

Sexual Harassment Under Title IX and Other Prohibited Misconduct of a Sexual Nature~~Sex-based Harassment~~

The Board is committed to maintaining a learning environment that is free from ~~sex-based~~sexual harassment consistent with District Policy AC and Title IX of the Education Amendments of 1972. The district also prohibits misconduct of a sexual nature that may not constitute a violation of Title IX, but that nonetheless interferes with a student's learning environment and/or a student's participation in district programs or activities.

~~Sex-based~~ual harassment defined~~prohibited by Title IX~~

In accordance with Board Policy AC and its supporting regulation(s), the Board prohibits ~~sex-based~~sexual harassment of students in violation of Title IX. ~~Sex-based~~ual 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 benefits, services or opportunities of the district on an individual's participation in unwelcome sexual conduct;
2. ~~Before August 1, 2024, u~~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, after August 1, 2024, unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the education program or activity; and/or~~; 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).

Sex-based harassment prohibited by state law

Pursuant to state law, sex-based harassment means any unwelcome physical, verbal, pictorial, or visual conduct of communication directed at a student or group of students based on sex, sexual orientation, gender identity or gender expression. To be considered sex-based harassment, the conduct or communication must be objectively offensive, and must meet one or a multiple of the following:

1. An employee conditioning education benefits, services or opportunities on submission to the conduct or communication;

2. An employee making educational decisions affecting the student based on submission to, objection to, or rejection of the conduct or communication; or
3. The conduct or communication unreasonably interferes with the student's access to their educational service or creates an intimidating, hostile, or offensive educational environment.

Other prohibited misconduct of a sexual nature

~~The Board recognizes that misconduct of a sexual nature may not always constitute sex-based harassment under Title IX but can nonetheless interfere with a student's learning environment and/or a student's participation in a district program or activity. Therefore, in addition to prohibiting sex-based harassment in violation of Title IX or state law, the district also prohibits other misconduct of a sexual nature that interferes with a student's learning environment and/or a student's participation in a district program or activity. Such conduct may include, but is not limited to, sex-oriented verbal kidding, remarks to a person with sexual implications, and unwelcome touching of another.~~

Reporting, investigation, and discipline

Students who believe they have been a target of sexual or sex-based harassment in violation of Title IX or state law or misconduct of a sexual nature in violation of this policy or who have witnessed such harassment or misconduct, ~~shall~~ are encouraged to immediately report it to a teacher, counselor, principal, district level administrator, or the district's compliance officer or Title IX Coordinator as identified in Policy Exhibit AC-E-1, as appropriate, and file a complaint as set forth in the applicable regulation(s) that accompany Board Policy AC.

The district shall take appropriate action to promptly and impartially investigate allegations of such sexual or sex-based harassment and/or misconduct, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the district shall take interim measures during the investigation to protect against further harassment, misconduct, or retaliation.

All reports of sexual or sex-based harassment and/or misconduct of a sexual nature will remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Students or employees who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee, or member of the public may be subjected to adverse treatment in retaliation for any good faith report of sex-based harassment as defined by Title IX or state law or other misconduct of a sexual nature addressed under this policy.

Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with Board Policy JLF.

Retaliation prohibited

The district prohibits retaliation of any individual who in good faith has made a report or complaint alleging violation of this policy or who participates in good faith in an investigation of prohibited conduct.

The district shall investigate and respond to an allegation of retaliation in the same manner as an allegation of unlawful discrimination or sexual harassment in accordance with Board Policy AC-R-4. 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 ~~Sex-based~~ Sexual Harassment Grievance Process.

Notice and training

Notice of this policy and complaint procedures shall be circulated to all district schools and departments, incorporated in all student and employee handbooks, described in hard-copy notices posted at schools, and otherwise made available to all students, staff, and members of the public through electronic or hard-copy distribution.

Students and district employees shall receive periodic training related to recognizing and preventing sexual and sex-based harassment in violation of Title IX and state law. Training materials regarding ~~sex-based~~ sexual harassment under Title IX are available to the public on the district's website. District employees shall receive additional periodic training related to handling reports of sexual and sex-based harassment in violation of Title IX or state law.

Adopted: February 24, 1987

Revised: July 16, 1996

Revised: April 8, 1997

Revised: July 13, 1999

Revised: June 25, 2013

Revised: December 11, 2018

Revised: August 25, 2020 (Temporarily Approved)

Revised: September 10, 2020 (Permanently Approved)

Revised: June 13, 2024 (Temporarily Approved)

Revised: Date, 2025

LEGAL REFS.: 20 U.S.C. §1681 *et seq.* (*Title IX of the Education Amendments of 1972*)
34 C.F.R. Part 106
C.R.S. 22-32-109(1)(II) (Board duty to adopt written policies prohibiting discrimination)
C.R.S. 22-1-143 (definition of harassment or discrimination)
C.R.S. 22-34-402(1.3)(a) (definition of "harass" in employment practices)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
~~AC-R-1, Harassment and Discrimination Investigation Procedures for Students~~
~~AC-R-2, Harassment and Nondiscrimination Procedures for Employees, Applicants for Employment, and Members of the Public~~
~~AC-R-3, Sex-based Harassment and Investigation Procedures (Title IX)~~
~~AC-E-1, Nondiscrimination/Equal Opportunity (Notice)~~
~~AC-E-2, Nondiscrimination/Equal Opportunity (Report Form)~~
~~AC-E-3, Title IX Formal Complaint (Report Form)~~

~~AC-E-4, Guidelines Regarding the Support of Students who are Transgender and Gender Nonconforming~~
~~JLF, Reporting Child Abuse~~
GBAA, Sex-based Sexual Discrimination and Harassment

Pueblo School District No. 60, Pueblo, Colorado

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