

Crown Pointe Academy 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 school's educational programs, activities, or employment can report their concerns without fear of retaliation.

This policy is designed to foster a climate that provides preventative measures and encourages the reporting of discrimination and harassment and related retaliation. The school 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 policy governing the applicable reporting and response processes. Complaints of harassment or discrimination against a student and complaints of bullying against a student based on membership in a protected class should be made pursuant to the school's [Harassment and Discrimination Investigation Procedures for Students Policy. Complaints under Title IX should be made under the school's Sex-based Harassment Investigation Procedures Policy](#). Supportive measures and prompt response times are required components of all policies.

### **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. 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 Crown Pointe's Discipline Matrix.
- **“Protected classes”** include race, color, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, pregnancy, marital status, veteran status, disability, family composition and genetic information of an employee or applicant for employment.

For purposes of this policy and the implementing regulations:

- **“Race”** includes hair texture, hair type, hair length, or a protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros, and headwraps, that is commonly or historically associated with race.

- o **“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.
- o **“Gender Expression”** means an individual’s way of reflecting and expressing gender to the outside world, typically demonstrated through appearance, dress, and behavior.
- o **“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:
  - o 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 school’s educational services, or creates an intimidating, hostile, or offensive educational environment;
  - o 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;
  - o 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 school’s services, activities, or opportunities.

Whether conduct constitutes harassment depends on several factors, including, but not limited to:

- o the type, frequency, and duration of the conduct;
- o the number of individuals involved and their relationships;
- o the age and education level of individuals involved;
- o the location and context in which the conduct occurred;
- o whether the conduct is threatening or any real or perceived power differential exists;
- o any use of stereotypes, epithets, slurs, or degrading conduct or communication;
- o whether the conduct includes an act of physical violence;

- o 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 school's services, activities, or opportunities on the basis of their protected class. Discrimination also occurs when the school 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 Board policies have more details on harassment and discrimination and the related complaint process:

- o [Harassment and Discrimination Investigation Procedures for Students](#)
- o [Sex-based Harassment Investigation Procedures](#)
- **"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 Board policies:
  - o [Sex-based Harassment Investigation Procedures](#)
- **"Respondent"** means a student or employee who has been reported to have engaged in conduct that could constitute harassment.
- **"Complainant"** means a student, employee, or community member alleged to have experienced discrimination or harassment. A complainant may or may not be the reporting party.
- **"Reporting Party"** means a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant with the compliance officer. Any school student, employee, or community member may be a reporting party.
- **"Compliance Officer"** means the school employee who is responsible for coordinating and overseeing the school's discrimination and harassment prevention and response efforts. Among other responsibilities, the compliance officer will coordinate and oversee the school's discrimination and harassment investigation, consultation, recordkeeping, monitoring, and training processes. To facilitate this work, all school 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 school to coordinate its efforts to comply with Title IX of the Education Amendments and the school’s Title IX program.
  - Title IX Coordinator: Jason Chesser, Assistant Principal, 303-428-1882 (x112), [jason.chesser@crownpointeacademy.org](mailto:jason.chesser@crownpointeacademy.org)

### **Harassment, Discrimination, and Retaliation Prohibited**

Discrimination, harassment, and bullying on the basis of protected class are prohibited at any school or school-sanctioned activity or event, on any school property (or off school property when such conduct has a connection to the school), or any school 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.

### **Use of a Student’s Chosen Name**

#### **Name Changes Policy**

This policy outlines the process by which students may change the name they are referred to at Crown Pointe Academy to align with their gender identity. Students may choose to be identified in school by the first name that they have designated in accordance with this policy, and may request a change to their name or gender on their official student record through the school’s process for amending student education records.

### **Definitions**

- **“Chosen Name”** as defined in Colorado law, is any name a student requests to be known as that differs from the student’s legal name, to reflect the student’s gender identity.
- **“Legal Name”** is an individual’s legal name as it appears on official government documents such as licenses, passports, and birth certificates.

### **Use of a Chosen Name or Preferred First Name**

The Board directs the Executive Director to establish procedures allowing students to inform the school of their chosen name (or a preferred first name such as a nickname) without altering their official name in school records. Students will not be required to provide proof of a legal name change to select a chosen or preferred name for use at school and during extracurricular activities, and do not need parental approval. However, parents may be notified of their student’s name change if appropriate.

Crown Pointe Academy staff must strive to use the chosen or preferred name of all students. The school understands that honest mistakes may occur, but the intentional or knowing refusal to use a student’s chosen name (for example, intentionally referring to the student by their legal name, another name that does not correspond to the student’s gender identity or avoiding use of their name) is prohibited under this policy and under Colorado law.

The school reserves the right to deny a preferred first name if it is vulgar or offensive, obscene, or is used for misrepresentation.

### **Name Changes on Official Student Records**

Crown Pointe Academy maintains a permanent student record (“official record”) that includes a student’s name and gender. Students or parents who wish to alter the student’s name or gender must follow the school’s process for amending student records. The school will not process a name change on a student’s official record without a parent’s signature or a court order.

Students who request a name change that is different from their legal first name agree that the designated name is, or will be, truly used to identify themselves. A name change cannot be used for any illegal purpose.

### **Disclosure to Third Parties**

Information about a transgender student’s gender identity, legal name, or sex assigned at birth may constitute confidential personally identifiable information. Disclosing transgender status to students, staff, or third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA). Accordingly, the school will work with students and their families to keep personally identifiable information related to gender identity confidential in accordance with state and federal privacy laws.

In situations where school staff or administrators are required by law to use or to report the legal name or biological sex of a student who is transgender but whose official record has not been amended, school staff and administrators must adopt practices to avoid the inadvertent disclosure of such confidential information.

## **LEGAL REFS.:**

34 C.F.R. §99.1 *et seq.* (Family Educational Rights and Privacy Act regulations)

34 C.F.R. §99.20(d) (parents and students have the right to request a school change name and gender marker on their record if they feel it is incorrect, misleading, or violates privacy, and schools must provide parents with an opportunity to inspect and review educational records)

34 C.F.R. §99.31 (permitted reasons for disclosure of student records)

3 C.C.R. 708-1:81.6(A)(4) (sexual orientation harassment is deliberately misusing an individual's preferred name, form of address, or gender-related pronouns)

C.R.S. 22-1-145 (knowing or intentional failure to use a chosen name is discriminatory, and schools required to use a student's chosen name and adopt a policy on the subject)

C.R.S. 22-1-145(b) (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).

## **School Action**

The school 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 Board policy. 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 school 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 school 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 school settings or activities, the school 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 school will take reasonable action to restore lost educational or employment opportunities to the complainant(s) and others impacted.

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

## **Notice and Training**

The school 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 school 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 corresponding Board policies, which include the grievance process, must be prominently posted on the school's website in plain language, and made available to all students, parents, and staff through electronic or hard-copy distribution.

Students and school employees will receive periodic training related to recognizing, reporting and preventing discrimination and harassment. School 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; and
- Reporting harassment or discrimination to the school.

**Adopted: 12/11/2024**

## **LEGAL REFS.:**

20 U.S.C. 1681 (*Title VII, Education Amendments of 1972*)

20 U.S.C. 1701-1758 (*Equal Employment Opportunity Act of 1972*)

29 U.S.C. 621 *et seq.* (*Age Discrimination in Employment Act of 1967*)

29 U.S.C. 701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)

42 U.S.C. 12101 *et seq.* (*Title II of the Americans with Disabilities Act*)

42 U.S.C. 2000d (*Title VI of the Civil Rights Act of 1964, as amended in 1972*)

42 U.S.C. 2000e (*Title VII of the Civil Rights Act of 1964*)

42 U.S.C. 2000ff *et seq.* (*Genetic Information Nondiscrimination Act of 2008*)

34 C.F.R. Part 100 through Part 110 (*civil rights regulations*)  
C.R.S. 2-4-401 (3.4) (*definition of gender expression*)  
C.R.S. 2-4-401 (3.5) (*definition of gender identity*)  
C.R.S. 2-4-401 (13.5) (*definition of sexual orientation*)  
C.R.S. 18-9-121 (*bias-motivated crimes*)  
C.R.S. 22-1-143 (*definition of harassment or discrimination*)  
C.R.S. 22-1-145 (*use of a student's chosen name*)  
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*)