

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 schools 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.

District's commitment

The district 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.

Reporting, investigation, and sanctions

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor, or principal in their school building and file a complaint, through the district's complaint process addressing sex-based discrimination. All reports and indications from students, district employees, and third parties must be forwarded to the Title IX Coordinator.

The district will initiate and conduct an investigation 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 district from responding effectively to the harassment or preventing future harassment. Filing a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status or affect grades.

The district 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 circulated and complaint procedures to all district schools and departments. The policy and complaint procedures must be reference in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

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

Adopted: prior to 2018

Revised and recoded by the Board: July 17, 2019

Revised: August 12, 2020

LEGAL REF.: 20 U.S.C. 1681 *et seq.* (Title IX of the Education Amendments of 1972)
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.:

Board policies:

EL-4, Communication and Counsel to the Board
EL-9, Treatment of Students, Parents and Community
EL-10, Student Conduct, Discipline and Attendance

Administrative policies:

AC, Nondiscrimination/Equal Opportunity
AC-R, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process) – Regulation
AC-E-1, Nondiscrimination/Equal Opportunity – Exhibit
JLF, Reporting Child Abuse/Child Protection

Sexual Harassment Grievance Procedure for Students

Students who believe that they have been subject to sexual harassment may report the incident to any teacher or counselor in their school or to the building principal. All reports received by teachers, counselors and other school district students shall be forwarded to the building principal. If the alleged harasser is the building principal, the superintendent shall investigate the matter.

Upon receiving a report, the building principal shall attempt to resolve the problem, if warranted, in an informal manner through the following process:

- 1 The building principal shall confer with the charging party as soon as is reasonably possible to obtain a clear understanding of the basis of the complaint.
- 2 The building principal may hold as many meetings with the parties as is necessary to gather facts and obtain statements from witnesses if available.
- 3 The building principal shall attempt to meet with the charged party in order to obtain a response to the complaint.
- 4 The building principal shall complete the investigation within 14 days of the initial meeting with the charging party.

Within seven days of completing the investigation, the building principal shall determine whether the matter should proceed informally or formally. On the basis of the building principal perception of the situation, the building principal may:

1. Attempt to resolve the matter informally through conciliation if the charging party agrees; or
2. Report the incident and transfer all related documents to the superintendent, and so notify the parties by certified mail or hand delivery.

The building principal shall make every reasonable effort to comply with the timelines for completing an investigation and determining whether the matter should proceed informally or formally. However, the building principal shall have the ability to waive these timelines if he/she determines that additional time is necessary to investigate and/or determine how the matter should proceed.

After reviewing the record made by the building principal, the superintendent or designee may attempt to gather additional evidence necessary to decide the case. Within 14 days of receiving the record, the superintendent or designee shall announce any sanctions deemed appropriate, including a recommendation to the Board of Education for disciplinary action. The superintendent or designee shall make every reasonable effort to comply with this 14 day timeline, but shall have the ability to waive this timeline if necessary.

The superintendent or designee shall notify the parties by certified mail or hand delivery of the final outcome of the situation.

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At any time, the charging party may request an end to the informal process of resolving the matter through conciliation and begin the formal grievance process.

Approved and recoded: date of manual revision

Weld County School District Re-3J, Hudson, Colorado