



GBAA – HARASSMENT OR DISCRIMINATION OF EMPLOYEES

The Poudre School District does not tolerate harassment or discrimination by employees, supervisors or non-employees based a protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity. All such harassment and discrimination against employees are strictly prohibited.

“Harass” or “harassment” means to engage in, or the act of engaging in, any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual or group of individuals because of that individual’s or group’s membership in, or perceived membership in, a protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity, which conduct or communication is subjectively offensive to the individual alleging harassment and is objectively offensive to a reasonable individual who is a member of het same protected class. The conduct or communication need not be severe or pervasive to constitute a discriminatory or an unfair employment practice and is a violation of this policy if:

- Submission not the conduct or communication is explicitly or implicitly made a term or condition of the individual’s employment;
- Submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or
- The conduct or communication has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, or offensive working environment.

The nature of the work or the frequency with which harassment in the workplace occurred in the past is not relevant to whether the conduct or communication is a discriminatory or an unfair employment practice.

Because workplaces are not always harmonious environments, policies and practices implemented to prevent and address harassment and discrimination are not designed to create a general civility code for the workplace. Petty slights, rude treatment, minor annoyances, callous behaviors, routine differences of opinion, personality conflicts, and a lack of good manners do not constitute harassment or discrimination under this policy unless the conduct, when taken individually or in a combination under the totality of circumstances, meet the standards set forth in this policy.

Whether conduct constitutes harassment or discrimination is judged under the totality of the circumstances, which may include, but is not limited to:

- The frequency of the conduct or communication, recognizing that a single incident (if sufficiently egregious) may rise to the level of harassment or discrimination;
- The number of employees engaged in the conduct or communication;
- The type or nature of the conduct or communication, recognizing that conduct or communication that, at one time, was or is welcome between two or more employees may later become unwelcome to one or more of those employees;
- The duration of the conduct or communication;
- The location where the conduct or communication occurred;
- Whether the conduct or communication is threatening;
- Whether any power differential exists between the employee alleged to have engaged in harassment and the employee alleging the harassment or discrimination;
- Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading;
- Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- For harassment or discrimination based on race or color, whether the conduct or communication uses nicknames emphasizing stereotypes, racial slurs, or negative references to racial customs;
- For harassment or discrimination based on religion, comments regarding surnames, religious tradition or religious clothing, as well as religious slurs and/or graffiti;
- For harassment or discrimination based on national origin or ancestry, comments regarding surnames, manner of speaking, customs, language or ethnic slurs;
- For harassment or discrimination based on sexual orientation, gender identity, gender expression, or transgender identity, comments or conduct that includes name-calling and imitating mannerisms, and deliberately misusing an individual holding a transgender identity's chosen name, form of address or gender-related pronoun; or
- For harassment based on disability or need for special education services, conduct or communication that imitates manner of speech or movement, hostile

or offensive acts, and/or interference with movement or access to necessary equipment.

Sex-based harassment pursuant to Title IX of the Educational Amendments of 1972 is defined in District Policy AC – Nondiscrimination/Equal Opportunity and addressed through District Regulation AC-R3 – Sex-based Harassment Investigation Procedures.

Sex-based harassment that does not meet the definition of Title IX may still be considered sex-based harassment under state law and will be addressed through District Regulation AC-R2 – Harassment and Discrimination Investigation Procedures for Employees and Applicants for Employment. 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 the conduct or communication is subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class, and if under the totality of the circumstances:

- Submission not the conduct or communication is explicitly or implicitly made a term or condition of the individual’s employment;
- Submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or
- The conduct or communication has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, or offensive working 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:

- Sex-oriented verbal “teasing,” abuse or harassment;
- Pressure for sexual activity;
- Repeated remarks to a person with sexual implications;
- Unwelcome touching, such as patting, pinching or constant brushing against another’s body;
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one’s grades, employment status or similar personal concerns; or
- Sexual violence.

Reporting Harassment and Discrimination

The District is committed to providing a working environment that is free from such harassment or discrimination. An individual who experiences or witnesses conduct that may amount to harassment or discrimination is encouraged to promptly report any alleged harassment or discrimination to their direct supervisor, a building administrator, or the Human Resources Department.

Any District employee who receives information about or witnesses harassment, discrimination or retaliation must report the incident to the Human Resources Department.

The District will: (1) respond to every complaint of harassment or discrimination reported pursuant to District Regulation AC-R2 – Harassment and Discrimination Investigation Procedures for Employees and Applicants for Employment, or District Regulation AC-R3 – Sex-based Harassment Investigation Procedures; (2) take appropriate action when harassment or discrimination 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.

Training

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

Adopted by Board: October 1988

Revised by Board to confirm with practice: May 22, 1995

Revised by Board: January 8, 1996

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Revised by Superintendent: September 28, 2015

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Revised by Superintendent: September 26, 2016

Revised by Superintendent: June 10, 2021

Revised by Superintendent: August 22, 2024

CROSS REFERENCES:

AC – Nondiscrimination / Equal Opportunity

AC-R2 – Harassment and Discrimination Investigation Procedures for Employees and Applicants for Employment

AC-R3 – Sex-based Harassment Investigation Procedures

ACE – Nondiscrimination on the Basis of Disability

JBB – Harassment or Discrimination of Students

JICDE – Bullying Prevention and Education

LEGAL REFERENCES:

42 U.S.C. 2000e (Title VII of the Civil Rights Act of 1964)
U.S.C. 1681 (Title IX of the Education Amendments of 1972)
29 U.S.C. 621 et seq. (Age Discrimination in Employment Act of 1967, as amended)
29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. 12101 et seq. (Americans with Disabilities Act)
C.R.S. 22-32-110(1)(k) (board of education has power to adopt written policies)
C.R.S. 22-61-101 (teacher employment; discrimination in employment prohibited)
C.R.S. 24-34-301(7) & 24-34-401 et seq. (Colorado Civil Rights Statutes)
3 C.C.R. 708-1 (Colorado Civil Rights Commission Regulations)