

NONDISCRIMINATION/EQUAL OPPORTUNITY

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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.

Definitions

- **“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

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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;
 - for 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;

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- 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 Aurora Public Schools Title IX Policy
- **“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:
 - Regulation AC-R-3, Aurora Public Schools Title IX Policy
 - **“Respondent”** means a student or employee who has been reported to have engaged in conduct that could constitute harassment.

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- **“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: Betsy Smith, phone: (303) 915-9438, email: complianceofficer@aurorak12.org, address: 15701 East 1st Avenue, Suite 206, Aurora, Colorado 80011.

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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.

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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.

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*)

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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)(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(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

Adopted August 1989
Revised January 1996
Recorded September 1996
Revised November 2007
Revised December 2012
Revised June 2014
Revised January 2017
Revised September 2019
Revised October 2020
Revised October 2021
Revised June 2022
Revised August 2024

AURORA PUBLIC SCHOOLS

APS Code: AC

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**HARASSMENT AND DISCRIMINATION INVESTIGATION PROCEDURES FOR
EMPLOYEES, APPLICANTS FOR EMPLOYMENT AND MEMBERS OF THE
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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

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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.

Harassment under Colorado law also includes the knowing or intentional use of a name other than a student’s chosen name, or the refusal to use a student’s chosen name. (See Policy ACA)

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

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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: Betsy Smith;** Phone Number: 303-915-9438; Address: 15701 East 1st Avenue, Suite 206, Aurora, Colorado 80011; and Email: complianceofficer@aurorak12.org
- **Complaint Form Link:** <https://forms.gle/SdPCd7B9jyJK7JSx8>

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.

- Deputy Superintendent Jesus Rodriguez Phone: 303-365-7800 ext. 28944; Address: 15701 East 1st Avenue, Suite 206, Aurora, Colorado 80011; and Email: jrodriguez1@aurorak12.org

Retaliation against the complainant, respondent, or any person who filed a complaint or

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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

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- 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

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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;

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- 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.

The reporting party or complainant 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 [three - five] school days following the superintendent's determination.

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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: Aurora Police Department (303) 627-3100

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

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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 June 2014

Revised December 2015

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Revised September 2019

Revised October 2020

Revised June 2022

Revised August 2024

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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: Betsy Smith;** Phone Number: 303-915-9438; Address: 15701 East 1st Avenue, Suite 206, Aurora, Colorado 80011; and Email: complianceofficer@aurorak12.org
- **Complaint Form Link:** <https://forms.gle/SdPCd7B9jvJK7JSx8>

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.

- Deputy Superintendent Jesus Rodriguez Phone: 303-365-7800 ext. 28944; Address: 15701 East 1st Avenue, Suite 206, Aurora, Colorado 80011; and Email: jrodriguez1@aurorak12.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.

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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.

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- 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 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.

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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;

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- 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

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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: Aurora Police Department (303) 627-3100

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/>

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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 October 2020

Revised June 2022

Revised August 2024

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Section 1: Introduction and General Information

1.1 Nondiscrimination Policy Statement: Aurora Public Schools (“APS”) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

1.2 Purpose: APS takes all reported discrimination on the basis of sex seriously. APS will promptly discipline any individuals within its control who are found responsible for violating this Policy.

1.3 Applicability: This Policy applies to students and employees of APS.

1.4: Title IX Coordinator and Title IX Designees: The Title IX Coordinator is the APS administrator who oversees APS’ compliance with Title IX. The Title IX Coordinator is responsible for the response to notifications of discrimination on the basis of sex. The Title IX Coordinator is available to discuss the grievance procedures, coordinate supportive measures, modifications related to pregnancy and related conditions, explain APS policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate other employees to facilitate these responsibilities.

Individuals may contact the Title IX Coordinator or designees with questions.

The contact information for the Title IX Coordinator and designees is as follows:

Name and Title: Betsy Smith, Compliance Officer

Phone: 303.915.9438

Email: Complianceofficer@aurorak12.org

Office Location: 15701 East 1st Avenue, Suite 206, Aurora, Colorado 80011

1.5 Communication: APS will use APS electronic mail (email) for purposes of communication under this Policy.

1.6 Free Speech: Constitutionally protected expression cannot be considered discrimination on the basis of sex under this policy.

1.7 Dissemination of policy of and Notice of Nondiscrimination: APS will publish the Notice of Nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form made available to students, parents/guardians, and employees, or which are otherwise used in connection with the recruitment of students. This posting will include a link to

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this policy and reporting options.

1.8 Effective Date: The effective date of this policy is August 1, 2024. Matters that occurred prior to August 1, 2024 will be resolved using the policy and procedures in place at the time of the alleged event.

1.9 False Statements:

1.10 Amnesty: Reporting discrimination on the basis of sex and other inappropriate conduct is encouraged at APS. Thus, it is imperative that parties and witnesses share information without fear of potential consequences for minor violations of the Code of Conduct that do not cause harm or place the health or safety of any other person at risk. APS offers parties and witnesses amnesty from such violations, but individuals may be responsible for other, more serious conduct that does harm or place the health or safety of any other person at risk. After granting Amnesty, APS may include educational opportunities for individuals in lieu of a finding of responsibility or punitive sanctions with the student. This Section does not apply to reports to the police; rather, it applies only to discipline for violations of APS' Code of Conduct.

1.11 Other APS Policies: This Policy takes precedence over other APS policies and procedures concerning discrimination on the basis of sex in the event of a conflict.

1.12: Modification and Review of this Policy: APS reserves the right to modify this Policy to take into account applicable legal requirements. APS will regularly review this Policy to determine whether modifications should be made.

1.13 Additional Code of Conduct or APS Policy Violations: Alleged violations of the student or employee Code of Conduct and/or other policies that arise from the same events as alleged discrimination on the basis of sex under this Policy will be investigated and resolved under the grievance procedures in this Policy unless the sex discrimination has been dismissed under Section 5.4 of this Policy.

1.14 Standard of Proof: The burden rests with the APS to prove that a violation of this policy occurred by a Preponderance of the Evidence (more likely than not).

1.15 Application: This policy applies to all sex discrimination occurring under APS' education program or activity in the United States. Conduct that occurs under APS' education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by APS, and conduct that is subject to APS' disciplinary authority. APS has an

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obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside of APS' education program or activity or outside the United States.

1.16 Prohibited disclosure of personally identifiable information: APS will not disclose personally identifiable information obtained in the course of complying with this policy and/or grievance procedures except in the following circumstances:

- (1) When APS has obtained prior written consent from a person with the legal right to consent to the disclosure;
- (2) When the information is disclosed to an authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- (3) To carry out the purposes of this policy and procedure including action taken to address conduct that reasonably may constitute sex discrimination under this policy in the APS' education program or activity;
- (4) As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- (5) To the extent such disclosures are not otherwise in conflict with Title IX or this policy when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Policy

2.1.1 Sex-Based Harassment: a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) **Quid pro quo harassment:** An employee, agent, or other person authorized by APS to provide an aid, benefit, or service under APS' education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (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 APS' education program or activity (i.e., creates a hostile environment). Whether a hostile

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environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access APS' education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within APS' education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in APS' education program or activity.

(3) Specific offenses: Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.

2.1.2 Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.

2.1.3 Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.

2.1.4 Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental Incapacity.

2.1.5 Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

2.1.6 Statutory Rape: Sexual intercourse with a person who is under the statutory age of Consent.

2.1.7 Dating Violence: Violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

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- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship;

2.1.8 Domestic Violence: Felony or misdemeanor crimes committed by a person who:

- (1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of APS, or a person similarly situated to a spouse of the victim;
- (2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (3) Shares a child in common with the victim; or
- (4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

2.1.9 Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's safety or the safety of others; or
- (2) Suffer substantial emotional distress.

2.1.10 Retaliation, including Peer Retaliation: Intimidation, threats, coercion, or discrimination against any person by APS, a student, or an employee or other person authorized by APS to provide aid, benefit, or service under APS' education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including in an informal resolution process, in grievance procedures, and in any other actions taken by APS under this policy. Nothing in this definition or this Policy precludes APS from requiring an employee or other person authorized by APS to provide aid, benefit, or service under APS' education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

2.2 Definitions Related to Sexual Discrimination: Consent, Course of Conduct, Incapacitation, On the Basis of Sex, Reasonable Person, Substantial Emotional Distress

2.2.1 Consent: means affirmative, conscious, and voluntary agreement to engage in sexual

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activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

2.2.2 Course of Conduct: Two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

2.2.3 Incapacitation: A person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have:

- (1) control over their body, is unaware that sexual activity is occurring, or
- (2) their mental, physical or developmental abilities render them incapable of making rational informed decisions.

Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

2.2.4 On the Basis of Sex (Scope): Includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

2.2.5 Reasonable Person: A reasonable person under similar circumstances and with similar identities to the victim.

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2.2.6 Substantial Emotional Distress: Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

2.3 Other Defined Terms

2.3.1 Business Day: Any weekday not designated by APS as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

2.3.2 Complainant: A student or employee of APS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee of APS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in APS' education program or activity.

2.3.3 Complaint: An oral or written request to APS that objectively can be understood as a request for APS to investigate and make a determination about alleged discrimination.

2.3.4 Disciplinary Sanctions: Consequences imposed on a respondent following a determination under Title IX that the respondent violated APS' prohibition on sex Discrimination.

2.3.5 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.

2.3.6 Impermissible Evidence: The following information must not be discussed, otherwise used, accessed or considered, even if relevant, except by APS to determine whether an exception exists.

(1) Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

(2) A party's or witness' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of

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treatment to the party or witness, unless APS obtains that party's or witness' voluntary, written consent for use in APS' grievance procedures; and

(3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

2.3.7 Party: A complainant or respondent.

2.3.8 Pregnancy or Related Conditions:

- (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
- (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

2.3.11 Relevant: Related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

2.3.12 Remedies: Measures provided, as appropriate, to a complainant or any other person APS identifies as having had their equal access to APS' education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to APS' education program or activity after APS determines that sex discrimination occurred.

2.3.13 Respondent: A person who is alleged to have violated APS' prohibition on sex discrimination.

2.3.14 Student: A person who has gained admission.

2.3.15 Student with a Disability: A student who is an individual with a disability as defined

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in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).

2.3.16 Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to APS' education program or activity, including measures that are designed to protect the safety of the parties or the APS' educational environment; or
- (2) Provide support during APS' grievance procedures or during the informal resolution process.

Section 3: Reporting Sex Discrimination and Preservation of Evidence

3.1 Reporting to APS

3.1.1 Reporting to/ Notifying the Title IX Coordinator: Reports of Sex Discrimination may be made to the Title IX Coordinator. The Title IX Coordinator may be notified at any time by email, phone, online form or mail. Notifications may be made in person during business hours. The Title IX Coordinator will promptly respond by offering supportive measures regardless of whether a complaint is initiated.

3.1.2 Reporting to all Employees: If any employee has information about conduct that may reasonably constitute sex discrimination, the employee must notify the Title IX Coordinator.

3.1.3 Anonymous Reporting: Anonymous reports may be made at aurorak12.org/title-ix . A decision to remain anonymous, however, may greatly limit APS ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this policy.

3.2 Reporting to Law Enforcement: Reports may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from APS investigations.

- (1) Aurora Police Department
15001 E. Alameda Pkwy
Aurora, Co 80012

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Telephone: 303-326-3100 or 303-739-6000

(2) Aurora Department of Safety and Security
15701 E. 1st Avenue, Suite 110
Aurora, Co 80011
Telephone: 303-365-7816

3.3 Reporting to Outside Agencies: Reports may be made to external agencies:

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)

3.4 Outside Agency Confidential Support and 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/>

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

3.5 Time Limits on Reporting: There are no time limits on reporting sex discrimination to the Title IX Coordinator or APS. If the respondent is no longer subject to APS' education program or activity or significant time has passed, APS will have limited ability to investigate, respond, and/or provide disciplinary remedies and sanctions.

3.6 Preservation of Evidence: APS recognizes that a complainant may need time to decide whether to report an incident of sex discrimination to the police and/or APS. The purpose of this section is to provide complainants with suggestions on preserving evidence while they decide whether to report an incident.

APS encourages complainants, as soon as possible after experiencing Sexual Assault, to take steps to preserve evidence such as:

- (1) Have a forensic sexual assault nurse examination performed as soon as possible after the incident;
- (2) When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- (3) Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- (4) Preserve or capture electronic communications such as text messages, e-mails, social media posts, or exchanges (e.g., Snapchat, Facebook, Twitter);
- (5) Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- (6) Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

Section 4: Grievance Procedures: Evaluation and Supportive measures

4.1 Initial Response to Notification of Sex Discrimination: Upon notification of conduct that reasonably may constitute sex discrimination, the Title IX Coordinator will promptly contact the complainant regardless of whether the complainant was the individual who initiated the notification. During the initial contact with the complainant the Title IX Coordinator will:

- (1) Provide the complainant with notice of their rights and options;
- (2) Explain the process for initiating a complaint, including the factors considered to determine when the Title IX Coordinator will initiate a complaint.

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- (3) Explain the Grievance Procedures and Informal Resolution Process;
- (4) Discuss the availability of Supportive Measures regardless of whether a complaint is initiated;
- (5) Consider the complainant's wishes with respect to Supportive Measures.

4.2 Supportive Measures: Supportive measures must be offered and coordinated by APS.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or APS' educational environment, or to provide support during APS' grievance procedures or during the informal resolution process. APS must not impose such measures for punitive or disciplinary reasons.

Supportive measures may differ based on what APS deems to be reasonably available. Examples of supportive measures include, but are not limited to:

- (1) Counseling;
- (2) Extensions of deadlines and other course-related adjustments;
- (3) Campus escort services;
- (4) Increased security and monitoring of certain areas of the campus;
- (5) Restrictions on contact applied to one or more parties;
- (6) Leaves of absence;
- (7) Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

Supportive measures may be modified or terminated at the conclusion of the grievance procedures or at the conclusion of the informal resolution process or APS may continue with the supportive measures indefinitely.

4.2.1 Supportive Measures Review: Complainants or respondents may seek modification or reversal of APS' decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee (Supportive Measures Review Administrator) must have authority to modify or reverse the decision if the Supportive Measures Review Administrator determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Policy. The parties will be provided with additional opportunity to seek review by the Supportive Measures Review Administrator of supportive measures if circumstances change materially.

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Request for review of supportive measures must be made in writing to: Craig Lyle, Chief of School Leadership & Support, 15701 East 1st Avenue, Suite 206, Aurora, Colorado 80011 or email: crlyle@aurorak12.org.

Upon receipt of a request for review, the Supportive Measures Review Administrator will evaluate the request and provide a written response with their determination as to whether the prior decision to provide, deny, modify, or terminate the supportive measure was inconsistent within three (3) business days.

4.2.2 Privacy of Supportive Measures Information: APS will not disclose information about any supportive measures to individuals other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.

4.2.3. Consultation for Student with Disability: If the complainant or respondent has a disability, the Title IX Coordinator will consult with a member of the student's IEP or 504 team, as appropriate, to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

Section 5: Complaint

APS will use the grievance procedures or the informal resolution process for all allegations of sex discrimination in a complaint.

5.1 Initiating a Complaint: A complaint must be an oral or written request to APS that can objectively be understood as a request for APS to investigate and make a determination about alleged sex discrimination.

The following persons have a right to initiate a complaint:

(1) For Allegations of Sex-Based harassment:

- (i) A complainant.

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- (ii) An authorized legal representative with the legal right to act on behalf of a complainant.
- (iii) The Title IX Coordinator.

(2) For Allegations of Sex Discrimination Other than Sex-Based Harassment:

- (i) Any student or employee; or
- (ii) Any person other than a student or employee who was participating or attempting to participate in APS' education program or activity at the time of the alleged sex discrimination.

5.2 Title IX Coordinator Considerations for Initiating a Complaint: In the absence of a complaint or the withdrawal of the allegations in a complaint, the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination. The Title IX Coordinator must consider, at a minimum the following factors:

- (1) The complainant's request not to proceed with initiation of a complaint;
- (2) The complainant's reasonable safety concerns regarding initiation of a complaint;
- (3) The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- (4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- (5) The age and relationship of the parties, including whether the respondent is an employee of APS;
- (6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- (8) Whether APS could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

5.2.1 Notification of Complainant: If the Title IX Coordinator initiates a complaint, the Title IX Coordinator must notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including providing additional supportive measures.

5.3 Response Regardless of Whether Complaint is Initiated: Regardless of whether a complaint

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is initiated, the Title IX Coordinator will take other appropriate, prompt and effective steps, in addition to steps necessary to effectuate remedies provided to an individual complaint, if any, to ensure that sex discrimination does not continue to recur within APS' education program or activity.

5.4 Dismissal of a Complaint: APS may dismiss a complaint of sex discrimination for any of the following reasons:

- (1) APS is unable to identify the respondent after taking reasonable steps to do so;
- (2) The respondent is not participating in APS' education program or activity and is not employed by APS;
- (3) The complainant voluntarily withdraws any or all of the allegations in the complaint in writing, the Title IX Coordinator declines to initiate a complaint under, and APS determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under this policy even if proven; or
- (4) APS determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX or this Policy. Prior to dismissing the complaint under this section, APS will make reasonable efforts to clarify the allegations with the complainant.

5.4.1 Notification of Dismissal of a Complaint: Upon dismissal, APS will promptly notify the complainant of the basis for the dismissal in writing. If the dismissal occurs after the respondent has been notified of the allegations, then the APS will simultaneously notify the respondent of the dismissal and the basis for the dismissal.

5.4.2 Appeal of Dismissal of a Complaint: APS will notify the complainant that a dismissal may be appealed. If the dismissal occurs after the respondent has been notified of the allegations, then APS will also notify the respondent that the dismissal may be appealed. The complainant and respondent (if respondent has been notified of the allegations) may appeal on the bases set forth in section 10.

If the dismissal is appealed, APS will:

- (1) Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- (2) Implement appeal procedures equally for the parties;
- (3) Ensure that the appellate decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- (4) Ensure that the decisionmaker for the appeal has been trained;

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- (5) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- (6) Notify the parties of the result of the appeal and the rationale for the result.

5.4.3 After Dismissal of Complaint: If APS dismisses a complaint, APS will, at a minimum:

- (1) Offer supportive measures to the complainant.
- (2) Offer supportive measures to the respondent if the respondent has been notified of the allegations.
- (3) Take other appropriate, prompt and effective steps to ensure that sex discrimination does not continue or recur within the APS' education program or activity.

5.5 Consolidation of Complaints: APS may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

Section 6: Grievance Procedures - General Requirements

6.1 Equitable Procedures: The grievance procedures within this Policy are designed to treat complainants and respondents equitably.

6.1.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to sex discrimination will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibly rest on APS not the parties.

6.1.2 Presumption of Not Responsible: The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

6.1.3 Time Frames for Grievance Process: APS strives to complete the grievance process within sixty (60) business days. APS strives to complete the evaluation period within five (5) business days after meeting with the complainant, the investigation period within thirty (30) business days after initiation of complaint, the determination period within fifteen (15) business days, and the appeal within ten (10) business days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will

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be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include, but are not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.1.4 Range of Disciplinary Sanctions: Sanctions that may be required if an individual is found responsible for violating this policy include, but are not limited to:

- (1) For Students: Discipline consistent with the District's disciplinary procedures.
- (2) For Employees: Termination, demotion, suspension without pay or reprimand.

6.1.5 Prohibition Against Bias or Conflict of Interest: The Title IX Coordinator, investigator, decisionmaker, or appellate decisionmaker must not have a bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator.

6.1.6 Privacy Protection: APS will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses, consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

6.1.7 Objective Evaluation of Evidence: APS will conduct an objective evaluation of all evidence that is relevant, as defined and not otherwise impermissible, including both inculpatory and exculpatory evidence—and provide that credibility determinations must not be based on a person's status as a complainant, respondent, or witness.

Section 7: Grievance Procedures - Investigation

APS will conduct an investigation following a complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be, an attorney. The advisor's role is limited to assisting, advising, and/or supporting a complainant or respondent. An advisor is not permitted to speak for or on behalf of a complainant or respondent or appear in lieu of a complainant or respondent.

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7.1 Notice of Allegations: Upon initiation of APS' grievance procedures, APS will provide notice of the allegations to the parties whose identities are known which includes:

- (1) APS' grievance procedures.
- (2) Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes:
 - (i) The identities of the parties involved in the incident(s),
 - (ii) The conduct alleged to constitute sex discrimination under this policy, and
 - (iii) The date(s) and location(s) of the alleged incident(s), to the extent that information is available to APS.
- (3) A statement that retaliation is prohibited; and
- (4) A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description (report) of this evidence, and if APS provides a report depicting the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

7.1.1 Updating Notice of Allegations: If, in the course of an investigation, APS decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice of allegations or that are included in a complaint that is consolidated, APS will provide notice of the additional allegations to the parties whose identities are known.

7.2 Burden: APS will ensure that the burden is on APS—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

7.3. Witnesses: APS will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

APS has discretion to determine whether parties may present expert witnesses and will make that determination equally to the parties.

7.4 Unauthorized Access: APS will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

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7.5 Questioning of Parties and Witnesses: APS will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness' credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

Section 8 Grievance Procedures - Review of Evidence

APS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, and an accurate description of this evidence in the form of a report. If APS provides a description of the evidence, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;

APS will provide a reasonable opportunity to respond to the evidence and to the accurate description of the evidence. The parties will have five (5) business days to review the evidence and provide written response upon receipt of the evidence and report.

Section 9: Grievance Procedures - Determination

9.1 Notification: At the conclusion of the investigation and review of the evidence and report, the decisionmaker (who may be the same or separate than the investigator) will notify the parties in writing of the determination whether sex discrimination occurred, include the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.

9.2 Remedies and Disciplinary Sanctions: If there is a determination that sex discrimination occurred, as appropriate, Title IX Coordinator will coordinate the provision and implementation of remedies to the complainant and other persons identified as having had equal access to APS' education program or activity limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.

9.2.1 Finality of Determination: The determination regarding responsibility becomes final either on the date APS provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered

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timely.

9.2.2 Discipline Outside of Grievance Procedures: APS will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

APS will not discipline a party, witness, or others participating in APS' grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Section 10: Appeals

Appeals are offered to both parties equitably to challenge the determination as to whether sex discrimination occurred and the dismissal of a complaint or allegation therein.

Appeals may be made on the following bases:

- (1) Procedural irregularity that would change the outcome;
- (2) New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and
- (3) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Section 11: Informal Resolution

At any time prior to determining whether sex discrimination occurred, the parties may agree, with the support of the Title IX Coordinator, to participate in an informal resolution process facilitated by APS, that that does not involve the grievance procedures.

APS will not require or pressure the parties to participate in an informal resolution process and will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment, continuing enrollment, employment, continuing employment, or exercise of any other right.

The facilitator for the informal resolution process will not be the same person as the investigator or decisionmaker in the grievance procedures.

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Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, restorative justice, and resolution by agreement of the parties.

11.1 Discretion of Title IX Coordinator: The Title IX Coordinator has discretion to determine whether it is appropriate to offer an informal resolution and may decline to offer informal resolution despite one or more of the party's wishes. When determining whether to offer informal resolution, the Title IX Coordinator will consider whether the alleged conduct presents a future risk of harm to others.

11.2 Informal Resolution Notice: Prior to the initiation of the informal resolution process, APS will provide the parties written notice that explains:

- (1) The allegations;
- (2) The requirements of the informal resolution process;
- (3) Notice that, prior to agreement to a resolution, any party has the right to withdraw from the informal process and to initiate or resume the grievance procedures;
- (4) Notice that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- (5) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- (6) What information APS will maintain and whether and how APS could disclose such information for use in grievance procedures if the grievance procedures are initiated or resumed.

11.3 Potential Informal Resolution Terms: Potential terms that may be included in an informal resolution agreement include but are not limited to:

- (1) Restrictions on contact; and
- (2) Restrictions on respondent's participation in one or more of APS' programs or activities or attendance at specific events, including restrictions APS could have imposed as remedies or disciplinary sanctions had the decisionmaker determined at the conclusion of the grievance procedures that sex discrimination occurred.

11.4 Informal Resolution Availability: The informal resolution process is not permitted to resolve allegations that an employee committed sex discrimination against a student.

Section 12: Emergency Removal and Administrative Leave

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12.1 Emergency Removal: At any time after the Title IX Coordinator is given notice of sex discrimination, APS may remove a Respondent on an emergency basis. APS will only conduct an emergency removal after:

- (1) Undertaking an individualized safety and risk analysis,
- (2) Determining that an immediate and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and
- (3) Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, immediately following removal.

12.2 Administrative Leave: APS may place an employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

Section 13: Recordkeeping

The following records will be maintained by APS for at least seven (7) years:

- (1) Records documenting the informal resolution process or grievance procedures for each complaint of sex discrimination including the resulting outcome.
- (2) Records documenting the actions APS took to provide supportive measures and remedies and a fair and equitable response under this policy and Title IX.
- (3) Training materials used to provide training to all employees, the Title IX Coordinator, designees, investigators, decisionmakers, informal resolution facilitators, appellate decisionmakers, and supportive measures review administrators.

Adopted August 2024

NOTICE OF NONDISCRIMINATION

The Aurora Public Schools is committed to the policy that all persons shall have equal access to its programs, facilities, and employment and does not discriminate on the basis of race, age, color, creed, national origin, sexual orientation, gender identity, gender expression, conditions related to pregnancy or childbirth, disability, religion, ancestry, sex, family composition or need for special education services, or genetic information for employment and provides equal access to the Boy Scouts and other designated youth groups. Career and technical education opportunities will be offered without regard to these protected classes. In adhering to this policy, the Aurora Public Schools abides by Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and Titles VI and VII of the Civil Rights Act of 1964. 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 as follows:

- Policy AC-R-1: Students
- Policy AC-R-2: Employees, Applicants for Employment and Members of the Public
- Policy AC-R-3: Aurora Public Schools Title IX Policy

Questions, complaints or requests for additional information regarding these laws or issues concerning discrimination (including information about how to file a grievance if you believe you are the victim of discrimination) should be directed to the compliance officer for these issues, Betsy Smith, phone: (303) 915-9438, email: complianceofficer@aurorak12.org or designee. If the designated individual is not qualified or is unable to act as such, the superintendent shall designate an administrator who shall serve until a successor is appointed. This notice is available in alternative forms.

Outside agencies:

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex, gender), 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 St., Suite 300303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 8251050, Denver, CO 80202.

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Revised October 2021

Revised June 2022

Revised August 2024

NONDISCRIMINATION/EQUAL OPPORTUNITY

Complaint Form

Date: _____

Name of complainant: _____

School: _____

Address: _____

Phone: _____

[] Please check here for allegations of sex-based discrimination and/or sex-based sexual harassment. (Note: Investigator will use investigation procedures consistent with allegations of sex-based discrimination and/or sex-based sexual harassment).

Summary of alleged discrimination or harassment:

Name(s) of individual(s) allegedly engaging in prohibited conduct:

Date(s) alleged prohibited conduct occurred:

Name(s) of witness(es) to alleged prohibited conduct:

If others are affected by the possible discrimination or harassment, please give their names:

NONDISCRIMINATION/EQUAL OPPORTUNITY

Your suggestions regarding resolving the complaint: _____

Please describe any corrective action you wish to see taken with regard to the alleged discrimination or harassment. You may also provide other information relevant to this complaint.

Signature of complainant

Date

Signature of person receiving complaint

Date