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# STUDENT NON DISCRIMINATION AND SEXUAL HARASSMENT Title IX

## PURPOSE

American Leadership Academy Board of Trustees is committed to providing an educational environment that students are not subject to Sexual Harassment, or to Harassment or Discrimination on the basis of sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability or any other classification protected by law.

Discrimination and Sexual Harassment, as defined herein, are prohibited by state and federal law. Laws governing Discrimination and Sexual Harassment include but are not limited to the following.

1. Title VI and VII of the Civil Rights Act.
2. Title IX of the Education Amendment of 1972.
3. Section 504 of the Rehabilitation Act of 1973.
4. Title II of the Americans with Disabilities Act of 1990.
5. Individuals with Disabilities Education Improvement Act.
6. Age Discrimination Act of 1974 and 1975.

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## POLICY

The school prohibits Discrimination and Sexual Harassment of students, as defined and outlined herein, by other students, employees, volunteers, or other persons at school or at school-related activities and events.

The school encourages all victims of Discrimination or Sexual Harassment, and all persons with knowledge of Discrimination or Sexual Harassment, to report it immediately and will take corrective action to end behavior prohibited by this policy.

The school prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the complaint process established pursuant to this policy or by an administrative directive.

**DEFINITIONS**

1. **Discrimination:** Conduct including words, gestures, and/or other actions, which adversely affects a student's learning environment or results in disparate treatment based upon their protected characteristics such as age, race, national origin, religion, disability, gender, gender identity, religion, sex, sexual orientation and/or any other classification protected by applicable law.
2. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, or other verbal or written communications or physical conduct of a sexual nature when:
   a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, academic performance or professional pursuits, or participation in a school-sponsored program or activity;
   b. Such conduct affects or has the purpose of unreasonably interfering with an individual's employment, education or participation in a school-sponsored activity by creating an intimidating, hostile, or offensive working or learning environment; or
   c. Such conduct amounts to a violation of state or federal criminal laws, including sexual assault, rape, etc.
3. **Harassment:** Unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the age, race, national origin, religion, disability, gender, gender identity, religion, sex, sexual orientation and/or any other classification protected by applicable law. Harassment shall include one or more of the three levels listed and if conduct is clearly offensive only one incident may be necessary to establish harassment: More fully described in Policy 3050.
   a. Level One Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes.
      Examples include comments or jokes, physical gestures or visual displays such as posters, etc.
   b. 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.
      Examples include negative or offensive comments, hazing, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

c. Level Three Criminal Harassment: Harassing behavior which violates state or federal criminal laws.
   Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

4. **Building Administrator:** A principal or assistant principal who has been trained on civil rights laws and this policy.

## PROHIBITED CONDUCT

The school prohibits unlawful discrimination, harassment, and retaliation that creates a hostile work or learning environment for other employees or students of the school, in all aspects of employment, and by all students and employees while on school premises, or during school-sponsored activities.

Any behavior by a school employee or volunteer toward a student that would reasonably give the appearance of impropriety and would reasonably cause the student to feel uncomfortable is prohibited, regardless of whether such behavior is complained of by the student, regardless of whether the behavior is overtly sexual, and regardless of whether such behavior would constitute a crime.

Sexual conduct between employees and students is expressly prohibited and is considered an especially serious violation of this policy. An employee who engages in sexual activity with a student will face disciplinary action, up to and including termination, and may be subject to civil or criminal penalties.

Any student who engages in prohibited discrimination, harassment, or retaliation, may be subject to discipline up to and including expulsion. Any employee who engages prohibited discrimination, harassment or retaliation may be subject to discipline up to and including termination.

Supervisors are responsible for taking prompt necessary steps, including appropriate disciplinary action, to ensure and maintain a working and educational environment free of intimidation, coercion, discrimination, harassment, and retaliation. They will investigate all complaints discrimination, harassment, and retaliation, and will take appropriate action to stop violations, prevent recurrence, and remedy any effect of violations.

All school employees are required to cooperate in all proceedings conducted pursuant to these procedures. Failure or refusal to cooperate in, or interference with, any such investigation or proceeding will result in disciplinary action up to and including termination.

## COMPLAINT PROCEDURE

Grievance procedures have been established for persons alleging education program discrimination or other related violation of civil rights, including discrimination carried out by employees, students, or third parties, and may file a complaint with the building administrator. The following grievance procedures are available to those who believe they have witnessed or are victims of unlawful discrimination, sexual harassment, or retaliation.

Every effort will be made to protect the confidentiality of all participants in complaint proceedings and investigations; however, absolute confidentiality cannot be guaranteed. In some instances the school's

legal obligations, including the need to investigate allegations and take appropriate corrective action, will require the disclosure of certain information.

All individuals involved in complaint or investigation shall refrain from discussing the matter, except with those who have a legal need to know.

1. The principal is the individual responsible for receiving all complaints of discrimination, sexual harassment, or retaliation.
2. Any complaint involving students must be immediately referred to the school principal.
3. Any employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to principal or building administrator, and then shall immediately notify the principal or building administrator. Such behavior will also warrant reporting to the appropriate licensing or law enforcement authority.
4. Pursuant to State law, when a complaint involves allegations of child abuse, the complaint must immediately be reported to either the Division of child and Family Services (DCFS) or local law enforcement authority, or the anonymity of both the Complainant and school officials involved in the investigation will be strictly protected.
5. If the complaint involves the Director, a building administrator or another school employee, the Complainant may contact the Human Resource office.
6. The initial complaint may be submitted either orally or in writing.
7. A complaint should be made as soon as possible, but preferably not later than thirty (30) days after the incident(s) in order to be effectively investigated and resolved.
8. It should set forth in plain language the circumstances which the individual believes support the allegation(s) of unlawful behavior, the names of the individual(s) against whom the claim is made, and any remedies that are being sought.
9. Individuals should provide as much information as possible including any conversation(s), noting the time date and place, what was said or done and any other relevant circumstance surrounding the event(s).
10. A student or employee who knowingly files a false report may be subject to civil and/or legal actions as well as disciplinary action.

Nothing in policy or procedure prohibits a person from filing a discrimination or harassment complaint with the Regional Office for Civil Rights: Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite 300, Denver, CO 80204.

The Executive Director is directed to create a procedure that clearly documents the grievance procedures for this policy, a reporting form that may be used to document complaints of discrimination or sexual harassment, a summary of this policy and procedure that shall be posted in a prominent place in each school facility and on the website.