

SEXUAL HARASSMENT

The Board of Education believes that every employee has the right to work in an environment free of sexual harassment. Sexual harassment is a recognized form of sexual discrimination barred by Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC) recognizes two distinct forms of harassment, "quid pro quo" and "hostile environment." "Quid pro quo" harassment means demands for sexual favors in exchange for job benefits. "Hostile environment" includes sexual conduct, which has the purpose or effect of unreasonably interfering with an individual's work performance or which creates an intimidating, hostile or offensive work environment.

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. An employee of the district conditions the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;*
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access the recipient's education program or activity; or*
- 3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).*

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

Sexual harassment committed by an employee of the district in the course of employment shall be deemed a breach of duty and as such, shall subject the offending employee to disciplinary action. This policy similarly applies to non-employee volunteers or any other persons who work subject to the control of school authorities.

Any conduct of a sexual nature directed toward students by district employees or others to whom this policy applies shall be presumed to be unwelcome.

PREVENTION

No employee shall solicit sexual favors from another employee, make suggestive sexual remarks or gestures or conduct himself/herself in such a way that could be sexually offensive to another employee.

Supervisors shall not use promotions, wage increases or job continuation to solicit or receive sexual favors from a subordinate.

The district shall require and provide training in the area of sexual harassment so that all employees understand the risk of personal liability and responsibility as a result of sexual harassment.

Supervisors shall be instructed in the methods of investigating complaints.

REPORTING

An employee shall contact an administrator, supervisor or the director of human resources if the employee believes that he or she is being subjected to any form of sexual harassment by any employee or if the employee thinks his or her supervisor is giving promotions, wage increases or job favors based on a sexual relationship.

Any administrator or supervisor shall be required to report to the director of human resources reported or suspected sexual harassment incidents regardless of the department in which such activity is taking place.

INVESTIGATION

All complaints of sexual harassment shall be taken seriously, investigated promptly and treated confidentially in accordance with Board policy AC and regulation AC-R. The administrator or supervisor investigating shall be sensitive to the perspective of the individual filing the complaint. The results of the investigation shall be documented and communicated to the employee who has filed the complaint, as well as the person alleged to have violated this policy.

ACTION

No retaliatory action shall be taken against an employee who files a complaint.

Any employee whose conduct is considered to be in violation of this policy shall face disciplinary action, which may include termination of employment.

Any administrator or supervisor who fails to follow this policy shall face disciplinary action, which may include termination of employment.

Adopted November 4, 1992

Revised June 18, 2008

Revised May 16, 2012

Revised November 14, 2012

Revised September 2, 2020

Legal refs.: 42 USC 2000e (Title VII of the Civil Rights Act of 1964)
C.R.S. 24-34-401 et seq. (discrimination or unfair employment

practices) Cross ref.: AC, Nondiscrimination/Equal Opportunity