

Sex-Based Harassment

The East Central BOCES is committed to a learning and working environment that is free from sex-based harassment. Sex-based harassment is recognized as a form of sex discrimination and thus a violation of the laws which prohibit sex discrimination.

It will be a violation of policy for any member of the EC BOCES staff to harass another staff member or student through conduct or communications of a sexual nature. Any conduct or communication of a sexual nature directed toward students by teachers or others, to whom this policy applies, will be presumed to be unwelcome. Sex-based harassment committed by a EC BOCES employee in the course of employment will be deemed a breach of duty, and as such, will 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 the EC BOCES.

Sex-based harassment prohibited

Pursuant to Title IX of the Educational Amendments of 1972, "sex-based 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. Before August 1, 2024: 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

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 or

3. Sexual assault, dating violence, domestic violence, or stalking.

Pursuant to state law, unwelcome sexual advances, requests for sexual favors, or

other unwelcome physical or verbal conduct or communication of a sexual nature constitutes sex-based harassment if, under the totality of the circumstances:

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 sex-based harassment applies whether the harassment is between people of the same or different gender.

Sex-based 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;
6. Sexual violence.

Reporting, Investigation and Sanctions

It is the express desire of the Board to encourage victims of, or witnesses to, sex-based harassment to report such claims through the EC BOCES's complaint process (AC-R-3).

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 EC BOCES's compliance officer.

All reports of sex-based harassment received by any EC BOCES employee will be promptly forwarded to the compliance officer (AC-E-1). The compliance officer will ensure that every complaint is promptly investigated and responded to as set forth in the EC BOCES's complaint and compliance process (AC-R). No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sex-based harassment or participation in any investigation. Requests for confidentiality will be honored so long as doing so does not preclude the EC BOCES from responding effectively to the harassment and preventing such conduct in the future.

Any employee found to have engaged in sex-based harassment will be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, in accordance with applicable Board 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 the Board's policy regarding child abuse reporting.

Filing of a complaint or otherwise reporting sex-based harassment will not reflect upon the individual's status or affect future employment or work assignments. All matters involving sex-based harassment complaints will remain confidential to the extent possible.

Notice of policy

Notice of this policy will be circulated to all EC BOCES departments and Center-based Learning Programs.

EAST CENTRAL BOCES BOARD POLICY

Adopted: June 17, 2015

Revised: November 29, 2023

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File: GBAA

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. 24-34-301 *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

[Revised April 2024]
CASB