

Infinity Charter School

SECTION: PROFESSIONAL STAFF

**TITLE: UNLAWFUL
HARRASSMENT**

APPROVED: January 11, 2004

448: UNLAWFUL HARRASSMENT

Purpose:

It is the policy of the Infinity Charter School is to maintain a learning and working environment that is free from harassment in any form. It shall be a violation of this policy for any employee, student, or approved volunteer to harass an employee, student, approved volunteer, or visitor through conduct or communication. The Board recognizes that harassment is a form of discrimination, which is prohibited by law and violates the standards of the school

Authority:

The Board prohibits all forms of unlawful harassment of employees by all district students and staff members, contracted individuals and vendors, and volunteers in the schools. The Board encourages employees who have been harassed to promptly report such incidents to the CEO/Director.

The Board directs that complaints of harassment shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Definitions:

The term harassment includes but is not limited to repeated, unwelcome, and offensive slurs, jokes, or other verbal, graphic or physical conduct relating to an individual's race, color, religion, ancestry, sex, national origin, age, or handicap/disability that create an intimidating, hostile, or offensive working environment.

Ethnic harassment includes the repeated, unwelcome, and offensive use of any derogatory word, phrase, or action characterizing a given racial or ethnic group that creates an intimidating, hostile, or offensive working environment.

Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when:

1. Acceptance of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is a term or condition of an individual's continued employment.
2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.

3. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include but are not limited to unwelcome sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes, pin-ups, calendars, objects, graffiti, vulgar statements, abusive language, innuendoes, references to sexual activities, overt sexual conduct, or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile, or offensive learning or working environment.

Delegation of Responsibility

The school shall annually inform students, staff, parents, independent contractors, and volunteers that unlawful harassment of employees will not be tolerated, by means of publication in handbooks.

Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.

Each employee shall be responsible to respect the rights of district staff, students, parents, and approved volunteers and to ensure an atmosphere free from all forms of unlawful harassment.

The CEO/Director shall be designated to receive harassment complaints. If the CEO/Director is the subject of the complaint, the complainant shall report the complaint directly to the Board of Trustees.

Guidelines

When an employee believes that s/he is being harassed, the employee should immediately inform the harasser that the behavior is unwelcome, offensive, or inappropriate. If the unwelcome, offensive, or inappropriate behavior continues, the employee shall follow the established complaint procedures.

Complaint Procedure

1. An employee shall report a complaint of harassment, orally or in writing, directly to the CEO/Director, who shall inform the employee of his/her rights and of the complaint process.
2. The building principal immediately shall notify the CEO/Director or designated administrator and shall conduct an impartial, thorough and confidential investigation of the alleged harassment.

In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.

3. The CEO/Director shall prepare a written report summarizing the investigation and recommending disposition of the complaint. Copies of the report shall be provided to the complainant, the accused, the Board of Trustees and others directly involved, as appropriate.

4. If the investigation results in a substantiated charge of harassment, the school shall take prompt corrective action to ensure the harassment ceases and will not recur.

Discipline

A substantiated charge against a school staff member shall subject such staff member to a disciplinary action, including termination.

A substantiated charge against a student shall subject such student to disciplinary action, consistent with the Student Code of Conduct, and may include educational activities and/or counseling.

If it is concluded that an employee has made false accusations, such employee shall be subject to disciplinary action, including termination.

Appeal Procedure

1. If the complainant or accused is not satisfied with the CEO/Director's decision, the employee may file a written appeal to the Board of Trustees.
2. The CEO/Director shall review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare a written response to the appeal. Copies of the response shall be provided to the complainant, the accused and others directly involved, as appropriate.