

Sexual Harassment Policy

Rocky Mountain Summer Conservatory is committed to all provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other federal and state equal opportunity laws. These laws include prohibitions of discrimination in employment and services on the basis of sex.

The Board of Trustees adopts this policy to ensure that its programs and activities are available to all persons without sexual harassment. All employees and students of the Rocky Mountain Summer Conservatory have a right to work and to learn in an environment free from unsolicited and unwelcome sexual overtures. All employees, students and agents of the Board of Trustees shall adhere to this policy. Any employee who violates this policy will be subject to disciplinary action.

I. ABUSE/HARASSMENT OF EMPLOYEES

Abuse/Harassment of employees on the basis of race, color, religion, gender, sexual orientation, marital status, disability or handicapping condition, age, or national origin is a violation of the policies and regulations of Rocky Mountain Summer Conservatory and, in some cases, also a violation of federal or state civil rights. Such conduct will not be tolerated in Rocky Mountain Summer Conservatory and will subject an employee to serious disciplinary sanctions including suspension with loss of pay and/or termination. The term employee as used in this section includes, but is not limited to: part-time employees, full-time employees, student-teachers, teachers, staff and counselors. Any student harassing an employee shall also be subject to serious disciplinary sanctions as specified.

A. Sexual Harassment

Governing federal relations define harassment on the basis of sex as follows:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) Submission to or rejection of such conduct by an individual, is used as the basis for employment decisions affecting such individual; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of some of the kinds of conduct included in the definition of sexual harassment are:

- 1) Sexual relations or sexual contact or threats or intimation of sexual relations or sexual contact which are not welcome and freely or mutually agreeable to both parties;
- 2) Continual or repeated remarks with sexual implications, placing sexually suggestive objects or pictures in the work area, or propositions of a sexual nature; and
- 3) Threats or insinuations that the person's employment, wages, promotional opportunities, job assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances or promises or insinuations that any conditions of employment may be favorably affected by submitting to sexual advances.

Sexual Harassment Policy (Continued)

B. Other Forms of Harassment

Prohibited harassment other than sexual harassment consists of physical or verbal conduct which is related to an individual's race, color, religion, gender, sexual orientation, marital status, disability or handicapping condition, age, or national origin and which:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or
- 3) Otherwise adversely affects an individual's employment.

C. Procedures for Handling Allegations of Harassment

Supervisory and administrative personnel should be particularly sensitive regarding harassment. If a supervisor or administrator becomes aware of such conduct on the part of an employee, supervisor, or administrator, (s)he should report the matter immediately to the Artistic Director & CEO or Chairman of the Board for Rocky Mountain Summer Conservatory, who will then investigate to determine if the alleged conduct in fact constitutes harassment.

Any employee who believes (s)he has been harassed by any other employee should report the matter immediately to the Artistic Director & CEO of Rocky Mountain Summer Conservatory for investigation. If the person accused of harassment is an administrator charged with investigatory responsibility for harassment, the employee should report the matter immediately to the Chairman of the Board for Rocky Mountain Summer Conservatory, who will then investigate to determine if the alleged conduct in fact constitutes harassment.

Alleged harassment of an employee by a student should be investigated and dealt with by either reporting incidents to the Artistic Director & CEO or the Chairman of the Board for Rocky Mountain Summer Conservatory.

The substance of any complaint will remain confidential except to the extent necessary to conduct an adequate investigation and to comply with requirements of law regarding employee discipline or termination or regarding student discipline.

No retaliation of any kind will be permitted against anyone who makes a good faith complaint under this policy.

In cases where allegations are found to be totally without merit, the individual who initiated the charges may be subject to disciplinary procedures.

D. Sanctions for Harassment

Depending on the seriousness of the degree of the alleged harassment, an accused employee may be suspended without pay pending completion of investigation. If a decision is made by Rocky Mountain Summer Conservatory administration that an employee harassed another employee, appropriate discipline shall be imposed and could involve, among other disciplinary measures, suspension without pay and/or termination. Disciplinary procedures pertinent to the employee's job category shall be followed. If Rocky Mountain Summer Conservatory is sued as a result of conduct by an employee prohibited by this policy, Rocky Mountain Summer Conservatory will seek full indemnity from the employee for any expenses incurred in defense of such suit and for any damages or attorneys fees which it must pay as a result of the employees prohibited conduct.

E. Harassment by Persons Other than Employees or Students

Any harassment of an employee while on duty by anyone other than an employee or a student will also not be tolerated and shall be reported immediately to the Artistic Director & CEO or to the Chairman or the Board for Rocky Mountain Summer Conservatory. The Artistic Director & CEO shall investigate the report to determine if the alleged conduct in fact constitutes harassment and, if so, what needs to be done to prevent its recurrence. If the employee is dissatisfied with the resolution of the problem by the Artistic Director & CEO, (s)he may take any grievances to the Chairman of the Board for Rocky Mountain Summer Conservatory.

Sexual Harassment Policy (Continued)

II. ABUSE/HARASSMENT OF STUDENTS

Abuse/harassment of students on the basis of race, color, religion, gender, sexual orientation, marital status, disability or handicapping condition, age, or national origin is a violation of the policies and regulations of Rocky Mountain Summer Conservatory and, in certain circumstances, the criminal and civil rights laws of the United States and of the state of Colorado. Such conduct will not be tolerated in Rocky Mountain Summer Conservatory and will subject an employee to serious disciplinary sanctions up to and including termination.

A. Sexual Harassment of Students By Employees

1. Prohibited Conduct

Prohibited acts of sexual abuse/harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Sexual abuse/harassment includes, but is not limited to the following:

- a) Pressure for sexual activity;
- b) Conversation with students substantially using sexually derogatory or demeaning language or any conversation designed to induce a student to engage in sexual activity with the employee;
- c) Suggesting or demanding sexual involvement accompanied by implied or explicit threats or promises concerning a student's musical/performance opportunities, participation in co-curricular activities, etc.; and
- d) Subjecting a student to sexual contact which is defined as follows:

"Sexual contact shall mean the intentional touching of the student's sexual or intimate parts or the intentional touching of the students clothing covering the immediate area of the students sexual or intimate parts. Sexual contact shall also mean the touching by the student of the employee's sexual or intimate parts or the clothing covering the immediate area of the employee's sexual or intimate parts when the employee intentionally causes such touching. Sexual contact shall include only such conduct that can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Intimate parts shall mean the genital area, groin, inner thighs, buttocks, or breasts."

Any such conduct is strictly prohibited even if the student welcomes it.

The prohibitions of this policy extend to sexual abuse/harassment by an employee of Rocky Mountain Summer Conservatory of any student enrolled in any program offered by Rocky Mountain Summer Conservatory or by any other educational institution and to sexual abuse/harassment of any student enrolled in an adult education program offered by Rocky Mountain Summer Conservatory. These prohibitions apply whether the employee is on or off duty, whether the conduct occurs on or off Rocky Mountain Summer Conservatory property and whether the student does or does not welcome or invite the employees conduct. These prohibitions also apply to sexual abuse/harassment of former students when the employee's relationship with the student began while the former student was enrolled in Rocky Mountain Summer Conservatory and when the sexual abuse/harassment occurs within two years of the student leaving Rocky Mountain Summer Conservatory.

2. Sanctions

Sexual abuse/harassment constitutes immorality and unprofessional conduct for purposes of just cause discharge procedures. Any employee sexually abusing/harassing or attempting to sexually abuse/harass a student shall have his/her employment terminated by Rocky Mountain Summer Conservatory. If Rocky Mountain Summer Conservatory is sued as a result of conduct by an employee prohibited by this policy, Rocky Mountain Summer Conservatory will seek full indemnity from the employee for any expense incurred in defense of such suit and for any damages or attorneys fees which it must pay as a result of the employees prohibited conduct.

Sexual Harassment Policy (Continued)

3. Procedures for Handling Allegations of Sexual Abuse/Harassment

If an employee becomes aware of conduct prohibited by this policy on the part of a fellow employee, or if a student becomes aware of such conduct toward another student or toward himself/herself, (s)he should report the matter immediately to the Artistic Director & CEO, who will then investigate to determine if the alleged conduct in fact violates this policy. If the matter involves a former student, it should be reported to the Artistic Director & CEO. If the Artistic Director & CEO is the person accused of sexual abuse/harassment, the student or staff member should report the matter directly to the Chairman of the Board for Rocky Mountain Summer Conservatory. A student may also report sexual abuse/harassment to his/her teacher. The teacher shall then report the matter immediately to the Artistic Director & CEO or if the Artistic Director & CEO is the alleged abuser/harasser, immediately to the Chairman of the Board for Rocky Mountain Summer Conservatory.

If it appears any criminal laws have been violated, the Artistic Director & CEO should immediately contact the appropriate law enforcement agency. Any Rocky Mountain Summer Conservatory investigation should be coordinated with the appropriate law enforcement agency.

If the student is dissatisfied with the resolution of the problem, (s)he may request the Chairman of the Board for Rocky Mountain Summer Conservatory to intervene.

The substance of any complaint will remain confidential except to the extent necessary to conduct an adequate investigation, to report criminal law violations to law enforcement authorities, and to comply with requirements of law regarding employee discipline or termination.

No retaliation of any kind will be permitted against a student or employee who makes a good faith complaint under this policy.

During any Rocky Mountain Summer Conservatory investigation the employee shall be suspended without pay. Once the Rocky Mountain Summer Conservatory investigation is complete and a decision is made that the employee sexually abused/harassed a student, the termination procedures applicable to that employees job category shall be instituted.

In cases where allegations are found to be totally without merit, the individual who initiated the charges may be subject to disciplinary procedures.

B. Sexual Harassment of Students By Another Student

1. Prohibited Conduct

Sexual harassment of one student by another takes many forms. It includes, but is not limited to, the following behaviors at school or at a school function off school grounds:

- a) Explicit and offensive sexual references or gestures;
- b) Name calling or taunting on the basis of a students gender;
- c) Unwelcome, intentional touching or grabbing of another student's intimate parts or the clothing covering a students intimate parts;
- d) Language of any kind, which is disparaging or demanding to others on the basis of their gender such as sexual epithets or vulgar or profane jokes; and
- e) Any other verbal or physical conduct which, judged from the perspective of a reasonable student of the same gender as the student claiming (s)he was harassed, creates a sexually hostile environment.

2. Procedures for Handling Allegations of Sexual Harassment of One Student by Another

The procedures specified below for handling allegations of other types of harassment by students shall also apply to allegations of sexual harassment.

Sexual Harassment Policy (Continued)

C. Sexual Harassment of Students By Persons Other Than Employees or Students

Any sexual abuse/harassment of a student while on school grounds or at a school function off school grounds by a non-employee will not be tolerated and shall be reported immediately to the Artistic Director & CEO or to the Chairman of the Board for Rocky Mountain Summer Conservatory. The Artistic Director & CEO shall investigate the report to determine if the alleged conduct in fact constitutes abuse/harassment on the basis of sex and, if so, what needs to be done, including referral of the matter to law enforcement authorities, to prevent its recurrence. If the student is dissatisfied with the resolution of the problem by the Artistic Director & CEO, (s)he may go directly to the Chairman of the Board for Rocky Mountain Summer Conservatory for intervention.

D. Other Forms of Harassment of Students

1. Prohibited Conduct

Harassment of a student, other than sexual harassment, consists of physical or verbal conduct which is related to a student's race, color, religion, gender, sexual orientation, disability or handicapping condition, or national origin and which:

- a) Has the purpose or effect of creating an intimidating, hostile, or offensive school environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's school performance; or
- c) Otherwise adversely affects a student's school opportunities.

2. Procedures for Handling Allegations of and Sanctions for Employees Harassing Students

Depending on the seriousness of the degree of the alleged harassment, an accused employee may be suspended with pay pending investigation. If a decision is made by the Rocky Mountain Summer Conservatory administration that an employee harassed a student, appropriate discipline shall be imposed and could involve, among other disciplinary measures, suspension without pay and/or termination. Disciplinary procedures pertinent to the employee's job category shall be followed. In cases where allegations are found to be totally without merit, the individual who initiated the charges may be subject to disciplinary procedures.

If Rocky Mountain Summer Conservatory is sued as a result of conduct by an employee prohibited by this policy, Rocky Mountain Summer Conservatory will seek full indemnity from the employee for any expenses incurred in defense of such suit and for any damages or attorneys fees which it must pay as a result of the employee's prohibited conduct.

3. Procedures for Handling Allegations of Harassment of One Student by Another

If an employee becomes aware of student conduct prohibited by this policy, or if a student becomes aware of such conduct by another student toward himself/herself or toward another student, (s)he should report the matter immediately to the Artistic Director & CEO who will then investigate to determine if the alleged conduct in fact violates this policy. A student may also report harassment to his/her teacher. The teacher shall then report the matter immediately to the Artistic Director & CEO. If it appears any criminal laws have been violated, the Artistic Director & CEO should immediately contact the appropriate law enforcement agency. Any Rocky Mountain Summer Conservatory investigation should be coordinated with the appropriate law enforcement agency.

In determining whether alleged conduct constitutes a violation of this policy, the Artistic Director & CEO should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

Sexual Harassment Policy (Continued)

The investigation shall be completed as soon as practicable. The Artistic Director & CEO shall make a written report upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated and whether a violation of this policy occurred. If the Artistic Director & CEO concludes a violation of this policy occurred, the Artistic Director & CEO shall impose sanctions. If the Artistic Director & CEO concludes that no violation occurred, the Artistic Director & CEO shall so notify each of the students involved.

The substance of any complaint will remain confidential except to the extent necessary to conduct an adequate investigation, to report criminal law violations to law enforcement authorities, and to comply with requirements of law.

No retaliation of any kind will be permitted against a student or employee who makes a good faith complaint under this policy. Any such retaliation will be severely dealt with. Students who retaliate shall be disciplined.

If the student alleging harassment is dissatisfied with the resolution of the problem, (s)he may request intervention through the Chairman of the Board for Rocky Mountain Summer Conservatory.

In cases where allegations are found to be totally without merit, the individual who initiated the charges may be subject to disciplinary procedures.