

## Sexual Discrimination and Harassment

Sexual 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 sexual discrimination and harassment. It shall be a violation of policy for any member of the District staff to discriminate against another on the basis of sex or harass another staff member or student through conduct or communications of a sexual nature.

Sexual harassment is recognized as a form of sex discrimination and thus a violation of the laws which prohibit sex discrimination.

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 teachers or others, to whom this policy applies, shall be presumed to be unwelcome.

Sexual harassment shall include unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature. Sexual harassment shall be regarded as a violation of this policy when:

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 sexual harassment applies whether the harassment is between people of the same or different gender.

Sexual harassment as defined above may include but is not limited to:

1. Suggestive or obscene letters, notes or invitations; derogatory comments; slurs; jokes; sex-oriented verbal "kidding"; epithets; assault; unwelcome touching; impeding or blocking movement; leering gestures, or display of sexually suggestive objects, pictures or cartoons.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.

3. Implying or withholding support for an appointment, promotion or change of assignment; suggesting that a poor performance report shall be prepared, or suggesting that probation shall be failed if sexual favors are rejected.
4. Coercive sexual behavior used to control, influence or affect the career, salary and/or work environment of another employee or the educational environment of a student.
5. Offering or granting favors or benefits such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification, grades etc., in exchange for sexual favors.

Sexual harassment cannot be investigated or corrected by the District until the District is made aware of such harassment. Therefore, it is the express desire of the Board to encourage victims of sexual harassment to report such claims. This may be done through the complaint process (Regulation AC-R).

Employees who believe they have been victims of sexual harassment are encouraged to come forward and express their complaints to their building/department supervisor, to the Assistant Superintendent for Human Resources, to a member of the District Board, directly to legal counsel for the District, or to an attorney.

No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of sexual harassment. Requests for confidentiality shall be honored so long as doing so does not preclude the District from responding effectively to the harassment and preventing future harassment.

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 sexual harassment shall 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 shall, in appropriate circumstance, be reported as child abuse for investigation by appropriate authorities in conformity with Policy JLF.

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

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

LEGAL REFS.: 42 U.S.C. 2000e *et seq.* Title VII of the Civil Rights Act of 1964  
20 U.S.C. 1681 *et seq.* Title IX of the Education Amendments of 1972  
C.R.S. 24-34-301 *et seq.* Colorado Civil Rights Division  
C.R.S. 24-34-401 *et seq.* discriminatory or unfair employment practices

CROSS REF.: AC, Nondiscrimination/Equal Opportunity  
JBB, Sexual Harassment  
JLF, Reporting of Child Abuse/Child Protection

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