



JBB - HARASSMENT OF STUDENTS

The Board of Education is committed to maintaining a learning environment for students that is free from harassment based on an individual's race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, or disability. All such harassment by District employees, authorized volunteers, students and third parties is strictly prohibited. As used in this policy and as defined by Colorado statute, "sexual orientation" means an individual's orientation toward heterosexuality, homosexuality, bisexuality or transgender status, or another individual's perception thereof.

Harassment based on race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, or disability will be regarded as a violation of this policy when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of a student's education; (2) submission to or rejection of such conduct is used as the basis for educational decisions affecting the student; or (3) such conduct has the purpose or effect of adversely affecting a student's ability to participate in or benefit from District program(s), or of creating an intimidating, hostile or offensive educational environment.

Harassment based on race or color can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at the characteristics of a student's race or color, such as nicknames emphasizing stereotypes, racial slurs and negative references to racial customs.

Harassment based on religion can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at the characteristics of a student's religion or creed, such as comments regarding surnames, religious tradition or religious clothing, as well as religious slurs and/or graffiti.

Harassment based on national origin or ancestry can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at the characteristics of a student's national origin, such as comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Harassment based on sexual orientation, gender identity, or gender expression can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at the characteristics of a student's actual or perceived sexual orientation, gender identity, or gender expression, such as name-calling and imitating mannerisms, and deliberately misusing a transgender student's preferred name, form of address or gender-related pronoun.

Harassment based on disability can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at the characteristics of a student's disability condition, such as imitating manner of speech or movement; hostile or offensive acts; and/or interference with movement or access to necessary equipment.

Sexual harassment, pursuant to Title IX of the Educational Amendments of 1972, means conduct on the basis of sex that satisfies one or more of the following: (1) an 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 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). Pursuant to state law, "harassment" means creating a hostile environment based on an individual's sex. Harassment based on sex that does not fall under the Title IX definition should be investigated under this Policy. Sexual harassment pursuant to Title IX should be investigated under Policy AC-R2.

Harassment also includes the use of hate speech or drawing, displaying, or posting images or symbols of hate on school grounds or at a school-sponsored event or activity that are reasonably expected to be divisive or demeaning and that express animus against a particular group or individual on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, or disability, and are reasonably expected to be disruptive to the learning environment. Examples include: (1) making statements that promote violence toward a racial or ethnic group or individual based on their race or ethnicity; and (2) displaying images or symbols of hate on school grounds or at a school-sponsored event to target a particular group (e.g., confederate flags, swastikas).

All District employees, authorized volunteers and students share the responsibility to ensure that harassment based on race, color, religion, national origin, ancestry, sex, sexual orientation or disability does not occur at any District school, on any District property, at any District or school-sponsored activities or events, when students are being transported in any vehicle dispatched by the District or one of its schools, or off school property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event. Toward that end:

- All students who believe they have been victims of such harassment or who witness such harassment shall immediately report it to an administrator, counselor or teacher at their school through the District's complaint process. If the harassment is being committed by the principal or another administrator in the building, the report may be made to the director of student services. All reports of allegations of sexual harassment or non-sexual harassment sex discrimination must be forwarded to the Title IX Coordinator.

- All administrators, counselors, teachers and other employees/authorized volunteers who have such harassment reported to them or otherwise have reason to believe it is occurring shall promptly forward the report(s) and/or other information to the principal or principal's designee for appropriate action. If the harassment is purportedly being committed by the principal or another administrator in the building, the report(s) and/or other information shall be forwarded to the director of student services. All reports of allegations of sexual harassment or non-sexual harassment sex discrimination must be forwarded to the Title IX Coordinator.
- All District employees and authorized volunteers who witness such harassment shall take prompt and effective action to stop it, as prescribed by the District and the building principal, and shall promptly report the harassment to the principal or principal's designee for effective action. If the harassment is being committed by the principal or another administrator in the building, the report shall be made to the director of student services.
- Each building principal or principal's designee (or the director of student services, if necessary or appropriate) shall ensure that all reports and other information regarding such harassment are promptly and thoroughly investigated, and that effective action is taken. If the victim of harassment is a student with a disability who has an Individualized Education Program under the Individuals with Disabilities Education Act (an "IEP") or a Plan under Section 504 of the Rehabilitation Act of 1973 (a "Section 504 Plan"), the investigation shall include a determination of whether the student's receipt of a free appropriate public education ("FAPE") under the IEP or Section 504 Plan may have been affected by the harassment.

In addition to the foregoing, students should file complaints of harassment based on disability in accordance with the procedures specified in District Policy ACE and should file complaints of sexual harassment in accordance with the procedures specified in District Regulation AC-R2. Students should file complaints of harassment based on all other protected classifications in accordance with the procedures specified in District Regulation AC-R1. Such complaints should be filed with the director of student services, 1502 S. Timberline Road, Fort Collins, Colorado 80524, (970) 490-3033. If the director of student services is alleged to be the harasser, the complaint should be filed with the executive director of human resources, 2407 LaPorte Avenue, Fort Collins, Colorado 80521, (970) 490-3620.

School officials shall inform all students who have reportedly been harassed of the results of the District's investigation and whether action has been taken with respect to the purported harasser(s).

Any student who engages in harassment of another student based on the other student's race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, or disability shall be required to attend a meeting

with his or her parent(s) or guardian(s) and the principal or principal's designee; be subject to remedial action such as education or counseling; and be subject to disciplinary action up to and including suspension or expulsion. As set forth in Policy GBAA, Harassment of Employees, any District employee who engages in harassment of a student based on the student's race, color, religion, national origin, ancestry, sex, sexual orientation or disability, shall be subject to remedial action such as training, education or counseling; as well as disciplinary action including but not limited to warning, reprimand, transfer, suspension or termination of employment.

Remedial and/or disciplinary actions shall include measures designed to stop the harassment, correct its negative impact on the affected student, and ensure that the harassment does not recur. Steps shall also be taken to ensure that victims of and witnesses to harassment are protected from retaliation for reporting the harassment or providing information in connection with a harassment investigation.

If it is determined that a student's receipt of FAPE under an IEP or Section 504 Plan may have been affected by harassment, the District shall promptly convene the student's IEP team or Section 504 team to determine whether and to what extent: (a) the student's educational needs have changed; (b) the harassment impacted the student's receipt of FAPE; and (c) different or additional services are needed to ensure the student's ongoing receipt of FAPE. If different or additional services are needed, the student's IEP or Section 504 Plan shall be promptly revised and implemented.

No student shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy or for participating in a harassment investigation. To the extent possible, all reports of harassment will be kept confidential, 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. Upon determining that incidents of harassment are occurring in particular District settings or activities, the District shall implement measures designed to remedy the problem in those areas or activities.

The District shall provide counseling resources to student victims where necessary.

The District shall train staff members to recognize and effectively deal with incidents of harassment on the basis of race, color, religion, national origin, ancestry, sex, sexual orientation and disability.

The District shall regularly review its compliance with this policy on the harassment of students and take necessary action where deficiencies are noted.

Adopted by Board: August 14, 1995

Revised by Board: October 11, 2004

Revised by Board: April 24, 2006

Revised by Board: April 28, 2015, effective July 1, 2015

Revised by Superintendent: June 15, 2016, effective July 1, 2016

Revised by Superintendent: August 14, 2020
Revised by Superintendent: June 10, 2021, effective July 1, 2021

LEGAL REFS:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.
Americans with Disabilities Act, 42 U.S.C. 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 U.S.C. 1701 et seq.
Colorado Civil Rights Statutes, C.R.S. 24-34-301(7), 24-34-402 & 24-34-601 et seq.
Colorado Civil Rights Commission Regulations, 3 C.C.R. 708-1

CROSS REFS:

AC, Nondiscrimination / Equal Opportunity
AC-R1, Reporting Discrimination / District Response to Discrimination Complaints
AC-R2, Sexual Harassment Investigation Procedures
ACE, Nondiscrimination on the Basis of Disability
GBAA, Harassment of Employees
JICDE, Bullying Prevention and Education