Sexual Harassment Prohibited

St. Mary's Charter School (the "School") will not tolerate sexual harassment, nor will it tolerate reprisals against any employee who makes a sexual harassment complaint. All employees, Campus Principals/Supervisors and others who violate this policy are subject to disciplinary action, including discharge.

Sexual Harassment Defined

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For purposes of this policy, sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome verbal, visual or physical conduct, including sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

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; or
3. Such conduct has the purpose of affecting or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
4. Sexual harassment may include a range of subtle and not so subtle behaviors, and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to, unwanted sexual advances or request for sexual favors, sexual jokes and innuendo, verbal abuse of a sexual nature, commentary about an individual's body, sexual prowess or sexual deficiencies, leering, catcalls, touching, insulting or obscene comments or gestures, display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment – that is harassment not involving sexual activity or language (example: male manager hollers only at female employees and not males) – may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

Sexual Harassment of Students

Sexual harassment of a student constitutes discrimination and is illegal under federal, state, and local laws. For purposes of this policy, sexual harassment of a student is defined by the U. S. Department of Education Office for Civil Rights Revised Sexual Harassment Guidance as unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student occurs when, for example:

1. A teacher or other employee conditions an educational decision or benefit on the student's submission to unwelcome sexual conduct.
2. A teacher or employee engages in sexually-oriented conversations for purposes of personal sexual gratification.
3. A teacher employee contacts students at home or elsewhere to solicit inappropriate social relationships.
4. A teacher or other employee engages in physical contact that would reasonably be construed as sexual in nature.
5. A teacher or other employee engages in conduct that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program(s) based on sex.

Complaint Procedures

The School takes allegations of sexual harassment very seriously and intends to investigate all official complaints. The School will take appropriate actions against all substantiated allegations. Employees who believe they are being sexually harassed are requested to take the following actions:

- In the event an employee believes he or she is a victim of sexual harassment, the employee should contact his or her Principal immediately. In the event the Principal is the alleged harasser, the employee should contact the next level of management immediately.
- Any employee who is uncomfortable with face-to-face interaction may write down his or her complaint and submit it to the Principal or the School's Title IX Coordinator. *See* Board Policy 4.14 (Freedom from Discrimination, Harassment, and Retaliation).
- Principals are expected to contact the Title IX Coordinator immediately upon receiving a complaint of sexual harassment. Principals are not to try and handle the situation alone. All complaints of harassment must be turned over to the Title IX Coordinator.
- All complaints will be handled in a timely manner. The complaint will be handled as confidential to the extent possible. Under no circumstances will information concerning any employee's complaint be released by the School to any third person or to anyone within the School who is not involved in the investigation.

The purpose of this provision is to maintain impartiality and confidentiality. Both the complaining individual and the alleged harasser have equal privacy rights under the law.

Retaliation Prohibited

Retaliation against any person who in good faith reports or complains about sexual harassment is illegal and will not be tolerated. Employees who take part in any retaliatory action will be terminated immediately. Retaliation may include, but is not limited to:

- Demotion;
- Poor performance appraisals;
- Transfers;
- Assignment of demeaning tasks; or
- Taking any kind of adverse action against a person who complains of sexual harassment.

In addition to using the School's complaint process, an employee may file a formal complaint with the United States Equal Employment Opportunity Commission (EEOC).

Conducting the Investigation

The School recognizes all official complaints as a serious matter and will follow through with an investigation of the allegations. All complaints must be investigated. At no time will an employee who files a complaint be required or allowed to handle the problem himself or herself.

All investigations into sexual harassment will follow these guidelines:

- The complainant will be asked for specifics about what happened, where it happened, when it happened and why.
- Co-workers can often be questioned, as they themselves may often be victims or may have witnessed the harassment.
- The accused harasser will be questioned. He or she will be informed of who is complaining and be warned not to retaliate or to discuss the matter with the complainant. Failure to abide by this by the accused harasser will be grounds for disciplinary action, up to and including, termination.

Any Principal/Supervisor who receives a complaint of sexual harassment and fails to take corrective action pursuant to this policy shall also be subject to disciplinary action, including immediate termination.

Corrective Action

The School will take prompt, effective action to end the any harassment and to deter future harassment.

After all the circumstances of the complaint, including responses of the alleged perpetrator and witnesses, have been documented in detail, a determination will be made as to whether or not a sexual harassment has occurred.

The complainant and other directly involved persons will be served notice of the School's disposition in the matter.

Prompt corrective action, if warranted, will follow immediately. This may include discipline or termination of the perpetrator or the complainant in the case that a falsified complaint or contributory behavior was discovered.

Whenever any disciplinary action is taken against an accused harasser, the victim will be informed only that "corrective action was taken."

It shall be an ongoing policy of the School that all prior complainants be contacted by authorized employees of the School, on a periodic basis, to be certain they are currently working in an environment free from all forms of sexual harassment or intimidation.

Either the complaining employee or the alleged harasser has the right to appeal the determination of the investigation if he or she indicates so in writing, and delivers the appeal to the superintendent of schools within ten calendar days of the determination.

Liability for Harassment

The School accepts no liability for harassment of any student or employee by another employee. Any School employee, whether a co-worker or Principal, who is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including termination.

The School does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequences of the discharge of one's duties. Accordingly, to the extent permitted by law, the School reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.