be evaluated in light of all the facts, including considerations such as (i) the ages and maturity levels of students, (ii) the history and relationship among the parties, and (iii) the positions and roles of the parties, *e.g.*, teacher, administrator, supervisor, subordinate, volunteer, parent, child, sibling, or student leader of an athletic team, club, or other activity.
- “Harassment” is one type of discrimination. Harassment is persistent conduct based on a protected class. Harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person’s race, color, national origin, ancestry, creed, religion, sex, sexual orientation, disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual’s ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. See Policy AC-TCA-R2 for the definition of sexual harassment.
- “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 a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person’s perception thereof.

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 the school are offered without regard to disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, age, genetic information, or conditions related to pregnancy or childbirth. 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, marital status, national origin, religion, ancestry, age, genetic information, or conditions related to pregnancy or childbirth 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 TCA's Compliance Officer and file a complaint as set forth in the regulation which accompanies this policy.

Any staff member, 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 either an immediate supervisor, the Director of Human Resources, or Compliance Officer.

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

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 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, TCA shall 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. 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 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 target(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. The policy and complaint process shall be prominently posted on TCA's website, referenced in student and staff member handbooks 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 receive periodic training related to recognizing and preventing unlawful discrimination and harassment. TCA staff members shall 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.

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. 2-4-401 (13.5) (definition of sexual orientation, which includes transgender)
C.R.S. 18-9-121 (bias-motivated crimes)

C.R.S. 22-32-109 (1)(II) (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. 22-36-101 (Colorado Open Enrollment Act)
 C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division)
 C.R.S. 24-34-301 (7) (definition of sexual orientation, which includes transgender)
 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 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
 GBAA-TCA-P1 Sexual Harassment of Staff Procedure
 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-TCA Equal Educational Opportunity
 JBB-TCA Sexual Harassment of Students
 ASD20 JKD/JKE, JKD-R/JKE-R Student Suspension/Expulsion/Denial of Admission Policies and Procedures

Policy Revision History

Date	Revision Details	Revised By
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