 **No. 314**

**SECTION: EMPLOYEES**

**TITLE: ANTI-HARASSMENT**

**MEDICAL ACADEMY ADOPTED: 10/8/13**

**CHARTER SCHOOL REVISED:**

314. ANTI-HARASSMENT

I. Work Place Free of Unlawful Harassment

The Medical Academy Charter School ("School") can neither tolerate nor condone the existence of a hostile or offensive work environment in which sexual harassment and/or unlawful harassment based on race, color, national origin, religion, age or disability are present. The school is committed to ensuring that the work environment is free of all forms of unlawful harassment.

II. Definition

A. Unlawful harassment also includes offensive verbal or physical conduct based on an

individual's race, color, national origin, religion, age, or disability where such conduct

has the purpose or effect of unreasonably interfering with an individual's performance, or

creates an intimidating hostile or offensive work environment.

These same definitions apply to unlawful harassment of students. Unlawful harassment

includes harassment committed by employees and students.

1. **Bias Harassment**. Unwelcome expressive or physical conduct by any member of the

school community relating to a person’s sex, race, color, religion, national origin, age or disability when the conduct is so severe, persistent, or pervasive and is objectively offensive that a reasonable person would find that it alters the terms or conditions of that a person’s employment, or it unreasonably interferes with an individual’s work or performance in a work related activity, thus creating a hostile or abusive working environment.

1. **Sexual Harassment/Quid Pro Quo Harassment**. No school personnel reasonably believed by the effected person to hold a position of authority or some manner of control over that person, whether real or perceived, shall explicitly or impliedly condition the participation, advancement, retention or other job related penalty or reward, or base an employment decision on the effected person’s submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful

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whether the effected person resists and suffers the threatened harm or submits and, thus, avoids the threatened harm. This statement herein is not intended to in any way limit the applicability of any statutes, including those relating to voluntary or involuntary sex acts or consent, or of any Board policy.

Any sexual contact between an employee of the school and a student will be deemed

harassment under this policy.

1. **Criminal Harassment**. Conduct by a member of the school community when, with

intent to harass, annoy or alarm another member of the school community – or where without intent but with knowledge that the same will reasonably occur – the person follows a member of the school community in or about common areas; subjects or threatens to subject a school community member to unwelcome physical contact; or behaves in a manner which alarms or reasonably and objectively causes substantial and serious annoyance to a school community member and where the action serves no legitimate purpose, is also prohibited and may be reported as harassment as provided herein.

1. **Physical Harassment**. Non-expressive, physically harassing conduct that simply interferes with a member of the school community’s employment, whether based on a protected characteristic or not, is prohibited and may be reported as harassment as provided herein.
2. **Association Harassment**. Expressive or physical conduct, directed at a person’s

association with any other person or any lawful group commonly associated with or presenting the protected characteristics, whether actual or perceived, of sex, race, color, religion, national origin, or disability is prohibited and may be reported as harassment as provided herein.

1. **Retaliation Harassment**. It is a separate and distinct violation of this Policy for any

member of the school community to retaliate against any person who reports alleged harassment, any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such harassment. It is possible that an alleged harasser may be found to have violated this anti-retaliation provision even if the underlying compliant of harassment is not found to be a violation of this Policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

B. **Employee**: For purposes of this policy, the term “employee” shall include any individual

who is currently employed by the school or who has been employed by the school within

the last 300 days, and any individual who renders services for the school on a voluntary

or contract basis, including substitute teachers, student teachers, teacher aides and

temporary employees.

III. Administrative Responsibility

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The administration shall take all reasonable measures to ensure that the work and school environment are free of any type of unlawful harassment based on race, color, national origin, religion, age, or disability. It shall do so by encouraging reporting of any unlawful harassment, promptly investigating any complaints of unlawful harassment, and applying appropriate discipline for any instances of unlawful harassment.

The administration shall also notify the employer of any non-school employee who unlawfully harasses the school's employees or students, and will request that appropriate corrective and disciplinary actions be taken.

IV. Employee/Student Responsibility

Employees and students of the school are responsible to report allegations of sexual harassment and any other form of unlawful harassment to the Title IX/Equal Opportunity Coordinator whenever they observe or are subject to such harassment. Promptly reporting such allegations through a grievance procedure, as discussed below and in Policy 314A, is encouraged. Allegations may initially be reported orally to the Title IX/Equal Opportunity Coordinator or to the Principal/CEO.

Employees and students are also responsible for cooperating with any investigation or proceedings conducted by the school in response to the filing of such allegations.

V. Grievance Procedures

The grievance procedures provided at School Board Policy No. 314A,

Harassment/Discrimination Grievance Procedure, shall apply to allegations of sexual

harassment and other forms of unlawful harassment of or by school employees or students.

Grievances by or on behalf of students or employees should be reported to the Title IX/Equal

Opportunity Coordinator. If the Title IX/Equal Opportunity Coordinator is involved directly

in the alleged harassment, then the grievant should report the grievance to another

administrator, who shall take on the role of the Title IX/Equal Opportunity Coordinator with

respect to the grievance proceedings.

Investigation and proceedings as specified at Policy No. 314A will follow the reporting of a

grievance.

VI. No Retaliation

There shall be no retaliation against any person who has, in good faith, complained of sexual harassment or other unlawful harassment, reported a grievance, assisted in the reporting of such a grievance, served as a witness or representative of the grievant, rejected sexual advances or harassment by others, or who has otherwise taken any reasonable action to stop sexual harassment or other unlawful harassment. Any individual who believes he or she has been subject to retaliation must report the matter immediately to the Title IX/Equal Opportunity Coordinator.