



## *Southwest Open School*

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### **Nondiscrimination/Equal Opportunity Policy**

Adopted: 6/13/2022

Revised:

Southwest Open School (SWOS) is committed to fostering, cultivating and preserving a culture of diversity, inclusion, belonging, and equity. SWOS will work to provide a safe learning and working environment where all members of the school community are treated with dignity, decency, and respect. We celebrate our diversity and will provide the necessary resources and supports to eliminate barriers to success and foster a more equitable future for all our community members, students, and employees. We are committed to being anti-racist in our policies and in our actions. In this work, we will break the historical patterns of inequity, not by accident, but by design. These values are essential and enduring tenets of our organization. Thus, preventing and remedying discrimination and harassment are imperative to the SWOS's mission.

#### **Protected Classes**

SWOS recognizes and prohibits discrimination and harassment based on any of the following protected classes:

- race,
- color,
- gender, sex, sexual orientation, gender identity or expression, transgender status,
- religion,
- national origin,
- immigration/citizenship status,
- ancestry,
- age,
- pregnancy, parenting, or marital status,
- veteran status,
- disability, or
- genetic information of an employee or applicant for employment

(collectively, “Protected Classes”). Accordingly, no otherwise qualified student, employee, applicant for employment, or member of the public will be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment within any school program or activity on the basis of Protected Class status.

Discrimination or harassment based on race includes unwelcome conduct regarding traits historically associated with race, including hair texture, hair type, and protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

#### Expectations for SWOS Employees

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not happen and is comprehensively addressed if it does. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written corrective action, suspension, or termination of employment. Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation violate this policy can also be subject to discipline.

### **Prohibited Conduct**

#### **Discrimination**

It is a violation of this policy to discriminate in the provision of educational or employment opportunities, benefits or privileges; to create discriminatory learning or working conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's Protected Class status(es).

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, Title IX of the Education Amendments of 1972, and the Americans with Disabilities Act of 1990. This policy and its implementing regulations are intended to comply with the prohibitions stated in these anti-discrimination laws. However, this policy, its implementing regulations, and the School’s codes of conduct for employees and students set a higher bar for the school. Even if the concerning conduct is not unlawful under state and federal laws, it may still fail to meet the school’s expectations for affirming and inclusive environments. In these situations, the school will act to provide both support and accountability measures. We cannot accomplish the mission of SWOS unless we hold ourselves to high standards of our actions, our words, and how we treat and support one another in this work.

#### **Harassment**

Harassment based on a person’s Protected Class status is a form of prohibited discrimination. SWOS prohibits harassment based in whole or in part on a person's Protected Class status, including sexual harassment, and will take prompt action in response to concerns and complaints about violations of this policy. Preventing and remedying such harassment is essential to ensure a nondiscriminatory, safe

environment in which students can learn, employees can work, and members of the public can access and receive the benefits of SWOS facilities and programs. All such harassment by SWOS employees, students, and third parties, is strictly prohibited.

All SWOS employees and students share the responsibility to ensure that harassment does not occur at any District school, on any District property, at any District- or school-sanctioned curricular or non-curricular activity or event, or off school property when such conduct has a nexus to the school. Any employee with a concern about harassment based on Protected Class must report the concern. SWOS strongly encourages students and community members to report their concerns as well.

### **Retaliation**

Concerns about discrimination and harassment are often only raised and remedied when members of the public, students, employees, and applicants for employment can report such practices without the fear of retaliation. Thus, SWOS prohibits retaliation against an individual for raising a good-faith concern about or participating in good faith in an investigation of discrimination or harassment. SWOS will investigate and respond to an allegation of retaliation in the same manner as an allegation of discrimination or harassment.

Retaliation may include hardship, loss, benefit, or penalty imposed on a student or employee in response to: filing or responding to a good-faith complaint of discrimination or harassment; appearing as a witness in the investigation of a complain; serving as an investigator of a complaint.

Filing groundless, retaliatory, or malicious complaints is an abuse of this policy and will be treated as a violation.

### **Adoption of Regulations**

The Director or a designee will develop such regulations as may be needed for the implementation of this policy so long as such regulations are consistent with Board policies.

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. [22-32-109](#) (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. [24-34-301](#) et seq. (Colorado Civil Rights Division)

C.R.S. [24-34-301](#) (3.3) (definition of gender expression)

C.R.S. [24-34-301](#) (3.5) (definition of gender identity)

C.R.S. [24-34-301](#) (7) (definition of sexual orientation)

C.R.S. [24-34-402](#) et seq. (discriminatory or unfair employment practices)

C.R.S. [24-34-402.3](#) (discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted “in a conspicuous place” accessible to employees)

C.R.S. [24-34-601](#) (unlawful discrimination in places of public accommodation)

C.R.S. [24-34-602](#) (penalty and civil liability for unlawful discrimination)

CROSS REFS.: [GBA](#), Open Hiring/Equal Employment Opportunity

AC-R1, Procedures for the Investigation of Complaints of Discrimination or Harassment

AC-R2, Procedures for Public Requests for Reasonable Accommodations and Procedures for the Investigation of Public Complaints Regarding the Provision of Requested Accommodations

AC-R3, Procedures for Investigating Title IX Complaints of Sex-Based Discrimination/Harassment