Nondiscrimination/Non-Harassment of Students

The Board of Collaborative Education Services is committed to the policy that no otherwise qualified student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any district program or activity on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion or ancestry. For purposes of this policy: “Sexual orientation” means a person’s actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status.

As part of the policy the Board of Collaborative Education Services is committed to maintaining a learning environment for students that is free from harassment based on an individual’s disability, race, creed, color, sex, sexual orientation, national origin, religion, or ancestry. All such harassment by Rocky Mountain School of Expeditionary Learning – Expeditionary BOCES 9130 employees, students, and third parties, is strictly prohibited.

Harassment based on disability, race, creed, color, sex, sexual orientation, national origin, religion or ancestry 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, and 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, and 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, as well as religious slurs and/or graffiti.

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

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

Sexual harassment of students by district employees includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual Harassment of students by other students and third parties includes unwelcome sexual advances, requests for
Nondiscrimination/Non-Harassment of Students Policy: JBA

Sexual harassment may occur whether the harassment is between people of the same or different gender. Sexual harassment can include unwelcome oral, 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 someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kisses or hugging, or restraining someone's movement in a sexual way.

Harassment based on sexual orientation can include but is not limited to damage or vandalism to a person's property directed at or related to a person's sexual orientation, unwelcome, hostile and offensive verbal, and/or written language, or physical conduct directed at or related to a person's sexual orientation, such as gossip or personal comments, suggestive and foul language, jokes, spreading rumors or lies regarding the person's sexual orientation, obscene graffiti, threats, or bullying.

All employees and students at the Rocky Mountain School of Expeditionary Learning – Expeditionary BOCES 9130 share the responsibility to ensure harassment based on disability, race, creed, color, sex, sexual orientation, national origin, religion or ancestry, does not occur on any district property, at any district or school-sanctioned 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 nexus to school or any district or non-curricular activity or event. Towards that end:

All students who believe they have been victims of such harassment shall immediately report it to an administrator or school official. If the harassment is being committed by the executive director or other administrator in the building, the report shall be made to the Board of Collaborative Education Services, as appropriate. All students who witness such harassment shall immediately report it to an administrator or school official. If the harassment is being committed by the executive director or other administrator in the building, the report shall be made to the Board of Collaborative Education Services, as appropriate.

All administrators and school officials who have such harassment reported to them shall promptly forward the report(s) to the executive director or his/her designee for appropriate action. If the harassment is being committed by the executive director or other administrator in the building, the report shall be made to the Board of Collaborative Education Services, as appropriate.

All district employees who witness such harassment shall take prompt and effective action to stop it, as prescribed by the district and the executive director, and shall promptly report the harassment to the executive director or his/her designee for effective action. If the harassment is being committed by the executive director or other administrator in the building, the report shall be made to the Board of Collaborative Education Services, as appropriate.
Nondiscrimination/Non-Harassment of Students Policy: JBA

The executive director or his/her designee (or Board of Collaborative Education Services) shall ensure that all reports of such harassment are promptly and thoroughly investigated, and that effective action is taken.

Any student who engages in harassment of another student based on the other student’s disability, race, creed, color, sex, sexual orientation, national origin, religion or ancestry, shall be required to attend a meeting with his/her parent(s) or legal guardian and the executive director or his/her designee; be subject to remedial action such as education or counseling; and be subject to disciplinary action up to and including suspension or expulsion. Guidelines for dealing with students who engage in the harassment of other students are outlined below:

First Offense:
1. The student and parent(s) or legal guardian will meet with the executive director or his/her designee.
2. Information on available cultural diversity and relevant counseling programs will be given to the student and parent(s) or legal guardian. Responsibility for initiating and completing the intervention program rests with the student and his/her parent(s)/guardian(s). Any fees or costs associated with the program shall be the sole responsibility of the student and his or her parent(s)/guardian(s). Evidence of completion of the education/intervention program must be provided within a time frame specified by the district.
3. The student may be suspended or expelled, and law enforcement authorities may be contacted, depending on the seriousness of the offense.

Second Offense:
1. The student shall be suspended.
2. A meeting of the parent(s) or legal guardian and the Executive Director or his/her designee will be scheduled prior to readmittance to school.
3. The student will be required to participate in counseling or attend a cultural diversity program. Responsibility for initiating and completing the intervention program rests with the student and his/her parent(s)/guardian(s). Any fees or costs associated with the program shall be the sole responsibility of the student and his or her parent(s)/guardian(s). Evidence of completion of the education/intervention program must be provided within a time frame specified by the district.
4. Depending on the seriousness of the offense, the executive director may request that the student be expelled and may contact law enforcement authorities.

Third Offense:
1. A recommendation for expulsion shall be made. Depending on the seriousness of the offense, law enforcement authorities may be contacted.

These guidelines for progressive discipline shall not preclude the Executive Director or his/her designee from eliminating any of the steps in the process if in his or her judgment the misconduct by the student warrants more severe action.
Nondiscrimination/Non-Harassment of Students Policy: JBA

Any district employee who engages in harassment of a student based on the student’s disability, race, creed, color, sex, sexual orientation, national origin, religion or ancestry shall be subject to remedial action such as training, education or counseling; as well as disciplinary action including but not limited to warning, reprimand, 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 be taken to ensure that victims of and witnesses to harassment are protected from retaliation.

No student shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy. To the extent possible, all reports of harassment 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 review its compliance with the policy and take necessary action where deficiencies are noted.

Proposed: September 21, 2011
Adopted: October 19, 2011

LEGAL REFS.: C.R.S. 18-9-111 (harassment)
C.R.S. 18-9-124(2)(a)(prohibition of hazing)

CROSS. REFS.: JIC Student Conduct
JICDA Conduct and Discipline Code
JKD Student Discipline
JKD - 1 Suspension or Referral to Home District of Student