

Sexual Discrimination and Harassment

The district is committed to maintaining a learning and working environment that is free from sexual discrimination and harassment consistent with District Policy AC, Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964, and state law.

Sexual harassment prohibited

In accordance with Board Policy AC and its supporting regulation(s), the Board prohibits sexual harassment of employees or students in violation of Title IX and Title VII.

Sexual harassment prohibited by Title IX and addressed in Board Policy AC 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 to the district's education program or activity; and/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).

Not all misconduct of a sexual nature may constitute sexual harassment under Title IX, but may nonetheless be harassment on the basis of sex. For purposes of this policy and Title VII, unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal or physical conduct or communication of a sexual nature constitutes sexual harassment if:

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 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 or educational environment.

The prohibition against sex-based sexual harassment applies whether the harassment is between people of the same or different sex and/or gender. Such conduct may include, but is not limited to, sex-oriented

verbal kidding, pressure for sexual activity, repeated remarks to a person with sexual implications, and unwelcome touching of another, suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, employment status or similar personal concerns.

Any conduct of a sexual nature directed toward students by employees, shall be presumed to be unwelcome. 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.

Reporting, investigation, and discipline

It is the express desire of the Board to encourage targets of, or witnesses to, sexual harassment to file a complaint with either an immediate supervisor, the district's compliance officer or the Title IX Coordinator (identified in Board Policy Exhibit (AC-E-1) as specified in the district's complaint process Policy AC.

Employees who feel 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 a sexual nature, are encouraged to report these conditions to the appropriate administrator or to the district's compliance officer.

All reports of sexual harassment and/or misconduct of a sexual nature received by any district employee shall be promptly forwarded to the compliance officer or Title IX Coordinator identified in Policy Exhibit AC-E-1. The compliance officer or Title IX Coordinator ~~shall~~will ensure that every complaint is promptly and impartially investigated and responded to as set forth in the district's complaint and compliance process in the regulation supporting Policy AC. No reprisals or retaliation ~~shall~~will be allowed to occur as a result of the good faith reporting of charges of sexual harassment. 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.

Any employee found to have engaged in sexual harassment shall be subject to discipline or 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~~will, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy JLF.

Filing of a complaint or otherwise reporting sexual harassment or participating in an investigation of prohibited conduct in good faith ~~shall~~will not reflect upon the individual's status or affect future employment or work assignments. All matters involving sexual harassment complaints shall remain confidential to the extent possible.

Retaliation is prohibited

Concerns about unlawful discrimination and sexual harassment often can only be raised and remedied

when staff feel that they can report such prohibited conduct without fear of retaliation. Thus, the district prohibits retaliation against an individual for filing a complaint or participating in an investigation of prohibited conduct in good faith. The district ~~shall~~will investigate and respond to an allegation of retaliation in the same manner as an allegation of unlawful discrimination or sexual harassment in accordance with Policy AC-R-1. Further, it is a violation of this policy to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing held in furtherance of this policy, Board Policy AC, and/or the regulations in support of Board Policy AC, including regulations addressing the district's Title IX Sexual Harassment Grievance Process.

Notice of policy

Notice of this policy ~~shall~~will be circulated to all district schools and departments and incorporated in employee handbooks. Training materials regarding sexual harassment under Title IX are available to the public on the district's website.

Adopted: February 24, 1987

Revised to conform with practice: date of manual adoption Revised April 8, 1997

Revised: December 11, 2018

Revised: August 25, 2020 (Temporarily Approved)

September 10, 2020 (Permanently Approved)

Revised: June 13, 2024 (Temporarily Approved)

Revised: Date, 2025

LEGAL REFS.: 42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act of 1964)
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)
C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division procedures)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
~~AC-R-1, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)~~

~~AC-R-2: Title IX Sexual Sex-based Harassment Grievance Process AC-E-1: Nondiscrimination/Equal Opportunity Notice~~

~~AC-E-2: Nondiscrimination/Equal Opportunity (Report Form) AC-E-3: Title IX Complaint Form~~

JLF, Reporting Child Abuse/Child Protection

Pueblo School District No. 60, Pueblo, Colorado