

Anti-Sexual Harassment Policy

I. Purpose

The Charter High School for Law and Social Justice (the “School”) does not tolerate sexual harassment and considers it to be a serious offense.

II. Definitions and Descriptions

- A. Building Compliance Officer (“BCO”): a staff member who is trained and designated to address complaints of sexual harassment.
- B. Sexual harassment: unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature, including but not limited to:
 - 1. verbal or written communication, including but not limited to sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, requests for sexual favors, questions about a person’s sexual practices, sexually explicit jokes, lewd comments, and sexual insults;
 - 2. non-verbal sexual harassment, including but not limited to sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, and crude cartoons; and
 - 3. unwanted physical contact, including but not limited to touching, pinching, bruising the body, coerced sexual intercourse, assault, cornering, kissing, and fondling.
- C. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or are of different genders.
- D. Sexual harassment may involve individuals of the same or different gender and is prohibited whether directed toward men or women and regardless of whether the targeted individual accepts or rejects the advances or other offensive behavior. Sexual harassment can be physical and/or psychological in nature. A pattern of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Individuals are prohibited from harassing others whether or not the incidents of harassment occur on School premises and whether or not the incidents occur during working/school hours.
- E. The behaviors listed in Section I.B. above can constitute sexual harassment whether they are directed at persons of the same or opposite sex. These behaviors may also constitute criminal behavior.
- F. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to unwelcome behavior that is personally offensive, fails to respect the rights of others, lowers morale, and as a result interferes with the educational or school environment, creates a hostile work environment, or constitutes discrimination on the basis of race.

III. Applicability

- A. This policy applies to all students, staff, visitors, vendors, volunteers, and any other persons on the property of the School.

IV. Compliance Officer

- A. The principal shall appoint two BCOs: one male and one female.

V. Reporting and Procedure

- A. Any person described in Paragraph II who believes he or she has been subjected to sexual harassment may report the incident to a staff member who will contact the BCO. The BCO will ask the complainant to fill out a complaint form or the BCO will complete the complaint form for the complainant.
- B. A complainant has the right to speak with a BCO of the same gender.
- C. The BCO will thoroughly investigate all complaints to determine whether the alleged behavior falls within the definition of sexual harassment.
- D. The BCO will consider the following when determining whether behavior constitutes sexual harassment:
 - 1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment;
 - 2. the type, frequency, and duration of the conduct;
 - 3. the identity of and relationship between the alleged harasser and the subject of the harassment;
 - 4. the number of individuals involved;
 - 5. the age and sex of the alleged harasser;
 - 6. the location of the incidents and context in which they occurred;
 - 7. other incidents at the School;
 - 8. incidents of gender-based harassment that was not sexual harassment; and
 - 9. any other matters considered relevant to the circumstance.

VI. Investigation

- A. Upon receipt of a complaint, the BCO will conduct a thorough and impartial investigation of the allegations.
- B. The BCO will take statements from the complainant, alleged harasser, and any appropriate witnesses.
- C. After investigation, the BCO will make a determination and recommend an appropriate resolution.
- D. The BCO will notify the complainant and the harasser of the determination.
- E. If either the complainant or the accused harasser is a student with a disability receiving special education services pursuant to the Individuals with Disabilities

Education Act, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act, the School will consult with the Committee on Special Education to determine the degree to which the student's disability either caused or is affected by the harassment and take any appropriate action.

VII. Referral to Other Agencies

- A. The BCO shall alert the principal of all complaints of sexual harassment and the principal will alert the Board of Trustees of all such complaints. The principal will also alert the Board of Trustees when a complaint of sexual harassment may also warrant referral to a governmental agency.

VIII. Corrective Action

- A. If the investigation reveals that sexual harassment has occurred, the School will take appropriate action in a manner consistent with applicable law and school policies and regulations. The School will ensure that the remedial or disciplinary action will prevent the recurrence of sexual harassment.
- B. Any person who subjects a complainant or witness to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable school policies.

IX. Post-Corrective Action

- A. Following a finding of sexual harassment, the BCO will contact the victim to ensure the harassment has not resumed and that no retaliatory action has occurred. At the discretion of the principal, these follow-up interviews will continue for an appropriate period of time.

X. Retaliation

- A. Any act of retaliation against any person who complained of sexually harassing behavior, who filed a complaint, or who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited and is subject to discipline.
- B. Retaliation includes, but is not limited to verbal or physical threats, intimidation, ridicule, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment.

XI. Discipline and Penalties

- A. Any individual who violates this sexual harassment policy by engaging in prohibited sexual harassment is subject to appropriate disciplinary action.
- B. Disciplinary measures include, but are not limited to:
 - 1. Students: discipline may range from a reprimand up to and including

suspension from school. The School will impose discipline on students in a manner that is consistent with the Student Code of Conduct.

2. Employees: discipline may range from a reprimand, fines, and suspension, up to an including termination.
3. Others: penalties may range from warnings to exclusion from school property and reporting the conduct to the appropriate authorities.

XII. Complaint Records

- A. Upon written request, complainants and alleged harassers will receive a copy of the results of the investigation. Copies of the results of the investigation will be kept on file with the School's BCO and, when appropriate, with the student or employment records of both the complainant and the alleged harasser.

XIII. Education and Training

- A. The School will inform all students and staff members of this policy regarding sexual harassment. The School will print the policy in the family and student handbook as well as the employee handbook. The BCO will post a summary of the policy in a prominent location at the School.
- B. All staff and school personnel will be required to attend a yearly training on sexual harassment prevention and reporting procedures.

Sources:

29 C.F.R. § 1604.11 ()

34 C.F.R. § 100.7 ()

N.Y. Exec. L. § 290 ()

N.Y. Exec. L. § 296 ()

42 U.S.C. § 2000e ()

Approved by the Board of Trustees: March 11, 2015