

Sexual Discrimination and Harassment

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 prohibited

For purposes of this policy, unwelcome sexual advances, requests for sexual favors, or other unwelcome conduct 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 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. 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

Reporting, investigation, and sanctions

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 (AC-R).

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. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of authority.

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 circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy JLF.

Filing of a grievance or otherwise reporting sexual harassment shall 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.

Notice of policy

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

Adopted: September 14, 1993

Revised: October 12, 2010

LEGAL REFS.: 20 U.S.C. §1681 *et seq.* (*Title IX of the Education Amendments of 1972*)
42 U.S.C. §2000e *et seq.* (*Title VII of the Civil Rights Act of 1964*)
C.R.S. 22-34-301 *et seq.* (*Colorado Civil Rights Division procedures*)
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

Swink School District #33, Swink, Colorado