

## **Discrimination and Harassment Policy**

### **Complaint and Investigation Procedures**

Morgridge Academy will provide a learning environment that is free from unlawful discrimination and harassment. The school shall promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation. The school has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

### **Definitions**

1. "Aggrieved Individual" shall mean a student or the parents or guardians of a student under the age of 18 acting on behalf of a student who is directly affected by and/or is witness to an alleged violation of policies prohibiting unlawful discrimination or harassment.
2. "Harassment" is any unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at a person's Protected Class status that: (1) results in physical, emotional, or mental harm or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile, or threatening environment; or (3) substantially disrupts the orderly operation of the school.

Harassing conduct may take many forms, including but not limited to:

- Verbal acts and name-calling;
- Graphic depictions and written statements, which may include use of cell phones or the Internet; and/or
- Other conduct that may be physically threatening, harmful, or humiliating.
- Bullying based on a student's protected class.

A protected class is a group of people who share common characteristics and are protected from discrimination and harassment under federal and state law. The following groups are examples of protected classes:

- Race
- Color
- Creed
- Religion
- Sex
- Age (may not apply for school)
- National Origin
- Citizenship
- Sexual Orientation
- Gender Identity and/or Expression
- Physical and/or Mental Disability
- Genetic Information

## **Hostile Environment**

Harassment creates a hostile environment when the conduct is so severe, pervasive, or persistent that it limits a student's ability to participate in, or benefit from, the school's services, activities, or opportunities. A hostile environment could impact a student's school life in many ways. Physical illness, anxiety about going to school, or a decline in grades or attendance could signal a hostile environment.

## **Sexual Harassment**

Prohibited unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity;
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student; or
3. Such conduct is sufficiently severe, persistent, or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment.

For a one-time incident to rise to the level of harassment, it must be severe. Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment. Acts of verbal or physical aggression, intimidation, or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment. Sexual harassment as defined above may include, but is not limited to:

1. Sex-oriented verbal "kidding," abuse, or harassment;
2. Pressure for sexual activity;
3. Repeated remarks to a person with sexual implications;
4. Unwelcome touching, such as patting, pinching, or constant brushing against the body of another;
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns; or
6. Sexual violence.

## **Director of Education's Duties**

The Director of Education shall be responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment.

## **Complaint Procedure**

An Aggrieved Individual is encouraged to promptly report the incident to an administrator, counselor, teacher, or the Director of Education in writing. All reports received by teachers, counselors, principals, or other District employees shall be promptly forwarded to the Director of Education. If the Director of Education is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the Vice President of Human Resources, and the Vice President of Human Resources shall designate an alternate person to investigate the matter. Any Aggrieved Individual may file with the Director of Education a complaint charging the school, another student or any school employee with unlawful discrimination or harassment. Complaints may be made orally and written by the person taking the complaint. All complaints shall include a detailed description of the alleged events, the dates the alleged events occurred, and names of the parties involved, including any witnesses. The complaint shall be made as soon as possible after the incident. The Director of Education shall confer with the aggrieved individual and/or the alleged victim of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 15 school days following the school's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint. Within 5 school days following the initial meeting with the aggrieved individual and/or alleged victim, the Director of Education shall attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if a student, his or her parents/guardians in order to obtain a response to the complaint. Such person(s) shall be informed of all allegations that, in the Director of Education's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, the Director of Education shall explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the victim and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The Director of Education shall also explain that whether or not the individual files a written complaint or otherwise requests action, the school is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment, or retaliation against anyone who makes a report or participates in an investigation. The Director of Education shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude the school from responding effectively to prohibited conduct and preventing future prohibited conduct.

### **Informal Action**

If the Aggrieved Individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the Director of Education believes that the matter is suitable to such resolution, the Director of Education may attempt to resolve the matter informally through mediation, counseling, or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party shall be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution shall not be used to process complaints against a school employee and shall not be used between students where the underlying offense involves sexual assault or other act of violence.

## **Formal Action**

If informal resolution is inappropriate, unavailable, or unsuccessful, the Director of Education shall promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The Director of Education may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

1. Statements by any witness to the alleged incident;
2. Evidence about the relative credibility of the parties involved;
3. Evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others;
4. Evidence of the Aggrieved Individual and/or alleged victim's reaction or change in behavior following the alleged prohibited conduct;
5. Evidence about whether the alleged victim and/or aggrieved individual took action to protest the conduct;
6. Evidence and witness statements or testimony presented by the parties involved;
7. Other contemporaneous evidence, and/or
8. Any other evidence deemed relevant by the Director of Education.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the Director of Education, including:

1. The degree to which the conduct affected one or more student's education;
2. The type, frequency, and duration of the conduct;
3. The identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the Aggrieved Individual and/or alleged victim;
4. The number of individuals alleged to have engaged in the prohibited conduct and number of victims of the prohibited conduct;
5. The age of the individual alleged to have engaged in the prohibited conduct and the Aggrieved individual and/or alleged victim;
6. The size of the school, location of the incident, and context in which it occurred; and/or
7. Other incidents at the school.

The Director of Education shall prepare a written report containing findings and recommendations, including but not limited to proposed disciplinary action for students and/or employees as appropriate and supports for the Aggrieved Individual, and submit the report to the Vice President of Human Resources within 15 school days following the Director of Education's initial meeting with the complainant or 15 school days following the termination of the informal resolution process.

Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with applicable law policy.

To the extent permitted by federal and state law, the Director of Education shall notify all parties, including the parents/guardians of all students involved, in writing of the final outcome of the investigation and all steps taken by the school within 5 days following the Director of Education's determination. The school shall implement the recommendations found in the Director of Education's report.

Should the Aggrieved Individual and/or alleged victim disagree with the Director of Education's findings and recommendations, the Aggrieved Individual and/or alleged victim may appeal the Director of Education's decision by submitting a written appeal to the Vice President Chief Administrative Officer- Corporate Affairs or designee within 10 calendar days of receipt of the notification of the final outcome of the investigation. The written appeal shall include any additional evidence to be considered and shall state with specificity the appellant's disagreements with the Director of Education's decision. The Vice President Chief Administrative Officer- Corporate Affairs or designee shall review the evidence and submit a final written report affirming or reversing the Director of Education's determination and proposing additional recommendations as appropriate. The Vice President Chief Administrative Officer- Corporate Affairs or designee's decision shall be final.