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EMPLOYEE DISCRIMINATION AND HARASSMENT POLICY

PURPOSE AND PHILOSOPHY

Discrimination, Harassment, and Sexual Harassment are prohibited by state and federal law. American Leadership Academy is committed to maintaining an environment in which all employees are treated with respect and dignity. This includes ensuring that employees are not subject to Sexual Harassment or other forms of Harassment or Discrimination on the basis of race, color, religion, sex, national origin, disability, or any other classification protected by law.

DEFINITIONS

1. **“Discrimination”** includes, but is not limited to, conduct that disadvantages persons based upon race, color, religion, sex, national origin, disability, or any other classification protected by law.
2. **“Harassment”** includes, but is not limited to, any repeated behavior, expression, activity or unwelcome conduct that stigmatizes or victimizes individuals or groups of people because of their personal attributes, including race, color, religion, sex, national origin, disability, or any other classification protected by law, and that:
 - a. Involves an express or implied threat which adversely affects the terms and conditions of an employee’s employment;
 - b. Has the purpose or effect of adversely interfering with an employee’s employment or personal safety; or
 - c. Creates an intimidating, hostile, demeaning, or offensive work environment wherein the terms or conditions of employment are altered.
3. **“Sexual Harassment”** includes, but is not limited to, repeated unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite gender, in the employment setting, when:
 - a. Submission to the conduct or communication is explicitly or implicitly made a term or condition of employment;
 - b. Submission to or rejection of the conduct or communication is used as the basis for any decisions affecting that individual’s employment; or

- c. The conduct or communication has the purpose or effect of altering the employee's terms or conditions of employment by creating an intimidating, hostile, or offensive work environment.

HARASSMENT AND DISCRIMINATION PROHIBITED

Types of conduct which are prohibited and may, upon examination of the totality of the circumstances constitute Discrimination or Harassment based upon race, color, religion, sex, national origin, disability, or other classification protected by law include, but are not limited to:

1. Threatening or intimidating conduct directed at an employee because of the employee's race, color, religion, sex, national origin, physical or mental disability, or other classification protected by law;
2. Epithets, slurs, negative stereotypes, name calling, verbal abuse, derogatory comments, degrading descriptions, and hostile acts which are based upon an employee's race, color, religion, sex, national origin, physical or mental disability, or other classification protected by law;
3. Verbal, written, or graphic material containing comments or stereotypes aimed at degrading members of protected classes;
4. Aggressive conduct towards an employee motivated by race, color, religion, sex, national origin, physical or mental disability, or other classification protected by law;
5. Graffiti containing offensive or derogatory language, symbols, or pictures in the context any of the legally protected classifications;
6. Any unwelcome communication (whether written, verbal, or sent by electronic or other means) that is offensive or degrading and motivated by an employee's race, color, religion, sex, national origin, physical or mental disability, or other classification protected by law;
7. Jokes, notes, stories, drawings or pictures, gestures, or the display or distribution of offensive or degrading material based upon any of the legally protected classifications; or
8. Displaying words, pictures, or symbols on clothing that are offensive or degrading based upon any of the legally protected classifications.

SEXUAL HARASSMENT PROHIBITED

Types of conduct which are prohibited and may, upon examination of the totality of the circumstances constitute Sexual Harassment under this policy include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions, or any unwelcome sexual invitations or requests for sexual activity;
2. Sexual slurs, epithets, name calling, threats, verbal abuse, derogatory comments, or sexually degrading descriptions;
3. Graphic verbal comments about an individual's body, overly personal conversations, or any unwelcome communication (whether written, verbal, or sent by electronic or other means) that is sexually suggestive, sexually degrading, or implies sexual motives or intentions;
4. Sexual jokes, notes, stories, drawings or pictures, gestures, or the display or distribution of pornographic or other sexually oriented material;

5. Displaying words, pictures, or symbols on clothing that are sexually explicit or have an underlying sexual connotation, or wearing clothing in a sexually revealing or suggestive manner;
6. Spreading sexual rumors;
7. Teasing or sexual remarks;
8. Massaging, grabbing, fondling, stroking or brushing the body;
9. Touching oneself or another individual's body or clothing in a sexual way or any other offensive physical pranks or hazing;
10. Purposefully cornering or blocking normal movements or stalking;
11. Displaying sexually suggestive objects or performing/showing unwelcome and offensive skits, assemblies, or sexually suggestive productions;
12. Sexual activities of a criminal nature;
13. Unwelcome and offensive sexual public display of affection;
14. Engaging in the improper use of school computers and the Internet, including, but not limited to, accessing, downloading, or uploading pornography; sharing Internet pornography or e-mails; creating or maintaining websites with sexual content; participating in sexual discussions by means of e-mail, Internet chat rooms, instant messaging, social media, phone or tablet apps, or any other form of electronic communication.

COMPLAINT PROCEDURE

Employees who believe they have been subjected to Discrimination, Harassment, or Sexual Harassment shall immediately file a complaint as described in this section.

1. Employees who believe they have been subjected to Discrimination, Harassment or Sexual Harassment are encouraged, but not required, to confront the discriminator/harasser and tell the discriminator/harasser to stop the conduct because it is unwelcome.
2. If the complainant's concerns are not resolved satisfactorily through a discussion with the discriminator/harasser, or if the complainant feels he/she cannot discuss the concerns with the discriminator/harasser, the complainant shall report the Discrimination/Harassment to administration.
3. The complainant should document the incident(s) of Discrimination/Harassment using the Employee Discrimination and Harassment Report Form; however, verbal reports will be investigated.
4. An administrator to whom a complaint is made, whether verbal or in writing, shall, as soon as is reasonably possible after receiving the complaint, report it to the Executive Director.
5. School employees who observe Discrimination, Harassment, or Sexual Harassment in the workplace are encouraged to report it to their administrator.

Complaints of Discrimination, Harassment, or Sexual Harassment must include the following information:

1. Name, home address, email address, and home and work telephone numbers of complainant;
2. Date(s) of alleged violation(s);
3. Name(s) of person(s) responsible for alleged violation(s) (if known);
4. Description of the violation(s), including any allegations of official employment action, hostile work environment, and other adverse effects on the employee.

INVESTIGATION

1. The administrator or Executive Director shall report back to the complainant, notifying them in person or in writing that the school will take appropriate action to resolve the complaint. Also, the administrator or Executive Director shall instruct the complainant to report immediately if the objectionable behavior occurs again or if the alleged discriminator/harasser retaliates against them.
2. The administrator or Executive Director shall talk individually with the person making the complaint; the person accused of Discrimination, Harassment, or Sexual Harassment, and if the accused is a student, his/her parent or legal guardian; anyone who witnessed the alleged conduct; and anyone mentioned as having related information.
3. If the alleged discriminator/harasser admits all or part of the allegations, the administrator or Executive Director shall inform the accused that the objectionable conduct must cease immediately and shall then take appropriate disciplinary action against the discriminator/harasser.
4. If the alleged discriminator/harasser denies the allegations, the administrator or Executive Director shall promptly conduct a further investigation including interviewing witnesses, if any.
5. In reaching a decision about the complaint, the administrator or Executive Director should take into account the following:
 - a. Statements made by the persons identified above,
 - b. The details and consistency of each person's account.
 - c. Evidence of how the complainant reacted to the incident.
 - d. Evidence of any past instance of Discrimination/Harassment by the accused.
 - e. Evidence of any past Discrimination/Harassment complaints that were found to be untrue.
 - f. How the misconduct affected the terms and conditions of employment or one or more employees.
 - g. The type, frequency, and duration of the misconduct.
 - h. The number of persons involved.
 - i. The place and situation where the incident occurred.
 - j. Any other pertinent information applicable to the particular situation.

DISCIPLINE

1. Any student who engages in Discrimination, Harassment, or Sexual Harassment against an employee is in violation of this policy and shall be subject to disciplinary action consistent with the Student Discipline Policy. Disciplinary action may include, but is not limited to, suspension, expulsion, exclusion or loss of extracurricular activities.

2. Any employee who engages in Discrimination, Harassment, or Sexual Harassment against another employee is in violation of this policy and shall be subject to disciplinary action. Disciplinary action may include, but is not limited to, warnings, reprimands, probation, suspension, reduction in pay or hours, or termination.
3. If the person conducting an investigation under this policy has reasonable suspicion that the Harassment involves sexual assault, rape, or any other activity of a criminal nature, the school shall notify appropriate law enforcement authorities and immediately initiate proceedings to remove the accused party from the situation.

FALSE COMPLAINTS

False or malicious complaints of Discrimination, Harassment, or Sexual Harassment shall result in corrective or disciplinary action taken against the complainant.

RECORD KEEPING

Administration and Human Resources shall maintain a confidential record of all complaints and investigations made under this policy and shall be kept confidential except as necessary to carry out the investigation or take other necessary action.

TRAINING

American Leadership Academy recognizes the importance of educating its employees regarding the prevention of Discrimination, Harassment, and Sexual Harassment and the observance of high ethical standards. To these ends, the school will provide ongoing training and education in this area. This policy will be posted on the school's website and training will be conducted for employees.