



GBAA - HARASSMENT OF EMPLOYEES

Poudre School District does not tolerate harassment by employees, supervisors or non-employees based on race; color; religion; national origin; ancestry; sex; pregnancy, physical recovery from childbirth or a related condition; sexual orientation; marital status; veteran status; age; genetic information; disability; or protected activity (i.e., opposition to prohibited discrimination, participation in the statutory complaint process and/or proper exercise of free speech rights). 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.

The District is committed to providing a working environment that is free from such harassment. Supervisory personnel at all levels are responsible for taking reasonable and necessary action to prevent such harassment, and all District employees are required to promptly report conduct they believe to be in violation of this policy. The District shall (1) respond to every complaint of harassment reported, (2) take appropriate action when harassment is discovered and (3) protect the privacy of all those involved in harassment complaints to the extent permitted by law and appropriate under the circumstances.

The District shall take measures to periodically educate and train employees regarding conduct that could constitute a violation of this policy. All supervisory personnel and employees are expected to participate in such education and training, and to be knowledgeable of and comply with the terms of this policy.

DEFINITIONS REGARDING PROHIBITED HARASSMENT

Harassment is defined as unwelcome verbal, written, or physical conduct based on race; color; religion; national origin; ancestry; sex; pregnancy, physical recovery from childbirth or a related condition; sexual orientation; marital status; veteran status; age; genetic information; disability; or protected activity that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work 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 person'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 person's

religion or creed, such as comments regarding surnames, religious tradition or religious clothing, religious slurs 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 person's national origin or ancestry, such as comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Harassment based on pregnancy, physical recovery from childbirth or a related condition can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at a person's pregnancy, need for physical recovery from childbirth or a related condition; or a person's request for or need for accommodations based on such conditions.

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

Harassment based on marital status can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at a person's marital status, such as comments based on stereotypes, sexually oriented comments, and comments suggesting marital status has a negative impact on work performance.

Harassment based on veteran status can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at a person's veteran status, such as comments based on stereotypes, criticism of military service, and comments suggesting veteran status has a negative impact on work performance.

Harassment based on age can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at the characteristics of a person's age, such as nicknames emphasizing stereotypes, comments based on appearance, and comments suggesting age has a negative impact on work performance.

Harassment based on genetic information can include unwelcome, hostile or offensive verbal, written or physical conduct based on or directed at a person's genetic information, or physical or mental conditions that may be associated with such genetic information.

Harassment based on disability can include unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement, or hostile or offensive acts that interfere with movement of necessary equipment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a condition of employment; (2) submission to or rejection of such conduct is used as the basis for employment-related decisions such as promotion, performance evaluation, pay adjustment, discipline, work assignment, etc.; or (3) such conduct has the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile or offensive working environment. This definition of sexual harassment applies whether the harassment is between people of the same or different gender. Sexual harassment can include unwelcome verbal, written or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about the person, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational or employment reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing, hugging or restraining someone's movement in a sexual way.

REPORTING OF SUSPECTED HARASSMENT AND DISTRICT HANDLING OF HARASSMENT REPORTS

Employees who believe they have been harassed in violation of this policy or who believe they have observed such harassment of other employees should immediately report it to their school principal or the director of their department. If the school principal or department director is involved in the alleged harassment, the report should be made to the executive director of human resources, 2407 LaPorte Avenue, Fort Collins, Colorado 80521, (970) 490-3620.

If the report of harassment is not made to the executive director of human resources, the District official to whom the report is made shall inform the executive director of the report as soon as possible after receiving it. The executive director of human resources shall then coordinate the District's handling of the alleged harassment in accordance with the procedures specified in District Policy ACE (for harassment based on disability) or the procedures specified in District Regulation AC-R (for harassment based on all other protected classifications). Such coordination shall include appropriate interim measures prior to resolution of the complaint (i.e., administrative leave of absence or temporary reassignment of the alleged harasser). If the executive director of human resources is alleged to be the harasser the report should be filed with the director of student services, 1630 South Stover Street, Fort Collins, Colorado 80525, (970) 490-3033, who shall coordinate the District's handling of the alleged harassment. The District investigator may gather information from any sources deemed necessary in an effort to fully investigate and resolve a complaint.

Harassment reports, investigation results and District actions in response thereto shall be handled as confidentially as possible in order to protect the interests of both the complainant and the alleged harasser and to satisfy the District's obligation to comply with governing law and to prevent and stop harassment.

In addition to reporting harassment as set forth above, employees who believe they have been subjected to harassment in violation of this policy may file a grievance in accordance with the terms of the Employee Agreement or may file a complaint with the U.S. Equal Opportunity Commission; U.S. Department of Education, Office for Civil Rights; or Colorado Civil Rights Commission. Any suspected harassment in violation of this policy that is reported to District officials shall be investigated and appropriate action shall be taken, even if the employee has also filed a complaint with one of these outside agencies.

Retaliation against anyone who makes a report or files a grievance or complaint of suspected harassment, or who participates or provides information in a harassment investigation, will not be tolerated.

Adopted by Board: October 1988
Revised by Board to confirm with practice: May 22, 1995
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Revised by Superintendent: September 2, 2008
Revised by Superintendent: September 28, 2015
Revised by Superintendent: June 15, 2016
Revised by Superintendent: September 26, 2016

LEGAL REFS:

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e
Title IX of the Education Amendments of 1972, U.S.C. 1681
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
Americans with Disabilities Act, 42 U.S.C. 12101 et seq.
C.R.S. 22-32-110(1)(k)
C.R.S. 22-61-101
C.R.S. 24-34-301(7) & 24-34-401 et seq.
3 C.C.R. 708-1

CROSS REFS:

AC, Nondiscrimination / Equal Opportunity
AC-R, Reporting Discrimination / District Response to Discrimination Complaints
ACE, Nondiscrimination on the Basis of Disability
JBB, Harassment of Students
JICDE, Bullying Prevention and Education