

Employee Policy #348 Unlawful Harassment

Purpose:

- The SusQ-Cyber Charter School (“Charter School”) Board of Trustees strives to provide a safe, positive learning climate for its employees. Therefore, it shall be the policy of the Charter School to maintain an educational environment in which harassment in any form is not tolerated.
- The Board Prohibits all forms of unlawful harassment of students, staff and third parties by all (“Charter School”) students and staff members, contracted individuals, vendors, volunteers and third parties in the school. The Board encourages students, staff and third parties who have been harassed to promptly report such incidents to the designated employees.
- The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the Charter School’s legal and investigative obligations.
- No reprisals or retaliation shall occur as a result of good faith charges of harassment

Definitions:

- For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual’s race, color national origin/ethnicity, gender, age disability, sexual orientation or religion when such conduct:
 - Is sufficiently severe, persistent or pervasive that it affects an individual’s ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
 - Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance.
 - Otherwise adversely affects an individual’s learning opportunities.
- For purpose of this policy, **sexual harassment** shall consist of unwelcomed sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:
 - Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual’s continued employment.
 - Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.
 - Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee’s job performance or creating an intimidating, hostile or offensive working environment.
- Examples of conduct that may constitute **sexual harassment** include but are not limited to 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-up; 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 working environment.

Guidelines:

Complaint Procedure – Employee/Third Party

➤ **Step 1 – Reporting**

- An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the CEO.
- If the CEO is the subject of the complaint, the employee or third party shall report the incident directly to the Board of Trustees.
- The complainant is encouraged to use the report form available from the Administrative Office, but oral complaints shall be acceptable.

➤ **Step 2 – Investigation**

- Upon receiving a complaint of unlawful harassment, the CEO will investigate the complaint unless the CEO is the subject of the complaint or is unable to conduct the investigation.
- The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

➤ **Step 3 – Investigative Report**

- The CEO shall prepare a written report within fifteen (15) days, unless additional time to complete the investigations is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.
- The findings of the investigation shall be provided to the complainant and the accused.

➤ **Step 4 – Charter School Action**

- If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the Charter School shall take prompt, corrective action to ensure that such conduct ceases and will not recur.
- Disciplinary actions shall be consistent with Board policies and Charter School procedures and state and federal laws.
- If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, including termination.

Delegation of Responsibility:

The CEO shall be responsible for initiating an investigation of any alleged incident of unlawful harassment and shall use all available information to determine whether the charges are plausible or not. The CEO must inform the Board and keep the Board current on the investigation. It is imperative that the confidentiality policy be referred to in any such investigation or suspected claim of sexual harassment.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENT.

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
Date of Alleged Incident: _____

Alleged harassment was based on: (check those that apply)

Race Color National Origin Gender Age

Disability Religion Sexual Orientation

Name of person you believe violated the charter school's unlawful harassment policy:

If the alleged harassment was directed against another person, identify the other person.
Attach additional page if necessary:

When and where incident occurred: _____

List any witnesses who were present:

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date