

Board File: JBC

Sexual Harassment Under Title IX and Other Prohibited Misconduct of a Sexual Nature

The District is committed to maintaining a learning environment that is free from sexual harassment consistent with Board Policy AC and prohibited by Title IX. The District also prohibits misconduct of a sexual nature which may not constitute a violation of Title IX, but which nevertheless interferes with a student's participation in District programs or activities.

Sexual Harassment Prohibited by Title IX

In accordance with Board File AC and its supporting regulation(s), the Board prohibits sexual harassment of students in violation of Title IX. Sexual harassment prohibited by Title IX and addressed in Board File 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;
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).

Other Prohibited Misconduct of a Sexual Nature

The Board recognizes that misconduct of a sexual nature may not always constitute sexual harassment under Title IX but can nonetheless interfere with a student's participation in a district program or activity. Therefore, in addition to prohibiting conduct in violation of Title IX, the district also prohibits other misconduct of a sexual nature which interferes with 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. It is also a violation of Board File Policy AC for any student or employee to engage in any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class based on sex, sexual orientation, gender identity, or gender expression which constitutes discrimination or harassment as defined in Board File Policy AC.

Reporting, investigation and discipline

Any student who believes he or she has been a victim of sexual harassment in violation of Title IX or misconduct of a sexual nature in violation of this policy, or who has witnessed such harassment or misconduct, shall immediately report it to an administrator, counselor, teacher or the District's Compliance Officer, or Title IX Coordinator, as appropriate, and file a complaint as set forth in the applicable regulation which accompany Board File AC.

The District shall take appropriate action to promptly and impartially investigate allegations of such sexual 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.

To the extent possible, all reports of sexual harassment and/or misconduct of a sexual nature will be kept confidential. Students who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion. No student shall be subject to adverse treatment in retaliation for any good faith report of sexual harassment as defined by Title IX or other misconduct of a sexual nature addressed under this policy.

Any student who engages in sexual harassment in violation of Title IX or misconduct of a sexual nature in violation of this policy shall be disciplined according to applicable Board policies.

In cases involving potential criminal conduct, the District's Compliance Officer or the District's Title IX Coordinator, as applicable, shall determine whether appropriate law enforcement officials should be notified.

Notice and training

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

All students and District employees shall receive periodic training related to this policy and recognizing and preventing sexual harassment in violation of Title IX. District employees shall receive additional periodic training related to handling reports of sexual harassment in violation of Title IX.

Training materials regarding sexual harassment under Title IX shall be available to the public on the District's website.

Retaliation prohibited

The District prohibits retaliation of any individual who has made a report or complaint in violation of this policy. 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 File AC, and/or the Superintendent policies and regulations in support of Board File AC, including Superintendent policy addressing the District's Title IX sexual harassment grievance process.

Adopted by Board: November 12, 2019
Revised: August 4, 2020
Revised: _____

LEGAL REF.:

20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972)
C.R.S. 22-1-143 (harassment or discrimination directed at students)

CROSS REF.:

AC - Nondiscrimination/Equal Opportunity
AC-R-1 - Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)
AC-R-2 – Title IX Sexual Harassment Grievance Process
AC-R-3 – Complaint and Grievance Process in Response to Alleged Discrimination or Harassment Directed at Students [To Be Adopted]
JB – Equal Educational Opportunities
JBA – Nondiscrimination/Non-harassment of Students
JLF - Reporting Child Abuse

First Reading