

PUEBLO SCHOOL DISTRICT 60

Dear Parent/Legal Guardian:

The original Student Discipline Code, 1985, was initiated as a result of legislation (S.B. 192 of 1984) charging local school districts to develop a discipline code which would include, but not be limited to, provisions to deal with disorderly students in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruption. The Board of Education approved the Code on June 25, 1985. Annual updated versions were initiated in regard to a need to provide a philosophical and procedural basis for student discipline and to reflect changes in state legislation.

Please sign and return this form to your child's school the next day of receiving this handbook.

(Detach on dotted line and return to school)

STUDENT CONDUCT AND DISCIPLINE CODE HANDBOOK

**Verification of Receipt
2024 – 2025 School Year**

I understand that two of the most important factors in ensuring my child's educational development are parental involvement and parental responsibility. Further, I understand it is my obligation to ensure that my child receives adequate education and training. Therefore, I will make every effort to ensure that my child obeys all Pueblo School District 60 policies outlined in the Student Conduct and Discipline Code Handbook.

Parent/Legal Guardian Printed Name

Parent/Legal Guardian Signature

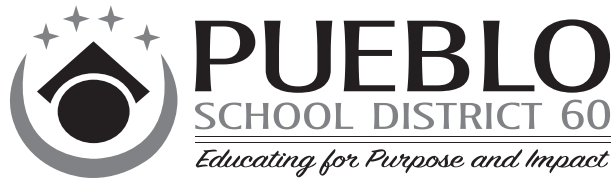
Date

Student Printed Name

Student Signature

Date

***Student athletes must be aware that the extra curricular agreement is in addition to and supports the Pueblo School District 60 Discipline Code.**



Mission

To provide a
high-quality education
that assures each student
the knowledge, skills,
and dispositions
to lead a life of purpose
and impact.

August 2024

Dear Parents, Guardians and Students:

Pueblo School District 60 is committed to be a high performing school system with a focus on improved student achievement so that all students are successful in graduating from our high schools with a plan for their future. With that vision in mind, Pueblo School District has developed the Student Conduct and Discipline Code to clearly communicate the behavioral expectations necessary for maintaining a safe and orderly learning environment.

The Student Conduct and Discipline Code outlines the policies and procedures relative to student conduct and discipline for Pueblo School District 60. Students and parents/guardians should use it as a reference. Parents are asked to review these policies and procedures with your children and to remind them that school is a place for learning, good attendance, positive attitudes and good behavior.

These policies and procedures will assist us in maintaining a safe and productive learning environment for your student. It is our hope that all students will feel safe, share the responsibility for maintaining a positive school climate, and take pride in their school and their achievements.

These policies and procedures are also on file at your school and on the district's website at pueblod60.org. If you have any questions, please contact your school principal.

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**Policies that affect students may be revised from time-to-time during the year after publication of the hard copy. Therefore, please always check the District's website for the current version:
<https://www.pueblod60.org/codeofconduct>.*

Nondiscrimination/Equal Opportunity

File: AC

The district is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. It is critical to this commitment that anyone who may have experienced discrimination or harassment in the context of the district’s educational programs, activities, or employment can report their concerns without fear of retaliation.

This policy AC and the implementing regulations are designed to foster a climate that provides preventative measures and encourages the reporting of discrimination and harassment and related retaliation. The district administrators will engage in prevention efforts, train the school community, respond to all complaints promptly, provide supportive measures, and develop fair and equitable processes to investigate and address complaints of discrimination and harassment, and related retaliation, and ensure all parties are treated fairly and impartially.

This policy defines prohibited conduct and guides individuals to the specific regulation governing the applicable reporting and response processes. Complaints of harassment or discrimination against a student should be made pursuant to AC-R-1. Complaints of harassment and discrimination against applicants, employees or community members should be made pursuant to AC-R-2. Complaints of bullying against a student based on their membership in a protected class should be made under AC-R-1. Complaints under Title IX should be made under AC-R-3. Supportive measures and prompt response times are required components of all regulations.

Definition

- **“Bullying”** is any written or oral expression, physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental or emotional harm to another. Bullying is student-on-student behavior. The following policy has more details on the definition of bullying, the prevention process, and the reporting process:
 - Policy JICDE*, Bullying Prevention and Education
- If the bullying is based on a student’s protected class, the behavior may constitute discrimination or harassment. Bullying based on a student’s protected class should be addressed through the following regulation:
 - Regulation AC-R-1
- **“Protected classes”** include race, color, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, pregnancy, marital status, veteran status, disability, family composition and genetic information of an employee or applicant for employment.

For purposes of this policy and the implementing regulations:

- **“Race”** includes hair texture, hair type, hair length, or a protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros, and headwraps, that is commonly or historically associated with race.
- **“Sexual Orientation”** means an individual’s identity (or another person’s perception of their identity), in relation to the gender(s) 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 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.
- **“Harassment”** is any unwelcome, physical or verbal conduct or any written, graphic, or visual communication directed at a student, employee, applicant, or member of the public based on their protected class that is objectively offensive to a reasonable individual who is a member of the same protected class, that also:
 - for a student, is either made a term or condition of access to educational services, is used or threatened to be used as a basis for educational decisions affecting the student, interferes with a student’s ability to participate in the district’s educational services, or creates an intimidating, hostile, or offensive educational environment;
 - or an applicant or an employee, is subjectively offensive to the individual alleging harassment, is made a term or condition of employment, is used as a basis for employment decisions affecting the individual, unreasonably interferes with the individual’s work performance, or creates an intimidating, hostile, or offensive working environment;

- for a member of the community, is subjectively offensive to the individual alleging harassment, and unreasonably interferes with a community member’s ability to participate in the district’s services, activities, or opportunities.

Whether conduct constitutes harassment depends on a number of factors, including, but not limited to:

- the type, frequency, and duration of the conduct;
 - the number of individuals involved and their relationships;
 - the age and education level of individuals involved;
 - the location and context in which the conduct occurred;
 - whether the conduct is threatening or any real or perceived power differential exists;
 - any use of stereotypes, epithets, slurs, or degrading conduct or communication;
 - whether the conduct includes an act of physical violence;
 - the effect on the complainant’s education or employment, if applicable.
- **“Discrimination”** occurs when a student or community member is denied or limited in the ability to participate in or benefit from the district’s services, activities, or opportunities on the basis of their protected class. Discrimination also occurs when the district fails or refuses to hire an employee, discharges an employee, or otherwise treats an employee differently with respect to compensation, terms, conditions, privileges, opportunities, or status on the basis of their protected class. Harassment of a student, employee, or community member is a form of discrimination.

The following regulations have more details on harassment and discrimination and the related complaint process:

- AC-R-1 Harassment and Discrimination Investigation Procedure for Students
 - AC-R-2 Harassment and Discrimination Investigation Procedure for Employees, Applicants for Employment and Members of the Public
 - AC-R-3 Sex-based Harassment Investigation Procedures under Title IX
- **“Retaliation”** is intimidating, threatening, coercing, or discriminating against an individual who has reported an incident of harassment, discrimination, or bullying. 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.
 - **“Sex-based Harassment”** under Title IX is conduct on the basis of sex that could include unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature. Because Title IX’s definition of sex-based harassment is a federal standard, the definitions and procedures differ slightly from sex-based harassment under state law. More information on sex-based harassment can be found in the following policies and regulation:
 - Policy GBAA, Sex-based Harassment [for Staff]
 - Policy JBB, Sex-based Harassment [for Students]
 - Regulation AC-R-3, Sex-based Harassment Investigation Procedures under Title IX
 - **“Respondent”** means a student or employee who has been reported to have engaged in conduct that could constitute harassment.
 - **“Complainant”** means a student, employee, or community member alleged to have experienced discrimination or harassment. A complainant may or may not be the reporting party.
 - **“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.
 - **“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.

- **“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;
 - 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 designated by the district to coordinate its efforts to comply with Title IX of the Education Amendments and the district’s Title IX program.

- Title IX Coordinator:

Executive Director of Student Support Services
Andrew Burns
315 West 11th Street
Pueblo, Colorado 81003
(719)549--7100
andrew.burns@pueblod60.org

Harassment, Discrimination, and Retaliation Prohibited

Discrimination, harassment, and bullying on the basis of protected class are prohibited at any district school, at any district or school-sanctioned activity or event, on any district property (or off school property when such conduct has a connection to the school), or any district curricular or non-curricular activity or event. Retaliation for reporting harassment or for participating in any way in an investigation of harassment or discrimination is also prohibited.

District Action

The district encourages anyone - students, parents and family members, volunteers, educators, or staff members - who witness bullying, harassment, discrimination, or retaliation to report the conduct by making a complaint in accordance with the appropriate regulation. All school staff who witness or receive complaints of harassment or discrimination are required to promptly share any such complaints with the compliance officer.

The district will take appropriate action to promptly and impartially investigate allegations of discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual who files the complaint and/or any person who participates in the investigation. When appropriate, the district will take additional action during the investigation to protect against further discrimination, harassment, or retaliation.

To the extent possible, all complaints of discrimination and harassment will be kept confidential. Students or employees 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 for employees. No student, employee, or member of the public may be subject to adverse treatment in retaliation for any good faith complaint of harassment or discrimination under this policy.

Upon determining that incidents of discrimination or harassment are occurring in particular district settings or activities, the district will implement measures designed to stop the discrimination or harassment and otherwise remedy the problem in those areas or activities.

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

The compliance officer will refer any potential criminal charges to law enforcement.

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 disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the written notice will prohibit discrimination on the basis of age, genetic information, and 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. Where possible, the notice will be disseminated to persons with limited English language skills in the person’s own language. It will also be made accessible to persons who are visually or hearing impaired.

This policy and the implementing regulations, which include the complaint process, must be prominently posted on the district’s website in plain language, and made available to all students, parents, and staff through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and 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.

The training will comply with Colorado state law and will include, but not be limited to, instruction on the following:

- Recognizing harassment or discrimination, including indicators of grooming and child sexual abuse;
- The appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee;
- Reporting harassment or discrimination to the public school or school district.

Adopted: March 12, 1985

Revised: January 26, 1993

June 27, 2000

December 19, 2013

June 9, 2016

December 11, 2018

August 25, 2020 (Temporarily Approved)

September 10, 2020 (Permanently Approved)

June 13, 2024 (Temporarily Approved)

- LEGAL REFS.:
- 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 (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. 22-1-143 (*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. 24-34-402(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 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, Sex-based Harassment
 JB, Equal Educational Opportunities
 JBB, Sex-based Harassment

4876-7456-0712, v. 1

Harassment and Discrimination Investigation Procedures for Students

File: AC-R-1

The district prohibits discrimination against any district student. It is a violation of policy for any student or staff member to harass students, or to retaliate against those who report harassment or discrimination or those who participate in a harassment investigation. For the purposes of this regulation, “**harassment**” is unwelcome conduct or communication directed at a student based on their protected class, as described in Policy AC, that is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is made a term or condition of access to educational services, (ii) submission to, objection to, or rejection of the conduct or communication is used or threatened to be used as a basis for educational decisions affecting the student; or (iii) the conduct or communication interferes with a student’s ability to participate in the district’s educational services, or creates an intimidating, hostile, or offensive educational environment.

The district has adopted the below grievance procedures to encourage reporting and ensure that the investigation and resolution of complaints of harassment and discrimination against students are fair, impartial, and prompt.

Allegations of sex-based discrimination or sex-based harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint, with an additional thirty-day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

Promptly after receiving a complaint, the compliance officer will offer the complainant and respondent supportive measures and inform the parties that they may request additional supportive measures throughout the investigation by contacting the compliance officer. If a student with a disability is a party, the compliance officer will collaborate with the student’s 504/IEP team to determine appropriate supportive measures and will discuss these options with the student. 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; the opportunity for home instruction; modifications to class schedules; and restrictions on contact between the parties to a report of harassment or discrimination.

During the investigation, all parties will be treated equitably and will be provided equal opportunity to present evidence. Any questions that arise during the investigation should be directed to or forwarded to the compliance officer. The compliance officer will provide regular written updates about the status of the investigation to both parties and their parents/legal guardians at the end of each stage of the investigation, but at least every fifteen business days.

1. Making a Complaint

Any person who witnesses or experiences bullying on the basis of protected class, harassment, discrimination, or retaliation against students are encouraged to report the conduct to school staff by making a complaint with the district's compliance officer.

Any staff member who receives information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to the compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged event(s) occurred, and name(s) of the party/parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:** Executive Director of Student Support Services

Andrew Burns
315 West 11th Street
Pueblo, Colorado 81003
(719) 549-7100
andrew.burns@pueblod60.org

- **Complaint Form Link:**

https://www.pueblod60.org/cms/lib/CO50000472/Centricity/domain/69/section%20a/AC-E-2%20Nondiscrimination-Equal%20Opportunity_Report%20Form.pdf

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct, or if they are alleged to have participated in prohibited conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- **Assistant Superintendent of Human Resources:**

Eric DeCesaro
315 West 11th Street
Pueblo, Colorado 81003
(719) 549-7162
eric.decesaro@pueblod60.org

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

2. Evaluation by Compliance Officer

The compliance officer will review the complaint to determine whether the alleged conduct constitutes harassment or discrimination. The compliance officer will refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence shared by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term “compliance officer” refers to the compliance officer or their designee.

3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- a. *Initial meeting with Reporting Party, if any, and Complainant:* Within five school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party and their parents or guardians.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute prohibited discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

If the complainant does not want to proceed with the next steps of the investigation, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the safety of the school environment.

- b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians, in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.
- c. *Information Provided at the Initial Meetings:* The compliance officer will provide to both the complainant and respondent the same basic information, including:
 - i. available supportive measures;
 - ii. copies of Board Policy AC and this regulation;
 - iii. timeline for the investigation process and the district’s legal obligations;
 - iv. the possibility of resolving the complaint informally upon agreement of all parties;
 - v. that the information collected is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct;
 - vi. all parties have a right to have an advisor present during all stages of the investigation; and
 - vii. parties will be granted excused absences for any therapy, medical, legal, or victim’s services appointment associated with the report.

4. **Informal Complaint Resolution**

When the compliance officer deems it appropriate, an informal resolution process may be instituted. Informal resolution is not appropriate in all circumstances. It may only be used if both parties are students and both parties agree, with agreement voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within seven school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

5. **Formal Complaint Resolution**

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution.

- a. *Collect Evidence:* The compliance officer will collect evidence. Evidence may be collected by interviews with parties and witnesses, reviewing any available physical or documentary information, requesting written statements, or other appropriate methods at the compliance officer’s discretion. Evidence may include, but is not limited to: evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent’s respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct.

- b. *Determination*: No later than fifty school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred. The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:
- i. the degree to which the conduct affected the complainant's ability to participate in or benefit from the school environment;
 - ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment;
 - iii. the identity of and relationship between the respondent and the complainant;
 - iv. the context of the incident, including school size and location of the incident and/or other incidents at the school;
 - v. whether the conduct was threatening;
 - vi. the use of epithets, slurs or other conduct that is humiliating or degrading;
 - vii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
 - viii. ages and number of respondents and complainants involved;
 - ix. patterns of misconduct of the respondent;
 - x. real or perceived power differentials between the parties;
 - xi. any other relevant circumstances.

The decision must include a written determination regarding responsibility, explain how and why the compliance officer reached the conclusions outlined in the report, detail any supportive measures or disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer's report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer's findings and recommendations, the superintendent or designee must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

Students will not be disciplined for any of the following acts, if they are connected to the reported incident: truancy, late arrival, drug or alcohol use, consensual sexual activity, expressing a trauma symptom, unauthorized access to facilities, reasonable self-defense against the respondent, or talking publicly about the reported harassment or discrimination.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be concurrently notified in writing of the final outcome of the investigation and any corrective or restorative action taken by the district within five school days following the superintendent's determination.

A copy of the compliance officer's report, and any corrective, disciplinary or restorative actions shall be provided to the Board of Education.

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Violence Free Colorado: <https://www.violencefreecolorado.org/>

The Crisis Center 24/7 Hotline: 303-688-8484

Local resources for use by students include:

Pueblo Police Department (719) 553-2502

Pueblo Sheriff's Office (719) 583-6250

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 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 Avenue, 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)

Adopted: 1995
Revised: March 14, 2006
December 19, 2013
December 11, 2018
August 25, 2020 (Temporarily Approved)
September 10, 2020 (Permanently Approved)
June 13, 2024 (Temporarily Approved)

4880-4149-8568, v. 1

Harassment and Discrimination Investigation Procedures **File: AC-R-2** for Employees, Applicants for Employment and Members of the Public

The district prohibits discrimination against any employee, applicant for employment, and members of the public. It is a violation of policy for any staff member or student to harass employees, applicants for employment, or members of the public, or to retaliate against those who report harassment or discrimination or participate in an investigation of harassment or discrimination. For the purposes of this regulation, "harassment" is any unwelcome conduct or communication directed at an individual because of their protected class, as described in Policy AC. The conduct or communication must be subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment; (ii) submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or (iii) the conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

The below grievance procedures provide for the fair, impartial, and prompt resolution of complaints of harassment or discrimination against employees, applicants for employment and members of the public.

Allegations of sex-based discrimination or sexual harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint is made, with an additional thirty-day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

All parties will be treated equitably and will be provided equal opportunity to present evidence.

1. Making a Complaint

Any person who witnesses or experiences harassment, discrimination, or retaliation against employees, applicants for employment or community members, is encouraged to report the conduct by making a complaint with the district's compliance officer.

Any staff member who receives information about, witnesses, or experiences harassment, discrimination or retaliation must report the incident to the district's compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged events occurred, and name(s) of the parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:**

Executive Director of Student Support Services

Andrew Burns

315 West 11th Street

Pueblo, Colorado 81003

(719) 549-7100

andrew.burns@pueblod60.org

- **Complaint Form Link:**

https://www.pueblod60.org/cms/lib/CO50000472/Centricity/domain/69/section%20a/AC-E-2%20Nondiscrimination-Equal%20Opportunity_Report%20Form.pdf

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- **Assistant Superintendent of Human Resources:**

Eric DeCesaro

315 West 11th Street

Pueblo, Colorado 81003

(719) 549-7162

eric.decesar@pueblod60.org

Retaliation against the complainant, respondent, or any other person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

2. Evaluation by Compliance Officer

Before proceeding with the investigation, the compliance officer will review the complaint to determine whether the alleged conduct constitutes potential discrimination or harassment. The compliance officer may refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount

of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence collected by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term “compliance officer” refers to the compliance officer or their designee.

3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- a. *Initial meeting with Reporting Party, if any, and Complainant:* Within five school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

- b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.
- c. *Information Provided at the Initial Meetings:* The compliance officer will provide to both the complainant and respondent the same basic information, including:
 - i. available supportive measures;
 - ii. copies of Board Policy AC and this implementing regulation;
 - iii. timeline for the investigation process and the district’s legal obligations;
 - iv. the possibility of resolving the complaint informally upon agreement of all parties;
 - v. that information collected in the investigation is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct; and
 - vi. all parties have a right to have an advisor present during all stages of the investigation.

4. Informal Complaint Resolution

When the compliance officer deems it appropriate, an informal resolution process may be instituted. The informal resolution process may involve mediation, restorative justice, or other settlement but may only be used if both parties are non-students and both parties agree. Agreement must be voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within seven school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

5. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution. The compliance officer will proceed as follows:

- a. *Collect Evidence:* The compliance officer will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent’s respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or other appropriate ways.
- b. *Determination:* No later than fifty school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred.

The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:

- i. the degree to which the conduct affected the complainant’s ability to participate in or benefit from the school or work environment;
- ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment, and that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;
- iii. the number of individuals engaged in the conduct or communication;
- iv. the identity of and relationship between the respondent and the complainant;
- v. the location of the incident and context in which it occurred;
- vi. whether the conduct was threatening;
- vii. the use of epithets, slurs or other conduct that is humiliating or degrading;
- viii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- ix. any power differentials between the parties;
- x. any other relevant circumstances.

Whether harassment has previously occurred in the district is not relevant as to whether the conduct or communication is discriminatory. Petty slights, minor annoyances, and lack of good manners do not constitute harassment, unless, combined, they impact an individual’s employment or create a hostile environment as described in the definition of harassment.

The decision must include a determination of whether the respondent engaged in harassment or discrimination, an explanation of how and why the compliance officer reached the conclusions outlined in the report, a description of any supportive measures/disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer’s report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer’s findings and recommendations, the superintendent must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

To the extent permitted by federal and state law, all parties must be notified in writing of the final outcome of the investigation no later than seven days following the superintendent’s final determination.

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1–800–799–SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Colorado Department of Human Resources Domestic Violence Program:

<https://cdhs.colorado.gov/dvp>

Violence Free Colorado: <https://www.violencefreecolorado.org/>

The Crisis Center 24/7 Hotline: 303-688-8484

Local resources for use by staff include:

Pueblo Police Department (719) 553-2502

Pueblo Sheriff’s Office (719) 583-6250

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 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 Avenue, 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)

August 25, 2020: (Temporarily Adopted)

September 10, 2020 (Permanently Adopted)

Revised: January 30, 2024

June 13, 2024 (Temporarily Adopted)

4863-3946-3368, v. 1

Sex-based Harassment Investigation Procedures (Title IX)

File AC-R-3

The district is committed to maintaining a learning environment that is free from sex-based discrimination, including sex-based harassment. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sex-based discrimination or harassment or participates in a harassment investigation.

Definitions

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

- **“Complainant”** means an individual who is alleged to have been subjected to conduct that could constitute sex-based discrimination or sex-based harassment under Title IX.
- **“Decision Maker”** means an individual(s) who assess the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the respondent to be responsible for the alleged sex-based harassment. The district’s decision maker may be the superintendent, another designated administrator, or a third-party.
- **“Disciplinary Sanction”** means a consequence imposed by the district on a respondent who is found to have violated this policy. Sanctions are designed to remedy and prevent the recurrence of discrimination, harassment, and/or retaliation. Disciplinary sanctions may include: no-contact orders, required training, loss of privileges, suspension, or expulsion.
- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control, including disciplinary authority, over both the complainant and respondent and the context in which the sex-based harassment occurs.
 - **“Respondent”** means an individual who has been reported to have violated the district’s prohibition on sex discrimination.
- **“Sex Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **“Sex-based Harassment”** is a form of sex discrimination and includes sexual harassment and other harassment on the basis of sex that satisfies one or more of the following:
 1. Quid pro quo harassment. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
 2. 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 education program or activity; or
 3. Specific offenses. Sexual assault, dating violence, domestic violence, or stalking.
- **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent to restore or preserve the party’s access to the education program/activity, including safety measures, or provide support during the grievance procedures, before or after the filing of a formal complaint or where no formal complaint has been filed. Possible supportive measures may include: academic support, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual no-contact directives, access to identified trusted adults at school, increased monitoring of locations, safety planning and referral to outside agencies and supports.
- **“Remedies”** means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the education program or activity after the district determines that sex discrimination occurred. Remedies may include: *[List possible remedies, such as counseling, updating policies, staff or student training, accommodations.]*
- **“Retaliation”** means threats, intimidation, coercion, discrimination, or other adverse action against any person for

LEGAL REFS.: 20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972) 34 C.F.R. Part 106
CROSS REFS: AC, Nondiscrimination/Equal Opportunity
AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)
AC-E-3, Title IX Formal Complaint
JBB, Sex-based Harassment
GBAA, Sex-based Harassment

4873-9190-5992, v. 1

.....
Nondiscrimination/Equal Opportunity
(Sample Notice)

File: AC-E-1

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and Colorado law, Pueblo School District No. 60 does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment or members of the public on the basis of race, color, creed, sex, sexual orientation, marital status, religion, national origin, ancestry, family composition, disability 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. Harassment, if it rises to the level described in state law, is a prohibited form of discrimination.

Complaint procedures have been established for students, parents, employees and members of the public. The following person(s) have been identified as the compliance officer(s) for the district:

Name(s) or title(s) of employee(s) designated as Title IX Coordinator(s) for complaints alleging sex-based harassment under Title IX:

Executive Director of Student Support Services
Andrew Burns
315 West 11th Street Pueblo, Colorado 81003
(719)549--7100
andrew.burns@pueblocityschools.us

Name(s) or title(s) of employee(s) designated as district compliance officer(s) for all other complaints alleging unlawful discrimination or harassment:

Executive Director of Student Support Services
Andrew Burns
315 West 11th Street Pueblo, Colorado 81003
(719)549--7100
andrew.burns@pueblocityschools.us

Si tiene alguna pregunta sobre esta información, por favor llame a la escuela de su niño.

Outside agencies

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 950 17th Street, Suite 303, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 825, Denver, CO 80202

Issued:

Revised: March 22, 2001

Revised: December 11, 2018

