

## Sexual Harassment

The BOCES is committed to a *[learning and]* working environment that is free from sexual harassment. Sexual harassment is recognized as a form of sex discrimination and thus a violation of the laws which prohibit sex discrimination.

It shall be a violation of policy for any member of the 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, shall be presumed to be unwelcome.]* Sexual harassment committed by a BOCES employee 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 the BOCES.

### Sexual harassment prohibited

For purposes of this policy, unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature constitutes sexual 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 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.
6. Sexual violence.

### **Reporting, investigation and sanctions**

It is the express desire of the Board to encourage victims of, or witnesses to, sexual harassment to report such claims through the BOCES's complaint process.

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 BOCES's compliance officer.

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

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, 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 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 BOCES *[schools and]* departments.

(Adoption date)

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 REF[S].: AC, Nondiscrimination/Equal Opportunity  
*[JLF, Reporting Child Abuse/Child Protection]*

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