

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 the BOCES's *programs* 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 thus is a violation of the laws that prohibit sex discrimination, as addressed in the Board's policy concerning unlawful discrimination and harassment.

BOCES's commitment

The BOCES is committed to maintaining a learning environment that is free from sexual harassment. It is 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.

Sexual harassment defined

Pursuant to Title IX of the Educational Amendments of 1972, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

Pursuant to state law, "harassment" means creating a hostile environment based on an individual's sex.

Reporting, investigation, and sanctions

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor, or BOCES administrator in their *program* and file a complaint, through the BOCES's complaint process addressing sex-based discrimination, if it is directed at a BOCES employee. All reports and indications from students, BOCES employees, and third parties must be forwarded to the BOCES's Title IX Coordinator. The BOCES Title IX coordinator will refer the complaint to the school district of attendance if it is directed against another student or a school district employee.

The BOCES will initiate and conduct an investigation for complaints directed at a BOCES employee in accordance with the appropriate procedures addressing sex-based discrimination and sexual harassment.

All matters involving sexual harassment reports must remain confidential to the extent possible as long as doing so is in accordance with applicable law and policy and does not preclude the BOCES from responding effectively to the harassment or preventing future harassment. Filing a complaint or otherwise reporting sexual harassment will not reflect upon the student's status or affect grades.

The BOCES will take appropriate corrective action to: make the harassed student whole by restoring lost educational opportunities; prevent harassment from recurring; or prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

Notice and training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy and complaint procedures to all BOCES employees. The policy and complaint procedures will be made available to all students, staff, and members of the public by posting on the BOCES' website.

The BOCES has no schools or programs apart from or separate from the schools and educational programs of its member school districts. Each of the member districts will notify students of their sexual harassment policy.

All BOCES employees will receive periodic training related to recognizing and preventing sexual harassment. BOCES employees must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the BOCES's website.

Adopted: January 12, 2017

Revised: November 8, 2018
November 12, 2020

LEGAL REF.: 20 U.S.C. §1681 *et seq.* (Title IX of the Education Amendments of 1972)
C.R.S. 22-5-107 (BOCES to have same certain duties as boards of education)
C.R.S. 22-32-109 (1)(II) (Board duty to adopt written policies prohibiting discrimination)
C.R.S. 24-34-402 (definition of "harass" in employment practices)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
AC-R, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)
AC-R-2, Sex-Based Discrimination and Sexual Harassment Investigation Procedures
AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)
JLF, Reporting Child Abuse/Child Protection