

## **Sexual Harassment**

The Board 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 Board policy AC.

### **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 defined**

Pursuant to Title IX of the Educational Amendments of 1972, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

Pursuant to state law, "harassment" means creating a hostile environment based on an individual's sex.

### **Reporting, investigation and sanctions**

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor, building administrator, or principal in their school building. Students may choose to report incidences of sexual harassment directly to the Human Resources Director or to the district's compliance officer, the Executive Director of Human Resources, and file a complaint through the District's complaint process (AC-R). All reports and indications from students, district employees and third parties must be forwarded to the compliance officer (AC-E-1).

The district will initiate and conduct an investigation in accordance with the appropriate procedures addressing sex-based discrimination and sexual harassment.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint must be made to the

superintendent who must designate an alternate compliance officer to investigate the matter. 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. Filing a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status or affect grades.

The district will take appropriate corrective action to: make the harassed student whole by restoring lost educational opportunities; prevent harassment from recurring; or prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

### **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 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.

Adopted: October 17, 1987  
Revised: September 25, 1990  
Revised: March 1994  
Revised: October 26, 2011  
Revised: July 25, 2012  
Revised: May 8, 2019  
Revised: August 19, 2020

LEGAL REF.: 20 U.S.C. 1681 *et seq.* (*Title IX of the Education Amendments of 1972*)  
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 employee practices*)

CROSS REF.: AC, Nondiscrimination/Equal Opportunity  
AC-R-1, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)  
AC-R-2, Sex-Based Discrimination and Sexual Harassment Investigation Procedures  
AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)  
JLF, Reporting Child Abuse/Child Protection

Fountain-Fort Carson School District #8, Fountain, Colorado