



## The Academy Harassment Policy

*Pursuing Truth, Wisdom, Excellence*

**Mission Statement:** The Academy serves our students to develop college ready, exemplary citizens by promoting excellence in academics, character, and relationships.

### Background

The Academy is committed to providing a working and learning environment that is free from harassment, and it is the Academy's policy that harassment in any form will not be tolerated. Management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent harassment. All members of the school community, employees, and students are required to promptly report conduct that could be in violation of this policy.

The Academy does not tolerate harassment by employees, supervisors, or non-employees based on sex (with or without sexual contact), race, color, religion, national origin, age, disability, sexual orientation, or protected activity (opposition to prohibited discrimination or participation in the statutory complaint process). Sexual orientation is a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or perception of the individual's sexual orientation.

The Academy will take measures to periodically educate and train employees regarding conduct that could constitute a violation of this policy. All management and supervisory personnel are expected to participate in such education and training and to be knowledgeable concerning the school policy. All members of the school community are required to comply with the policy and procedures outlined to address complaints.

The Academy will (1) respond to every complaint of harassment reported, (2) take action in response when harassment is discovered, (3) impose appropriate sanctions on offenders on a case-by-case basis, and (4) protect the privacy of all those involved in harassment complaints to the extent practical and appropriate under the circumstances. The above actions will apply to the extent permitted by law or where personal safety is not an issue.

Harassment is defined as unwelcome verbal, written, or physical conduct based on sex, race, color, religion, national origin, age, disability, sexual orientation, or protected activity, that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

**Racial and color harassment** can include unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

**Religious, or creed harassment**, can include unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's religion or creed, such as comments regarding surnames, religious tradition, or religious clothing, religious slurs, or graffiti.

**National origin harassment** can include unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's national origin, such as comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

**Sexual orientation harassment** can include unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's sexual orientation, such as negative name-calling and imitating mannerisms.

**Disability harassment** can include unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's disabling condition, such as imitate manner of speech or movement, or hostile or offensive acts, which interfere with movement of necessary equipment.

**Sexual harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. Such conduct is sufficiently severe and pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work by creating an intimidating, hostile, or offensive working or educational environment.

This definition of sexual harassment applies whether the harassment is between people of the same or different gender. Sexual harassment can include unwelcome verbal, written, or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational or employment reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing, or hugging or restraining someone's movement in a sexual way.

#### **Reporting Suspected Harassment**

Individuals are encouraged to report harassment before it becomes severe and/or pervasive. Any individual who believes he/she may have experienced harassment, or who believes that he/she has observed harassment taking place, should report this information immediately to any one of the following "reporting officials":

1. Your school's Title IX Coordinator,
2. Your school Principal or Assistant Principal/Dean of Students,
3. Your school's CEO or designee,
4. Your school's Human Resources department

If an immediate supervisor is involved in the objectionable activity outlined within this policy, the report should be made to one of the other reporting officials.

#### **Investigation of Complaints**

Unless otherwise provided herein, responsibility for the investigation of both formal and informal harassment complaints shall be with the Title IX Coordinator or designee. Complaints will be addressed as confidentially as possible, considering the specific circumstances of the allegations, to protect the

interests of both the complainant and the person accused, and to meet the school's legal obligation to prevent and stop harassment. The investigator may gather information from any sources deemed necessary in an effort to fully investigate and resolve the complaint. A "clear and convincing" standard will be used throughout all relevant investigative processes.

#### *Informal Process*

Unless the complaint involves an employee direct supervisor, or Title IX Coordinator the reporting individual will forward the initial report to the Title IX Coordinator or the employee's direct supervisor. The direct supervisor or the Title IX Coordinator will attempt to engage in an informal resolution process and ensure the complaining party has discussed the issue with the accused. The supervisor or Title IX Coordinator will hear both sides before acting on a complaint. If either party is not comfortable having the conversation, then the immediate supervisor or Title IX Coordinator will mediate the discussion with both employees. Ahead of any informal resolution processes, the supervisor or Title IX Coordinator will gain written consent to disclose records and engage in the process. If the complainant chooses, he/she may, at any time prior to resolution of the informal complaint, amend the informal complaint to a formal complaint. At all stages of investigations, The Academy commits to presume innocence throughout and will seek to offer remedies to both parties.

#### *Formal Process*

If this initial informal process does not resolve the complaint or grievance or is related to the Title IX Coordinator or the employee's direct supervisor, the complainant is encouraged to address the complaint or grievance formally and as soon as possible to the CEO or designee. The CEO or designee shall investigate, formulate a response, and communicate that response in writing to the employee within five (5) school days. If applicable, the CEO or designee will notify the supervisor of the accused person regarding the complaint, so that the supervisor may take appropriate temporary and/or remedial actions during the investigation. Written notice will be provided to both parties ahead of any formal discussions.

Any concerns or grievance related to the CEO and Board Members shall be addressed directly to The Academy Board of Directors. The Board shall investigate, formulate a response, and communicate that response in writing to both parties within ten (10) school days. The Boards' decision shall be accomplished by the vote of simple majority and shall be final. If the grievance is about a particular Board member, that member should recuse him or herself from the discussion and/or vote. If the concern or grievance is still not resolved by the Board, please contact Charter School Institute (CSI) to follow an appeal process, in accordance with CSI's grievance policy, which can be found on the CSI website. The Institute can be contacted at 303.866.3299 or [csi.state.co.us](http://csi.state.co.us).

Any person who is determined to have violated this policy shall be subject to action, including, but not limited to, warning, reprimand, transfer, termination, discharge, or any other remedial action, including, but not limited to, training, education, or counseling. Disciplinary or remedial measures will be designed to stop the harassment, correct its effects on the complainant, and ensure that the harassment does not recur. The remedial measures need not be those that the complainant requests or prefers as long as they are intended to be effective.

#### **Anti-Retaliation Statement**

Any retaliatory action or conduct taken by any person against a person who has sought relief under The Academy's Title IX or Anti-Discrimination policies is strictly prohibited and will be regarded as a violation of Board Policy. Retaliation against any person(s) who reports a crime, brings a disciplinary complaint,

pursues legal action, or participates in an investigation or is a witness in any investigation or proceeding is strictly prohibited and will not be tolerated. Students or employees who retaliate will face disciplinary action.

**Amendments to Procedures**

The Academy specifically reserves the right to modify and/or amend any or all the procedure(s) outlined herein at any time, at its discretion. In the event the school determines that circumstances warrant modification/amendment of any part of these procedures, timely notice shall be delivered, in writing, to all relevant and affected parties. The Academy has adopted procedures to promptly and fairly address concerns and complaints about harassment. Complaints may be submitted informally or formally. If a complaint implicates or involves both this policy and any other school complaint or grievance policy or procedure, the school may, at its discretion, suspend the procedures relating to other complaints or grievance policies pending completion of the harassment complaint procedures, so long as such suspension does not violate any articles of the relevant negotiated agreements.

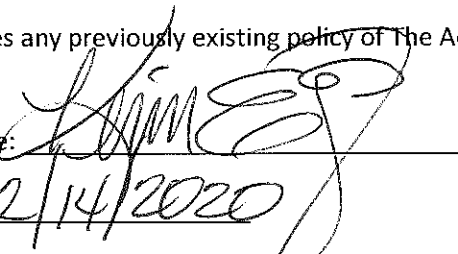
All other Academy Board policies will remain in full force. All discrepancies between this policy and others shall be brought to the attention and resolved by the CEO, or designee. At all times, The Academy will follow current state and federal guidelines.

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**POLICY HISTORY**

This policy supersedes any previously existing policy of The Academy of Charter Schools pertaining to the content herein.

Board Chair Signature: \_\_\_\_\_



Date of Adoption: \_\_\_\_\_

12/14/2020

LEGAL REF.: Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq. Americans with Disabilities Act, 42 U.S.C. 1201 et seq. Colorado Revised Statutes §§ 24-34-301 (definitions), 24-34-305 (powers and duties of the commission), 24-34-306 (commission complaint process), 24-34-402 (discriminatory or unfair employment practice) Genetic Information Non-Discrimination Act of 2008 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 Uniformed Services Employment and Reemployment Rights Act of 1994