

**GUAJOME PARK ACADEMY**

**A. SCOPE**

This Administrative Procedure applies to all allegations of sexual harassment committed against any student in the academic environment of Guajome Park Academy (“GPA”), including allegations relating to school activity or school attendance. Any student, or person on behalf of any student, who believes a student has been the victim of sexual harassment should be referred to this Administrative Procedure.

If the allegations of sexual harassment involve a student’s work situation with GPA, Administrative Procedure “Sexual Harassment – Employees” applies. If the alleged misconduct involves both the work and academic environments, the Director of Human Resources may exercise his or her discretion to determine which Administrative Procedure(s) shall apply to the complaint and investigation.

**B. GENERAL BACKGROUND**

**1. Introduction**

GPA recognizes that harassment on the basis of sex or gender is a violation of federal and state discrimination laws as well as GPA policy and Administrative Procedure. GPA is committed to providing all students with an environment free from sexual harassment, and will not tolerate sexual harassment against any of its students or retaliation for filing or helping in processing any allegation of sexual harassment.

Persons who believe a student has been the victim of sexual harassment should pursue claims through this Administrative Procedure. Any complaint involving a student who has been the victim of sexual harassment may be pursued by that student, the student’s parent or legal guardian, a legal advocate, or other appropriate person on behalf of that student.

A complaining individual (hereafter referred to as the “complainant”) does not have to confront the alleged harasser (hereafter referred to as the “respondent”), nor have the allegations processed by the respondent nor by an individual who is a direct subordinate of the respondent. (See Part II, subpart B, Initiating the Complaint Process.)

Any GPA employee who has knowledge of allegations of a student being a victim of sexual harassment shall ensure that the appropriate administrator is informed of the allegations, regardless of whether or not a complaint is processed.

Nothing within this Administrative Procedure prevents GPA from implementing investigative and/or corrective actions independently of this Administrative Procedure, whether or not an informal or formal complaint has been filed, processed, withdrawn, or otherwise resolved. Any GPA administrator or supervisor who has knowledge of

allegations of sexual harassment shall investigate those allegations or ensure that the appropriate administrator is informed of the allegations, regardless of whether or not a complaint is processed.

This Administrative Procedure is intended to comply with State and Federal requirements regarding sexual harassment complaints and shall be interpreted and adjusted accordingly.

Any individual who has designated a representative should inform that representative of the need to maintain confidentiality as appropriate to this process, and shall confirm in a signed, written communication to the appropriate GPA representative that information may be supplied to or received from that named representative.

This Administrative Procedure is to be interpreted flexibly and applied appropriately in consideration of the ages, maturity levels and where practical, the gender, of those involved within any particular complaint.

## **2. Alternative Sources of Information and Assistance**

Requests for information about the specific rules and procedures for reporting charges of sexual harassment, pursuing available remedies, resolving questions or concerns, or obtaining assistance due to disability or language, should be directed to the EEOC Compliance Officer for GPA, on behalf of GPA:

Director of Human Resources, or his/her designee  
2000 North Santa Fe Avenue  
Vista, Ca. 92083  
(760) 631-8500

## **3. Training**

The Charter School Superintendent (“CSS”), or his/her designee, shall ensure that the employees and other persons responsible for compliance and/or investigations regarding this Administrative Procedure shall be knowledgeable about the laws and programs that he/she is assigned to investigate.

The CSS, or his/her designee, shall ensure periodic training of staff regarding GPA’s sexual harassment policy and these complaint procedures. Training of staff should include sensitivity of the age, maturity level, and gender of the parties within student sexual harassment proceedings.

## **4. Investigation**

The investigator shall consider the age and maturity level of the students involved within the investigation, as well as the rights to privacy guaranteed by federal and state laws. GPA may obtain the assistance of legal counsel, other school officials, or a licensed

investigator to conduct the investigation in all cases, whether the informal or formal resolution process is utilized.

### **C. PROHIBITIONS AND PRECAUTIONS**

1. Sexual Harassment – GPA strictly prohibits sexual harassment based upon gender or sex against any student in the educational environment, such as unwelcome harassment based upon sex or gender. Improper sexual harassment can involve conduct by a member of the opposite or same gender, a fellow student, a teacher or employee of GPA, a GPA administrator, or any other person, within the school, school environment, or school-sponsored activity. The complainant does not have to be the person who was harassed but could be an individual personally and adversely affected by the unwelcome, offensive conduct.
2. Retaliation – GPA strictly prohibits any retaliation and attempts or threats to retaliate against anyone for filing, reporting, pursuing, or participating in a complaint of sexual harassment, or for being a witness or helping in any other way relating to a complaint, potential complaint, or investigation of alleged sexual harassment. Any person who retaliates or attempts to retaliate in violation of this prohibition may be subject to discipline whether or not sexual harassment actually occurred and independently of this Administrative Procedure. Anyone with a concern that retaliation is or may be occurring is encouraged to contact the person investigating the charge of sexual harassment or a GPA administrator.
3. False Claims – No individual shall file any knowingly false allegation of sexual harassment or provide any knowingly false information in a sexual harassment complaint or investigation. Any individual violating these prohibitions may be subject to disciplinary action, independently of this Administrative procedure.

### **D. SEXUAL HARASSMENT: DEFINITIONS & ILLUSTRATIONS**

1. The law defines “sexual harassment” to mean unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the educational setting, under any of the following conditions:
  - a. Submission to that conduct is either made explicitly or implicitly a term or condition of an individual’s academic status or progress; or
  - b. Submission, or rejection of, the conduct by the individual is used as a basis of academic decisions affecting the individual; or
  - c. The conduct has the purpose or effect of having a negative impact upon the individual’s academic performance or creates an intimidating, hostile, or offensive educational environment; or

- d. Submission to, or rejection of, the conduct by the individual is used as a basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
2. Factors to Consider – A determination of whether particular unwelcome conduct creates an intimidating, hostile, or offensive academic environment is assessed from the point of view of a reasonable person in the alleged victim’s position and takes into account the totality of circumstances. Factors to consider may include but are not limited to the following:
  - a. frequency of the offensive conduct
  - b. nature and seriousness
  - c. whether the conduct is physically threatening or humiliating
  - d. location of the conduct and the context in which it occurred
  - e. degree to which the conduct affected the educational environment
  - f. relationship between the parties
  - g. total physical environment of the victim’s area
  - h. impact on complainant
3. Sexual harassment may include, but is not limited to:
  - a. Physical assaults of a sexual nature, such as:
    - i. Rape, sexual battery, molestation, or attempts to commit these assaults;
    - ii. Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another individual’s body, or poking another individual’s body.
  - b. Unwanted sexual advances, propositions, or other sexual comments, such as:
    - i. Sexually oriented gestures, noises, remarks, jokes, or comments about a person’s sexuality or sexual experience directed at or made in the presence of any individual who indicates or who has indicated in any way that such conduct is unwelcome in his or her presence;
    - ii. Implicit or explicit sexual behavior by a fellow student, GPA employee, or other person within the school environment which has the effect of controlling influencing, or otherwise affecting the school environment;
    - iii. Unwelcome suggestive, vulgar, or obscene letters, notes, posters, calendars, or other visual products, or derogatory comments, slurs, and/or jokes of a sexual nature.

c. Sexual or discriminatory displays or publications anywhere on school grounds, such as:

- i. Displaying pictures, cartoons, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing to the academic environment or possessing any such material to read, display, or view;
- ii. Reading publicly or otherwise publicizing in the academic environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic;
- iii. Displaying signs or other materials purporting to segregate an individual by sex in any area of school grounds.

The illustrations above are not to be construed as an all-inclusive list of prohibited acts under this policy.

**DATE GPA POLICY ADOPTED BY THE BOARD: MAY 2, 2002**