

Employee Discrimination and Harassment Policy

I. Board Policy

Charter Academy is committed to providing an employment environment that is free from harassment and other forms of discrimination based upon race, color, sex, pregnancy, childbirth or pregnancy-related conditions, religion, national origin, age (if the individual is 40 years of age or older) and disability. It is the intent of this policy to prohibit discrimination against any individual or class of persons specifically enumerated as protected under the Civil Rights Acts of the United States and the Utah Anti-Discrimination Act (UCA §34A-5-101 et seq.). It is not the intent of this policy to broaden coverage beyond those classifications specifically protected by federal or state statute.

II. Administration Policy

This policy is adopted to assist Charter Academy employees in moving toward a workplace that is free of discrimination. It is the policy of Charter Academy to provide fair, expeditious and uniform procedures for investigation and resolution of claims of illegal harassment or discrimination.

III. Definitions

A. Clearly Offensive Conduct: That conduct, be it verbal or nonverbal, which when perceived in its overall context, would be taken by a reasonable person, similarly situated, to be strongly objectionable.

B. Complainant: A person who files a written or oral complaint about illegal harassment or discrimination.

C. School Director: The School Director, or another administrator or board member (selected by the Board of Trustees) if the School Director is party (complainant, respondent, or witness) to a harassment complaint.

D. Demeaning or Derisive Behavior: Unlawful behavior which substantially lowers the status, dignity or standing of another individual, or which insults or otherwise belittles or shows contempt for another individual.

E. Disability: An individual's physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

F. Discrimination: Unlawful conduct, including words or gestures and other actions, which adversely affects an employee's working environment or results in disparate treatment based upon race, color, sex, pregnancy, childbirth or pregnancy-related conditions, religion, national origin, age (if the individual is 40 years of age or older) and

disability. Discrimination does not include referral to or use of regular District Administration processes relating to employee evaluation and discipline.

G. Harassment: A form of discrimination that includes unlawful conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, sex, creed, age, citizenship or disability and which creates a hostile work environment. Harassment may include but is not limited to any of the three categories listed below:

1. Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is severe enough that it creates a hostile working environment.

Examples include comments or jokes, physical gestures or visual displays such as posters, etc.

2. Individually Targeted Harassment: Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group, which can be verbal, physical or visual that is severe enough or pervasive enough that it adversely affects the working environment.

Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

3. Criminal Harassment: Harassing behavior which violates state or federal criminal statutes.

Examples include criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

H. Respondent: A person named in a discrimination complaint as having engaged in or being responsible for, a discriminatory act or omission.

I. Retaliation: Any form or sanction, restraint, coercion, discrimination or adverse treatment against a person because that person has asserted, or has assisted another person to assert, a discrimination complaint in either a formal or informal manner with The school, or with any state or federal agency, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing related to a discrimination complaint.

J. Reprisal: The consequences of a subordinate's refusal to submit to the requests and/or demands of a supervisor that result in his/her job being adversely affected; an unlawful use of position to avenge or punish one for his/her refusal to consent/submit. Acts of reprisal may be overt or covert and may take many forms such as:

1. Open hostility to the individual, witnesses, or others involved.

2. Exclusion/ostracism of the individual, witnesses, or others involved, may range from overt to silent rejection.

3. Creation of, or the continued existence of, a hostile work environment.

4. Gender or individual-based negative remarks that are repeated and malicious.

5. Special attention to, or assignment of the individual or others involved to alternative duties that are less desirable work assignments or even reductions in pay.

K. Sexual Harassment: A form of sex discrimination. It consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is based on one or more of the following conditions.

1. Submission to such conduct is made either explicitly or implicitly as a term or condition to work benefit.

2. Submission to or rejection of such conduct by a co-worker is used as the basis for decisions affecting the work environment.

3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

There are two types of sexual harassment:

a. Hostile Environment: The three levels of hostile environment are the same as those listed for other harassment; e.g., generalized harassment, individually targeted harassment, and criminal harassment.

b. Harassment that culminates in a tangible action which alters the conditions of the working environment (also called quid pro quo).

IV. Complaint Procedure

A. The following procedure is available for those who believe they are victims of harassment or discrimination, or who witness such acts:

1. Seek to resolve issue directly with the accused.

2. Seek to resolve issues through administrative personnel. Register a formal complaint with the school director who will initiate an investigation.

B. Any employee who knows of a violation of this policy is expected to report such conduct to a supervisor, administrator or the school director.

C. The initial allegation of harassment may be submitted either orally or in writing.

D. Complaints must be made to the immediate supervisor/administrator or school director within 45 calendar days after the date of the alleged act of discrimination.

V. Investigative Procedures

A. If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. The school will conduct its own internal investigation independent of law enforcement officials.

B. All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information as confidential; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed.

C. The accused may not contact the complainant during an investigation without the permission of the school and the complainant.

D. When conducting investigations, the school director shall disclose his/her role as a neutral investigator rather than an advocate for any party. The extent of the investigation will be determined, among other factors, by the nature and severity of the charges.

E. An investigation shall be completed as quickly as practicable, but within 30 working days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified if an extension becomes necessary.

F. Within 10 working days of the conclusion of the investigation, the school director shall provide all parties a written disposition of the complaint.

G. The parties will then have 10 working days to provide written responses to the report and have them considered by the school director.

VI. Disciplinary Procedures

Any employee who has been found in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

VII. Reprisal/Retaliation

Retaliation under this policy is prohibited. Individuals found to have engaged in retaliatory conduct will face disciplinary action, up to and including termination.

VIII. Records

Records of all discrimination or harassment complaints shall be maintained by the school director. The records will be kept in a separate and confidential file as required by GRAMA. Information gathered, developed and documented in the investigation will be regarded as a protected record.

IX. Outside Reporting Procedures

Nothing in this policy shall prohibit a person from filing a discrimination or harassment claim with Utah Anti-Discrimination and Labor Division (UALD) or the Equal Opportunity Commission (EEOC). If an employee pursues a claim of discrimination he/she should be aware that Utah is a “dual filing” state, which means that a complaint is filed with the UALD and the UALD will forward the claim to the EEOC. An employee has a maximum of 180 calendar days from the alleged date of discrimination to file a claim with the UALD.

Student Discrimination and Harassment Policy

I. Board Policy

Charter Academy is committed to providing an educational environment that is free from illegal harassment and other forms of discrimination based upon sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

II. Administration Policy

No student nor employee of the Charter Academy may engage in illegally harassing conduct that creates a hostile environment for students or staff of the school. It is the policy of Charter Academy to provide fair, expeditious and uniform procedures for investigation and resolution of claims of illegal harassment or discrimination.

III. Definitions

A. Clearly Offensive Conduct: That conduct, be it verbal or nonverbal, which when perceived in its overall context, would be taken by a reasonable person, similarly situated, to be strongly objectionable.

B. Complainant: A person who files a written or oral complaint about illegal harassment.

C. School Director: The School Director, or another administrator or board member (selected by the Board of Trustees) if the School Director is party (complainant, respondent, or witness) to a harassment complaint.

D. Confront: To have a face-to-face discussion and/or contact regarding specific matters.

E. Demeaning or Derisive Behavior: Behavior which substantially lowers the status, dignity or standing of another individual, or which insults or otherwise belittles or shows contempt for another individual.

F. Disability: An individual's physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

G. Discrimination: Conduct, including words or gestures and other actions, which adversely affects a student's learning environment or results in disparate treatment based upon their immutable characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

H. Harassment: Unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, gender, creed, age, citizenship or disability and which creates a hostile educational environment. Harassment shall include one or more of the three levels

described below. If conduct is clearly offensive only one incident may be necessary to establish harassment:

1. Level One—Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is so severe or pervasive that it creates a hostile learning environment.

Examples include comments or jokes, physical gestures or visual displays such as posters, etc.

2. Level Two—Individually Targeted Harassment: Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group, which can be verbal, physical or visual that is so severe or pervasive that it adversely affects the learning environment.

Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

3. Level Three—Criminal Harassment: Harassing behavior which violates state or federal criminal statutes.

Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

I. Respondent: A person named in a discrimination complaint as having engaged in or being responsible for, a discriminatory act or omission.

J. Retaliation: Any form or sanction, restraint, coercion, discrimination or adverse treatment against a person because that person has asserted, or has assisted another person to assert, a discrimination complaint in either a formal or informal manner with the school, or with any state or federal agency, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing related to a discrimination complaint.

K. Sexual Harassment: A form of sex (gender) discrimination. It consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is based on one or more of the following conditions.

1. Submission to such conduct is made either explicitly or implicitly as a term or condition to educational benefit.

2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student's educational program.

3. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive learning environment.

There are two types of sexual harassment:

a. Hostile Environment: The three levels of hostile environment are the same as those listed for other harassment; e.g., generalized harassment, individually targeted harassment, and criminal harassment.

b. Harassment that culminates in a tangible action which alters the conditions of the educational programs (previously called quid pro quo).

IV. Complaint Procedure

A. Any student or employee who knows of a violation of this policy is expected to report such conduct to a teacher, administrator or Board of Trustees.

B. The initial allegation of harassment may be submitted either orally or in writing.

C. Complaints must be made to the immediate supervisor/administrator or Board of Trustees within 45 calendar days after the date of the alleged act of discrimination.

V. Complaint and Investigative Procedures

A. The following procedure is available for those who believe they are victims of harassment or discrimination, or who witness such acts:

1. Seek to resolve issue directly with the accused.
2. Seek to resolve issues through administrative personnel.
3. Register a formal complaint with the Board of Trustees who will initiate an investigation.

B. If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. The school will conduct its own internal investigation independent of law enforcement officials.

C. All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information confidential; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed.

D. The accused may not contact the alleged victim during an investigation without intervention by the school and with the permission of the complainant.

E. When conducting investigations, the school director shall disclose his/her role as a neutral investigator rather than an advocate for any party. The extent of the investigation will be determined, among other factors, by the nature and severity of the charges.

F. An investigation shall be completed as quickly as practicable, but within 30 days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.

G. Within 10 working days of the conclusion of the investigation, the school director shall provide all parties a written disposition of the complaint.

H. The parties will then have 10 working days to provide written responses to the report and have them considered by the school Compliance Officer.

VI. Retaliation

Retaliation under this policy is prohibited. Individuals found to have engaged in retaliatory conduct will face disciplinary action, up to and including termination.

VII. Records

Records of all discrimination or harassment complaints shall be maintained by the school Compliance Officer. The records will be kept in a separate and confidential file as required by GRAMA. Information gathered, developed and documented in the investigation will be regarded as a protected record.

VIII. Outside Reporting Procedures

Nothing in this policy shall prohibit a person from filing an education discrimination claim with the Office of Civil Rights: Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, CO 80204-3582.