

SEXUAL HARASSMENT AND OTHER ILLEGAL HARASSMENT, DISCRIMINATION AND SEXUAL VIOLENCE POLICY FOR STUDENTS

I. GENERAL STATEMENT OF POLICY

Objective

The MicroSociety Academy Charter School (MACS) will not discriminate against any student because of race, color, sex, marital status, sexual orientation, national origin, religion, age, physical or mental disability, or veteran status, or any other characteristic protected by law. Such discrimination constitutes illegal discrimination at MACS.

Details

MACS has established the following Complaint Procedures to address all types of discrimination complaints. Students and/or legal guardians have the right to use these procedures without jeopardizing their current or prospective student status.

MACS believes that each student at MACS has the right to be free from illegal discrimination or harassment because of race, creed, color, religion, national origin, age, sex, marital status, sexual orientation, physical or mental disability or veteran status. All students should be able to learn in an environment free from all forms of discrimination, intimidation and harassment, including sexual harassment. All members of the School community must treat each other with courtesy, consideration and professionalism.

To achieve our goal of providing a school environment free from sexual and other illegal harassment and discrimination and sexual violence, the conduct that is described in this policy will not be tolerated and MACS has provided a procedure by which inappropriate conduct will be dealt with. Where inappropriate conduct is found, MACS will act promptly to

eliminate the conduct and impose such corrective actions as are necessary including but not limited to counseling, training, warning, suspension, disciplinary action and/or termination of employment where appropriate.

Please note that while this policy sets forth the school's goals of promoting a school environment that is free of sexual or other illegal harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or illegal discrimination or sexual violence.

II. ILLEGAL HARASSMENT/SEXUAL VIOLENCE DEFINED

A. Illegal harassment refers to unreasonable conduct or behavior, which is personally offensive or threatening, impairs morale, and/or interferes with the education of students or work effectiveness of employees. Examples of illegal harassment include conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact, display or circulation of written materials, items or pictures degrading to any gender, racial, ethnic, religious, age, disability or other group listed above; and verbal abuse or insults about or directed at any student, or group of students because of their relationship in any of the groups listed above.

B. 20 USCA §1681 ("Title IX") provides that, "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Sexual harassment is a form of sex discrimination which violates Title IX. Sexual harassment includes unwelcome sexual advances, requests

for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of education or as a basis for educational decisions; or,
- b. such advances, requests or conduct have the purpose or effect of undermining and detracting from the student's educational experience by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

The legal definition of sexual harassment is broad and in addition to the above examples, includes other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an educational environment that is hostile, offensive, intimidating, or humiliating to male or female students.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

1. Verbal: offensive sexual and/or genderbased statements, jokes, slurs, propositions, comments about private parts of the body, threats or suggestive or insulting sounds;
2. Visual/Nonverbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; sexual or genderbased emails, staring or leering; or obscene gestures;

3. Physical: unwanted physical contact including touching, interference with an individual's personal space and/or normal movement, or assault;
4. Sexual violence, which is a physical act of aggression that includes a sexual act or sexual purpose.

Each student must exercise his or her good judgment to avoid engaging in conduct that may be perceived by others as harassment.

Harassment can come from fellow students, teachers, administrators, staff, independent contractors, visitors or vendors. Boys as well as girls can be victims of sexual or other harassment. It can not be stressed enough that the school will not tolerate any form of illegal discrimination or harassment. Violations of this policy, whether intended or not, will not be permitted.

All students should take special note that retaliation (attempts to punish or get back at someone) against an individual who has complained about sexual or other harassment or discrimination, and retaliation against individuals for cooperating with an investigation of a sexual or other harassment or discrimination complaint is illegal and will not be tolerated by MACS.

III. REPORTING PROCEDURES

Any student who believes he or she has been the victim of illegal discrimination, illegal harassment or sexual violence, or any third person with knowledge or belief of conduct which may constitute illegal harassment or sexual violence should report the alleged acts immediately to an appropriate school official as designated by this policy. All school employees and independent contractors are required to report any possible violations of this policy of which they are aware. MACS

encourages the reporting party or complainant to make a written complaint. However, a written complaint is not mandatory.

Reports should be made to your School Director.

If the complaint involves the School Director, the complaint may be filed directly with the Chairperson of the Board of Trustees.

The school will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school's legal obligations and the necessity to investigate allegations of illegal harassment and sexual violence and take disciplinary action when the misconduct has occurred.

IV. INVESTIGATION AND RECOMMENDATION

By Authority of the Board of Trustees and School Director, upon receipt of a report or complaint (verbal or written) alleging illegal discrimination, harassment or sexual violence, shall promptly authorize an investigation. This investigation may be conducted by school officials or by a third party designated by the Board of Trustees. The investigating party shall provide a written report of the status of the investigation within ten working days to the School Director. A final written report with recommendations for action by the School Director shall be submitted at the conclusion of the investigation. If the School Director is the subject of the complaint, the report shall be submitted to the Chairperson of the Board of Trustees.

In determining whether alleged conduct constitutes illegal harassment or sexual violence, the school will consider the surrounding circumstances, the nature of the conduct, relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes illegal harassment or sexual violence

requires a determination based on all of the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, MACS may take immediate steps, at its discretion, to protect the complainant, pending completion of an investigation.

V. SCHOOL ACTION

A. Upon receipt of a recommendation that the complaint is valid, MACS will take such action as appropriate based on the results of the investigation.

B. The School may take such remedial action it deems necessary and appropriate, including but not limited to training, counseling, warning, suspension or immediate discharge to end illegal discrimination, harassment and/or sexual violence and to prevent its recurrence. If the person engaged in the inappropriate conduct is not a MACS school student or employee, MACS will take whatever corrective action is reasonable and appropriate under the circumstances.

C. MACS shall provide the complainant with a summary of the result of the investigation (subject to FERPA and privacy obligations).

D. The complainant or person allegedly engaged in the inappropriate conduct may appeal the investigation recommendations to the School Director unless the School Director is the subject of the complaint, in which case the appeal is made to the Chairperson of the Board of Trustees.

E. If the appeal is accepted, the Director or the Board of Trustees (or a personnel committee formed by the Board) shall review the appeal and issue a written response within ten working days of the acceptable of the appeal. As stated previously, this sexual and antiharassment and discrimination policy is not designed or intended to limit the School's authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal harassment or discrimination.

VI. RETALIATION

Retaliation (attempts to intimidate, punish or get back at someone) against any person who in good faith opposes illegal discrimination or harassment, initiates a complaint, or cooperates in any investigation violates state and federal law and is a violation of this policy. The School will take prompt remedial action against any individual who retaliates. Disciplinary action may include, but is not limited to, suspension or termination.

VII. SEXUAL HARASSMENT OR SEXUAL VIOLENCE AS SEXUAL ABUSE

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situations, the school shall comply with said law.

Nothing in this policy will prohibit the School from taking immediate action to protect victims of alleged sexual abuse.

VIII. RESOURCES/BYPASS

Questions regarding this policy and/or issues of illegal harassment or sexual violence may be directed to the School.

While the District encourages the use of this policy, employees are entitled to bypass this policy and proceed directly to the Office of Civil

Rights, Region I, John W. McCormack PO and Courthouse, Room 222,
Post Office Square, Boston MA 021094557, (617) 5651340.

IX. NOTICE AND PUBLICATION

The School shall provide notice of this policy to students and school employees by including it in the student handbook and by posting it in each school. The School shall also use its discretion in developing programs and/or procedures to further inform students and employees about the substance of this policy and procedures.

Adopted by Board January 2016