

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 this is a violation of the laws that prohibit sex discrimination. All students, District staff and volunteers are expected to conduct themselves with respect for the dignity of others.

Therefore sexual harassment of students by District staff, District volunteers, other students or members of the public shall be prohibited at school or school activities.

The District is committed to maintaining a learning environment that is free from sexual harassment. It shall be 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.

The District shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third-parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

Definitions

Sexual harassment includes but is not limited to any unwelcome or unwanted sexual advances, requests for sexual favors or other verbal, written or physical conduct of a sexual nature that is unwanted by or unwelcome to the student and/or has the purpose or effect of substantially interfering with a student's educational environment 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. Such conduct or communications are illegal and shall subject students, employees or volunteers to appropriate corrective action including discipline when:

1. Submission to sexually harassing conduct or communications either explicitly or implicitly is made a term or condition of a student's receipt of educational benefits, aids, programs, services or participation in school activities
2. Submission to or rejection of such conduct or communications by a student is used as the basis for academic decisions affecting the student
3. Such conduct or communication is sufficiently severe, persistent or pervasive such that it limits the student's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or offensive 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 to a student is presumed to be unwelcome and shall constitute sexual harassment.

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

Sexual harassment as defined above may include but are not limited to the following:

- Verbal harassment or abuse of a sexual nature
- Pressure for sexual activity
- Repeated remarks with sexual or demeaning implications to students
- Unwelcome touching of a sexual nature
- Suggestions or demands of sexual involvement that are accompanied by implicit or explicit threats concerning a student's grades, graduation or other school-related matters
- Sexual name-calling, gestures, jokes or spreading of sexual rumors about students

Legitimate non-sexual touching or other non-sexual conduct is not sexual harassment.

Reporting, Investigations and Sanctions

Sexual harassment cannot be investigated or corrected by the District until the District is made aware of such harassment. The District encourages students to report all incidences of sexual harassment directly to the building principal, guidance counselor, teacher, or other District representative designated to receive such complaints and a grievance may be filed through the complaint process (Regulation AC-R). All reports and indications from students, District employees, and third parties shall be forwarded to the appropriate District representative.

If the alleged harasser is the person designated as the District representative, an alternate representative will be appointed by the Superintendent to investigate the matter.

Complaints or reports of sexual harassment shall be handled as confidentially as possible as long as doing so does not preclude the District from responding effectively to the harassment or preventing future harassment. However, in certain circumstances the District may be required by the Child Protection Act to report child sexual abuse to the county department of social services or other designated law enforcement agency.

Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect grades.

All reports or complaints of sexual harassment shall be investigated promptly by appropriate District representatives. 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 student found to have engaged in sexual harassment shall be subject to discipline, including, but not limited to, being placed under a remedial discipline plan, suspension, or expulsion, subject to applicable procedural requirements and in accordance with applicable law. Any employee found to have engaged in sexual harassment shall be subject to sanction, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements.

Notice and Training

A copy of this policy shall be posted in an appropriate location in each building and incorporated into all student handbooks.

All students and District employees shall receive periodic training related to recognizing and preventing sexual harassment. District employees shall receive additional periodic training related to handling reports of sexual harassment.

Adopted February 24, 1993

Revised May 28, 2008

LEGAL REFS.: 20 U.S.C. 1681 *et seq.* Title IX of the Education Amendments of 1972
C.R.S. 24-34-401 *et seq.* discrimination or unfair employment practices

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
JLF, Reporting Child Abuse/Child Protection
JKD/JKE, Suspension/Expulsion of Students

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