

Nondiscrimination, Anti-Harassment, and Equal Opportunity Policy

DSST (“School”) is committed to maintaining an educational and working environment free from discrimination, harassment, and retaliation. The School does not unlawfully discriminate against any individual on the basis of a protected characteristic in its educational programs, activities, employment practices, or operations.

This policy applies to all students, employees, applicants for admission or employment, volunteers, and third parties participating in School programs or activities.

Because discrimination and harassment are defined under multiple federal and state laws, including Title VI, Title VII, Title IX, C.R.S. § 22-1-143, and the Colorado POWR Act, the following standards apply:

- **Discrimination:** Unlawful discrimination includes adverse treatment or denial of access to educational or employment opportunities based on an individual’s actual or perceived membership in a protected class.
- **Harassment of Students:** Harassment of a student includes unwelcome physical conduct, verbal conduct, or written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of actual or perceived membership in a protected class, when the conduct or communication is objectively offensive to a reasonable person in the same protected class.
- **Harassment of Employees:** Harassment of an employee includes unwelcome physical conduct, verbal conduct, or written, pictorial, or visual communication directed at an individual or group of individuals because of actual or perceived membership in a protected class, when the conduct is subjectively offensive to the individual and objectively offensive to a reasonable person in the same protected class, consistent with the POWR Act and applicable federal law.

Conduct does not need to be severe or pervasive to constitute unlawful discrimination or harassment when:

- Submission to the conduct is explicitly or implicitly made a term or condition of employment or access to an educational program or benefit;
- Submission to or rejection of the conduct is used as the basis for an employment or educational decision; or
- The conduct has the purpose or effect of unreasonably interfering with work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

Petty slights, minor annoyances, and lack of good manners do not constitute harassment or discrimination unless the slights, annoyances, or lack of manners, when taken in combination and under the totality of the circumstances meet the standard set forth above.

When the alleged discrimination or harassment is allegedly sex-based and implicates both Title IX and C.R.S. § 22-1-143, such complaints will be addressed both laws concurrently. Where the applicable standards differ, the School will apply the standard that provides greater protection against discrimination or harassment.

The School strictly prohibits retaliation against any individual for:

- Reporting discrimination or harassment in good faith;
- Participating in an investigation or resolution process; or
- Opposing discriminatory practices consistent with applicable law.

Retaliation constitutes a separate violation of this policy.

This policy is intended to comply with applicable law, including Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, C.R.S. § 22-1-143, and the Colorado POWR Act.

Procedures for Reporting, Investigating, and Resolving Discrimination and Harassment

DSST will respond promptly, equitably, and effectively to all reports of discrimination or harassment in accordance with federal law, C.R.S. § 22-1-143, and the Colorado POWR Act.

Any student, parent or guardian, employee, or third party may report discrimination or harassment. Reports may be made orally or in writing and may be anonymous. Reports may be submitted to DSST's Nondiscrimination Coordinator or through any other reporting mechanism established by the School.

Upon receipt of a report, the School will promptly contact the reporting party ("Complainant") to:

- explain the School's role in responding to the report;
- discuss available supportive measures; and
- assess safety and access to educational or employment programs.

Supportive measures will be offered regardless of whether a formal complaint is filed and may include academic adjustments, schedule changes, workplace accommodations, no-contact directives, counseling referrals, or other appropriate measures designed to restore or preserve equal access.

When a report alleges conduct that may constitute discrimination or harassment, the School will initiate a prompt, fair, and impartial investigation or other resolution process.

All investigations will:

- provide both parties with notice and an opportunity to be heard;
- be conducted by appropriate, disinterested personnel;
- use the preponderance of the evidence standard; and
- result in a written determination when required or appropriate.

In compliance with C.R.S. § 22-1-143, investigations involving allegations against or by students will also:

- Direct that all investigative questions be submitted to the assigned investigator;
- Consider patterns of conduct as relevant evidence;
- Permit both parties to have an advisor or other person present at all stages of the process;
- Provide written status updates to the parties and their parents or legal guardians at each stage, or at least every fifteen (15) business days;
- Concurrently notify the parties of the outcome and any findings;
- Be completed within sixty (60) days of the report, with a permissible extension of up to thirty (30) additional days for good cause with prior written notice to both parties;
- Prohibit retaliation, including discipline, against a student for participating in the process; and
- Require the School to retain records related to the report, supportive measures, investigative findings, and determinations for seven (7) years.

Concurrent Evaluation

Student Complaints: When alleged conduct implicates both Title IX and C.R.S. § 22-1-143, the School will concurrently evaluate the conduct under both legal frameworks, as required by C.R.S. § 22-1-143(6)(b). The School's Title IX policy may be accessed [HERE](#). Where the applicable standards differ, the School will apply the standard that provides greater protection against discrimination or harassment.

Employee Complaints: Employee complaints will be addressed in accordance with the Colorado POWR Act, Title VII, Title IX (when applicable), and the School's employee grievance procedures. Nothing in this policy limits an employee's rights under state or federal law. Where standards differ, the School will apply the standard that provides greater protection.

Outcomes and Corrective Action

If discrimination or harassment is substantiated, the School will take prompt and effective action reasonably calculated to stop the conduct, prevent its recurrence, and remedy its effects. Corrective action will be consistent with applicable law and School policy.

Retaliation Prohibited

Retaliation against any individual for reporting discrimination or harassment, participating in an investigation, or opposing discriminatory practices in good faith is strictly prohibited and will be treated as a separate violation of School policy.

Recordkeeping and Reporting

The School will maintain records of reports, investigations, supportive measures, and outcomes in accordance with applicable law. Pursuant to C.R.S. § 22-1-143(5), the School will annually report aggregated, non-identifying data regarding discrimination and harassment complaints to Denver Public Schools, as the School's authorizer, and to the Colorado Department of Education.

Training and Accessibility

DSST will provide regular training to employees and age-appropriate information to students regarding discrimination, harassment, reporting options, and the School's response obligations. This regulation and related policies will be made publicly available in accessible formats.