



JBB - HARASSMENT OR DISCRIMINATION OF STUDENTS

The Poudre School District is committed to maintaining a learning environment for students that is free from harassment based on protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity. Harassment and discrimination by District employees, authorized volunteers, students and third parties are strictly prohibited.

Harassment or discrimination means to engage in, or the act of engaging in, any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student'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 objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication need not be severe or pervasive to constitute harassment or discrimination and is a violation of District policy if:

- Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's access to an educational service, opportunity or benefit;
- Submission to, objection to, or rejection of the conduct or communication is used or explicitly or implicitly threatened to be used as a basis for educational decisions affecting the individual; or
- The conduct or communication has the purpose or effect of unreasonably interfering with the individual's access to their educational service, opportunity, or benefit or creating an intimidating, hostile, or offensive educational environment.

Petty slights, minor annoyances, and lack of good manners do not constitute harassment or discrimination unless the slights, annoyances, or lack of manners, when taken in combination and under the totality of circumstances, meet the standard of harassment or discrimination as 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 may rise to the level of harassment or discrimination;
- The number of individuals engaged in the conduct or communication;

- The type or nature of the conduct or communication;
- 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 individual alleged to have engaged in harassment or discrimination and the individual 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;
- Whether the conduct includes an act of physical violence;
- 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, name-calling and imitating mannerisms, and deliberately misusing a transgender student's chosen name, form of address or gender-related pronoun; or
- For harassment based on disability or need for special education services, comments or conduct that imitate manner of speech or movement, hostile or offensive acts, and/or interference with movement or access to necessary equipment.

For the purposes of this policy, 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 or promote violence against a particular group or individual on the basis of a protected class and are reasonably expected to be

disruptive to the learning environment. Examples include use of the “N” word, or displaying symbols such as confederate flags or swastikas.

Under Title IX of the Educational Amendments of 1972, sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment is further defined in District Policy AC – Nondiscrimination/Equal Opportunity. Sex-based harassment pursuant to Title IX is investigated under District Policy AC-R3. Sex-based harassment that does not fall under the Title IX definition may still qualify as sex-based harassment under state law, in which case the District will investigate under District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students.

All District employees, authorized volunteers and students share the responsibility to ensure that harassment or discrimination based on a protected class 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:

- Any student or parent/guardian of a student who believes they have been a target of harassment or discrimination as defined in District policy, or who has witnessed harassment or discrimination, is encouraged to immediately report it to as set forth in District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students or District Regulation AC-R3 – Sex-Based Harassment Investigation Procedures.
- All District employees who witness harassment or discrimination must take prompt and effective action to stop the harassment or discrimination and forward the report and/or other information to the administrator or compliance officer for appropriate action.
- If the target of harassment or discrimination 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.

Remedial and/or disciplinary actions shall include measures designed to stop the harassment or discrimination, correct its negative impact on the affected student, and ensure that the harassment or discrimination does not recur. Steps shall also be taken to ensure that targets of and witnesses to harassment or discrimination are protected

from retaliation for reporting the harassment or discrimination or providing information in connection with a harassment or discrimination 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 or discrimination, the District must 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 or discrimination 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 will be promptly revised and implemented.

The District will provide supportive measures and accommodations to affected students where appropriate as further identified in District Policy AC – Nondiscrimination/Equal Opportunity, District Policy AC-R1 – Harassment and Discrimination Investigation Procedures for Students, and District Policy AC-R3 – Sex-based Harassment Investigation Procedures.

The District will train staff members to recognize and effectively deal with incidents of harassment or discrimination based on protected class. 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

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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

Revised by Superintendent: August 22, 2024

CROSS REFERENCES:

AC - Nondiscrimination/Equal Opportunity

AC-R1 - Harassment and Discrimination Investigation Procedures for Students

AC-R3 – Sex-based Harassment Investigation Procedures

ACE - Nondiscrimination on the Basis of Disability

GBAA - Harassment or Discrimination of Employees

JICDE - Bullying Prevention and Education

LEGAL REFERENCES:

42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964)

20 U.S.C. 1681 (Title IX of the Education Amendments of 1972)

29 U.S.C. 701 et seq. (Section 504 of the Rehabilitation Act of 1973)

42 U.S.C. 12101 et seq. (Americans with Disabilities Act)

20 U.S.C. 1701 et seq. (Equal Educational Opportunities Act of 1974)

C.R.S. 24-34-301(7), 24-34-402 & 24-34-601 et seq. (Colorado Civil Rights Statutes)
3 C.C.R. 708-1 (Colorado Civil Rights Commission Regulations)