

Sex-Based Harassment of Employees

Sex-based harassment of or by employees shall be prohibited and shall not be tolerated. The district is committed to a learning and working environment that is free from sex-based discrimination and harassment. Sex-based harassment is recognized as a form of sex discrimination and thus a violation of the laws which prohibit sex discrimination.

It will be a violation of policy for any member of the district staff to discriminate or harass another staff member or student through conduct or communications of a sexual nature. Any conduct or communication of a sexual nature directed toward students by teachers or others to whom this policy applies, will be presumed to be unwelcome. Sex-based harassment committed by an employee of the district in the course of employment will be deemed a breach of duty, and as such, will 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.

Sex-based harassment prohibited

Pursuant to Title IX of the Educational Amendments of 1972, "sex-based 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, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe, pervasive that it limits or denies a person's ability to participate in or benefit from the education program or activity;
3. Sexual assault, dating violence, domestic violence, or stalking.

Pursuant to state law, unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature constitutes sex-based harassment if the conduct or communication is subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class, and if under the totality of the circumstances:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment-related decisions such as promotion, performance evaluations, pay adjustment, discipline or work assignment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment or educational environment.

The prohibition against sex-based harassment applies whether the harassment is between people of the same or different gender.

Sex-based harassment as defined above 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 another's body;
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit

- threats concerning one's grades, employment status or similar personal concerns;
6. Sexual violence.

Reporting, Investigation and Sanctions

It is the express desire of the Board to encourage victims of, or witnesses to, sex-based harassment to report such claims. This may be done through the district's complaint process (Regulation AC-R-3).

Employees who believe that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome conduct of sexual nature, are encouraged to report these conditions to the appropriate administrators or to the district's compliance officer.

All reports of sex-based harassment received by any district employee will be promptly forwarded to the compliance officer (AC-E-1). The compliance officer will ensure that every complaint is promptly investigated and responded to as set forth in the district's complaint and compliance process (AC-R-3). No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sex-based harassment or participation in an investigation. Requests for confidentiality will be honored so long as doing so does not preclude the district from responding effectively to the harassment and preventing future harassment or conflict with the law.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred shall be investigated.

Any employee found to have engaged in sex-based harassment will be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements. Conduct of a sexual nature directed toward students will, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with the district's policy on reporting child abuse.

Filing of a complaint or otherwise reporting sex-based discrimination or harassment shall not reflect upon the individual's status or affect future employment or work assignments. All matters involving sex-based discrimination or harassment complaints shall remain confidential to the extent possible.

Notice of policy

Notice of this policy shall be circulated to all district schools and departments and incorporated in employee handbooks.

Adopted: February 24, 1993

Revised: October 26, 1994

Revised: May 28, 2008

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

C.R.S. § 24-34-301 *et seq.* (Colorado Civil Rights Division procedures)

C.R.S. § 24-34-401 *et seq.* (discriminatory/unfair employment practices)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity

JBB*, Sexual Harassment of Students

JLF, Reporting Child Abuse/Child Protection

St. Vrain Valley School District RE-1J, Longmont, Colorado