

Title	Non-Discrimination and Equal Opportunity Complaint and Compliance Procedure	
Section	Section A: Foundations and Basic Commitments	
Code	AC-BLA-R-1	
Status	Approved	
Adopted	August 20, 2024	
Last Revised	N/A	
Prior Revisions	None	

PURPOSE

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

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

Note: For complaints involving sexual harassment, please refer to policy District 49’s policy AC-R-2 found here: <https://go.boarddocs.com/co/d49/Board.nsf/Public?open&id=policies>

DISTRIBUTION

This policy will be displayed in both school buildings. Annually, BLA will electronically provide the policy to employees, parents and guardians of students, and to students in grades 6 through 12. Physical copies will be provided upon request. The policy will be provided in English, and will be available in Spanish upon request.

DEFINITIONS

1. 'Compliance officer' means an employee designated by the relevant chief officer to receive complaints of alleged unlawful discrimination and harassment. The compliance officer must be identified by name/title, address, and telephone number (see BLA’s Annual Notice). If the designated individual is not qualified or is unable to act as such, the relevant chief officer must designate another administrator to serve as compliance officer.
2. 'Aggrieved individual’ means a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, an employee of the district, or member of the public who is directly affected by and/or is witness to an alleged violation of district policies prohibiting unlawful discrimination or harassment.

COMPLIANCE OFFICER’S DUTIES

The compliance officer or designee is responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or administrative policy prohibiting unlawful discrimination or harassment.

The compliance officer's duties include: providing notice to students, parents/guardians of students, employees and the general public concerning the compliance process; providing training for district staff regarding the prohibition of discrimination/ harassment in all district programs, activities, and employment practices; disseminating information concerning the forms and procedures for the filing of complaints; ensuring the prompt investigation of all complaints; coordinating hearing procedures; and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

The Compliance Officer will ensure proper confidentiality of the incident and reporting. A report of harassment or discrimination is confidential, and employees shall keep information learned during an investigation of harassment or discrimination confidential to the extent practicable. This does not prevent an employee from reporting known or suspected child abuse or neglect as required by law, or reporting any other criminal activity to Law Enforcement. This also doesn't prevent BLA from providing records to Law Enforcement, The Department of Human Services or a District attorney for the investigation or prosecution of any crime. A complaint that is unsubstantiated is Confidential and not subject to disclosure under the "Colorado Open Records Act." It may not serve as a basis for discipline, dismissal, termination, or any employment reference or licensing action unless the conduct establishes a pattern of the same or similar behavior.

COMPLAINT PROCEDURE

Any student who believes he or she has been a victim of unlawful discrimination or harassment as defined in District or Board policy, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher or the BLA compliance officer. All reports received by teachers, counselors, principals or other district employees must be promptly forwarded to the compliance officer. If the compliance officer is the individual alleged to have engaged in the prohibited conduct, the complaint should be forwarded to an administrator.

Any complainant may file with the compliance officer a complaint charging BLA, another student or any school employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint are encouraged to use the form AC-BLA-E-2 Non-Discrimination/Equal Opportunity Complaint Form. On the BLA Board of Directors webpage.

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

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

At the initial meeting, the compliance officer must explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the target and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer must also explain that whether or not the individual files a written complaint or otherwise requests action, BLA is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment or retaliation against anyone who makes a report or participates in an investigation. The compliance officer must also explain that any request for confidentiality will be honored so long as doing so does not preclude BLA from responding effectively to prohibited conduct and preventing future prohibited conduct.

Within 5 working days following the initial meeting involving the compliance officer and the complainant, the investigator must attempt to meet with the complainant and with the individual alleged to have engaged in the prohibited conduct and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. Such person(s) must be informed of all allegations necessary to achieve full and accurate disclosure of material information or to resolve the complaint.

ACCOMMODATIONS AND SUPPORTIVE MEASURES

BLA shall grant an excused absence to a student who has experienced harassment or discrimination for any time a student is out of school because of a therapy, medical, legal, or victim services appointment related to the harassment or discrimination. BLA shall offer accommodations and supportive measures to a student experiencing harassment or discrimination designed to protect the safety of all students and that preserve and restore equal access to education for the student. Accommodations and supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, extra time for homework or tests, the opportunity to resubmit homework or retake a test, remedying an impacted grade, excused absences, the opportunity for home instruction, modifications to class schedules, and restrictions on contact between the parties to a report. BLA will consider additional supportive measures for any student disabilities.

The individual alleging harassment or discrimination may request accommodations at any time in the process. BLA shall provide supportive measures as soon as it receives a report of harassment or discrimination. A formal report or finding of harassment or discrimination is not required before BLA begins providing supportive measures.

INFORMAL ACTION

If the aggrieved individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the compliance officer believes that the matter is suitable to such resolution, the compliance officer or designee may attempt to resolve the matter informally through mediation, counseling or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party may be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution may not be used to process complaints where the underlying offense involves sexual assault or other acts of violence.

FORMAL ACTION

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer must assign an administrator to promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred.

The Compliance Officer or designee will include the preponderance of the evidence and will specify that all questions related to the investigation should be directed to the individual conducting the investigation, or the individual's designee.

The Compliance Officer or designee may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

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

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

- i. The degree to which the conduct affected one or more student's education or one or more employee's work environment;
- j. The type, frequency, and duration of the conduct;
- k. The identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the alleged target;
- l. The number of individuals alleged to have engaged in the prohibited conduct and number of targets of the prohibited conduct;
- m. The ages of the individual alleged to have engaged in the prohibited conduct and the alleged target;
- n. Patterns of misconduct;
- o. The size of the school, location of the incident, and context in which it occurred; and
- p. Other incidents at the school.

BLA shall not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination promptly or effectively. BLA may not use a student report of harassment or discrimination, whether verbal or in writing, or information revealed in any investigation or disciplinary proceedings of the report, as the basis for, or consideration in, investigating or exacting any disciplinary response for a school violation by the reporting student or complainant related to the reported incident for any of the following: engaging in reasonable self-defense against the respondent,

consensual sexual activity, drug use, alcohol use, late arrival, truancy, unauthorized access to facilities, talking publicly about the reported harassment or discrimination, or expressing a trauma symptom. BLA may discipline a student who knowingly makes a false report, or when necessary to ensure the safety of a student or employee. A finding of No Harassment or Discrimination does not constitute a false report.

BLA shall make a good faith effort to complete an investigation and make any findings within 60 days after the report, without infringing upon the complainant's or respondent's rights as enshrined in Federal and State Law. BLA may extend the 60-day deadline for up to 30 additional days for good cause with prior written notice to the complainant and to the respondent of the delay and the reason for the delay.

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

If any party named in the complaint is not satisfied with the summary report, the dissenting party may seek relief from the relevant Principal or designee within 10 working days of receiving the response. The dissenting party will forward copies of all documents filed at the first formal step, including the investigator's summary report.

The relevant Principal or designee shall review the information submitted by the dissenting party, including the findings of the Compliance Officer or designee, and must have the option of meeting with the affected persons, either separately or as a group. Within 10 working days of receipt of the appeal, the relevant Principal or designee must issue a written report indicating the findings of his or her investigation.

If any party named in the complaint is not satisfied with the decision of the relevant Principal or designee, a final appeal may be filed with the BLA Board of Directors within 10 working days of receipt of the relevant Principal's or designee's response. The Board of Directors shall be the final determining body and shall decide the merits of the case based on the information contained in the formal complaint and results of the investigations at the previous two levels.

The Board's consideration of the matter will occur at its next regular meeting occurring at least 7 working days subsequent to the filing of the appeal. A decision shall be issued within 20 working days of the Board's consideration. The decision of the Board shall be final.

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

BLA will retain the records of a harassment or discrimination report for 7 years. The record will include any accommodations or supportive measures taken in response to a report or formal complaint of harassment or discrimination, and documentation of the basis for BLA's action and response.

SECTION 504 HEARING PROCEDURE

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

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

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

After the hearing officer has issued the decision, the recording of the hearing, all physical and documentary evidence, and all other items comprising the record of the hearing must be returned to BLA. Either party may seek review of the hearing officer's decision in a court of competent jurisdiction, in accordance with applicable law and applicable timelines for requesting such review.

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

MANDATORY REPORTING

BLA will report on harassment and discrimination in accordance with District 49 requirements found in their policies and procedures.

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/eas/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)

BLA COMPLIANCE COORDINATORS

Student and Employee Matters (Section 504, Title IV, Title VII, Title IX, Title II/ADA-AA)

Coordinator | Banning Lewis Ranch Academy – Elementary (K-5)

Jordan Voltz, Principal

[719-570-0075](tel:719-570-0075)

7094 Cottonwood Tree Dr
Colorado Springs, CO 80927
jvoltz@blracademy.org

Coordinator | Banning Lewis Preparatory Academy – Secondary (6-12)

Athena Rehorst, Principal

[719-638-3040](tel:719-638-3040)

9433 Vista Del Pico Blvd
Colorado Springs, CO 80927
arehorst@blracademy.org

For further information on notice of non-discrimination, the address and phone number of the office that serves your area, visit the [Office for Civil Rights webpage on Ed.gov](#), or call 1-800-421-3481.

CROSS REFERENCES

AC-BLA Non-Discrimination and Equal Opportunity Policy

District 49 Policy AC-R-2 Sexual Harassment Investigation Procedure

AC-BLA-E-1 Notice of Non-Discrimination

AC-BLA-E-2 Discrimination or Harassment Complaint Form