

Sexual Harassment

The district recognizes that sexual harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sexual harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sexual harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination, as addressed in the Board's policy concerning unlawful discrimination and harassment.

District's commitment

The district is committed to maintaining a learning environment that is free from sexual harassment. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

Sexual harassment prohibited

Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity.
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student.
3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member toward a student is presumed to be unwelcome and will constitute sexual harassment.

Acts of verbal or physical aggression, intimidation or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.

Sexual harassment may include, but is not limited to:

1. sex-oriented verbal "kidding," abuse or harassment.

2. pressure for sexual activity.
3. repeated remarks to a person with sexual implications.
4. unwelcome touching, such as patting, pinching or constant brushing against the body of another.
5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns.
6. sexual violence.

Reporting, investigation, and sanctions

Students are encouraged to report all instances of sexual harassment to either a teacher, counselor, or principal in their school building and file a report. All reports and indications from students, district employees, and third parties must be forwarded to the Title IX Coordinator.

The district will investigate all allegations of sexual harassment in accordance with the appropriate procedures. If the alleged conduct falls under Title IX, as described in AC-R-2, the district will investigate the allegations in accordance with AC-R-2. If the alleged conduct does not fall under Title IX, the district will investigate the allegations in accordance with AC-R-1 or another appropriate policy.

All matters involving sexual harassment reports must remain confidential to the extent possible as long as doing so is in accordance with applicable law and policy and does not preclude the district from responding effectively to the harassment or preventing future harassment.

Retaliation Prohibited

The district prohibits retaliation. It is a violation of Policy AC to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

The district retains the right to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding.

Notice and training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy and complaint procedures to all district schools and departments. The policy and complaint

procedures must be referenced in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

All students and district employees will receive periodic training related to recognizing and preventing sexual harassment. District employees must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the district's website.

Adopted: August 2000

Revised: March 2012

Revised: August 2020

Revised: October 2021

LEGAL REF.: 20 U.S.C. 1681 *et seq.* (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Nondiscrimination On The Basis Of Sex In
Education Programs Or Activities Receiving Federal Financial
Assistance)
C.R.S. 22-32-109 (1)(II) (Board duty to adopt written policies prohibiting
discrimination)
C.R.S. 24-34-402 (definition of "harass" in employment practices)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
AC-R, Nondiscrimination/Equal Opportunity (Complaint and
Compliance Process)
AC-R-2, Title IX Sexual Harassment Grievance Procedures
AC-E-1, Nondiscrimination/Equal Opportunity (Notice)
AC-E-2, Nondiscrimination/Equal Opportunity (Report Form)
JLF, Reporting Child Abuse/Child Protection