

Gardner Valley School
POWR Act Harassment Policy

1. Colorado's POWR Act

In accordance with the Colorado POWR Act, any unlawful, employment-based harassment means 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 legally protected class that is subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class. Unlawful, employment-based harassment does not include petty slights, minor annoyances, and lack of good manners, unless they meet the definition of harassment when taken individually or in combination and under the totality of the circumstances. In addition to any other legally protected classes, "marital status" shall be considered a protected class, except that marital status may be considered in situations in which one spouse directly or indirectly would exercise supervisory, appointment, or dismissal authority or disciplinary action over the other spouse; one spouse would audit, verify, receive, or be entrusted with moneys received or handled by the other spouse; or one spouse has access to the employer's confidential information, including payroll and personnel records.

Conduct or communication constitutes unlawful, employment-based harassment if:

- Submission to 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.
- 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.

Consideration of the nature of the work or the frequency with which harassment occurred in the past in determining whether certain conduct rises to the level of harassment prohibited, but the totality of the circumstances may include the frequency, duration, and location of the conduct or communication; the number of individuals involved; and the type or nature of the conduct or communication, and whether it is threatening, involves epithets or slurs, or reflects stereotypes.

2. Harassment Response

The School takes unlawful harassment and discrimination very seriously and is committed to having a program that takes reasonable steps to prevent harassment, deter future harassers, and protect employees from harassment. In all instances of reported unlawful, employment-based harassment, the School shall take prompt, reasonable action to investigate or address alleged discriminatory or unfair employment practices, and shall take prompt, reasonable remedial actions, when warranted, in response to complaints of discriminatory or unfair employment practices.

In addition to any other reporting mechanisms available to employees, if any employee has been the victim of or has knowledge that unlawful, employment-based harassment may have occurred, he or she is to report that information to his or her supervisor or to his or her supervisor's supervisor if the supervisor is the alleged offender. If the School leader is the

alleged offender then the report may be made to the School's board of directors. Prompt and reasonable action will be taken to investigate and remedy, when warranted, in response thereto.

3. POWR Act Recordkeeping

As required by the POWR Act, the School will preserve employment records for a period of five years from the later of the date the employer created or received the employment record, the date the personnel action giving rise to the personnel record occurred, or the final disposition of a charge of discrimination or related action. The term "personnel or employment record" includes the following:

- Requests for accommodation.
- Written and oral employee complaints of discrimination, harassment, or unfair employment practices.
- Submitted job applications.
- Records related to hiring, promotion, demotion, transfer, layoff, termination, rates of pay or other terms of compensation, and selection for training or apprenticeship.
- Records of training provided to or facilitated for employees.

Employers must maintain a designated repository of all written and oral complaints of discrimination, harassment, or unfair employment practices, including the date of the complaint, the identity of the complaining party, the identity of the alleged perpetrator, and the substance of the complaint.

Adopted: Nov 15, 2023