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Section:	
<input type="checkbox"/> Community Relations <input type="checkbox"/> Administration <input type="checkbox"/> Business Procedures <input type="checkbox"/> Community Operations <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Students <input type="checkbox"/> Instruction	

SUBJECT: Non-Harassment

Policy Statement

This defines the harassment policy of Health Sciences Charter School (HSCS).

We believe that all employees are entitled to a work environment free from discrimination or harassment, including sexual harassment. We strictly prohibit any conduct which constitutes harassment based on race, color, citizenship status, religion, creed, age, weight, sex, disability, marital or familial status, parental status, pregnancy, military or veteran status, political affiliation, ancestry, national origin, gender, gender identity, gender expression, transgender status, sexual orientation, or any other factor protected by law. Disciplinary actions will be taken against any employee guilty of committing such conduct. This policy is based on Title VII of the Civil Rights Act, as amended, and other federal, state and any applicable local laws, as well as court decisions.

Harassment is defined as any unwelcome verbal or physical conduct, which is based on an employee's personal characteristics when: • Submission to the harassment is made either explicitly or implicitly a term or condition of employment; • Submission to or rejection of the harassment is used as a basis for employment decisions affecting an individual's employment; • The harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the complaining individual is not the target of the harassment.

Sexual Harassment includes harassment on the basis of sex, sexual orientation, gender identity, and transgender status. Examples that are strictly prohibited include, but are not limited to:

- Sexually oriented language, verbal abuse or “kidding”, “teasing”, or “joking”; verbal comments about an individual's body or their appearance; sexuality or sexual experience;
- Using sexually oriented, degrading or demeaning words to describe an individual;
- Unwanted sexual advances, propositions, molestation or attempts to commit assaults;
- Unwelcome or repeated requests for dates or other social engagements;
- Unwanted, offensive, or abusive touching, pinching, grabbing or other physical contact;
- Unwelcome requests or demands for sexual favors accompanied by promises or threats;
- Displaying sexually suggestive, demeaning or pornographic objects or pictures in the workplace;
- Sexually oriented looks, noises or gestures, whistles, cat calls, etc;
- Interference with another individual's work performance through any type of sexually oriented activity; or
- Creating a work environment that is hostile or offensive because of sexually oriented or other conduct that interferes with another person's ability to do the job.

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while

employees are traveling for business or at employer sponsored events. Calls, texts, emails and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace or not during work hours. Other types of harassment include but are not limited to:

- Verbal abuse or kidding that speaks about another person's personal characteristics;
- Using derogatory words, phrases or epithets regarding another's personal characteristics;
- Non-verbal actions such as the use of gestures, eye-rolling, disrespectful or dismissive body language;
- Making threats to another person in words, gestures or pictures;
- Interfering with, destroying or damaging a person's workstation, tools or equipment or otherwise interfering with another's ability to perform their job;
- Comments about an individual's skin color or other racial/ethnic characteristics;
- Unwelcome comments about an employee's religious beliefs;
- Unwelcome comments regarding an employee's birthplace or ancestry;
- Unwelcome comments about an employee's age;
- Unwelcome comments about an employee's mental or physical abilities;
- Unwelcome comments about an employee's sexual orientation or gender identity; or
- Other conduct, even if acceptable to some employees, which creates a working environment that may be considered by others to be offensive or hostile.

We believe that all faculty, staff and students are entitled to an environment free from harassment. The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of our organization. We strictly prohibit any conduct which constitutes harassment based on age, pregnancy, gender identity, transgender status and gender dysphoria, religion, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status. Such conduct has the purpose or effect of substantially and unreasonably interfering with the individual's employment or education by creating an intimidating, hostile, or offensive environment.

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. HSCS prohibits harassment of its employees and applicants for employment by any employee, non-employee or applicant. Such conduct may result in disciplinary action up to and including discharge. This policy covers all employees and HSCS will not tolerate, condone or allow harassment, whether engaged in by fellow employees, supervisors, associates, or other non-employees who conduct business with HSCS.

Definitions

In general, harassment means persistent and unwelcome verbal or physical conduct or actions which are based on an individual's personal characteristics occurring on School property or at School-sponsored events. Sexual harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to: 1) the repeated making of unsolicited, inappropriate gestures or comments; and/or 2) the display of offensive sexually graphic materials not necessary for the workplace.

Harassment exists whenever: 1) submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; 2) submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; and/or 3) the conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

Recognizing Harassment

Harassment, particularly sexual harassment, may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive.

Types of Harassment

Quid pro quo harassment (means "this for that"):

Occurs when an authority figure explicitly or implicitly conditions employment and/or educational decisions upon the submission or rejection of unwelcome sexual conduct.

Hostile work environment harassment:

Occurs when unwelcome conduct unreasonably interferes with an individual's job performance or ability to participate in or benefit from an educational program or activity. This type of harassment usually consists of severe, persistent, or pervasive conduct sufficient to offend a reasonable person and adversely affect the employment atmosphere.

Third party harassment:

Harassment of employees who are not himself or herself the direct target of the harassment such as quid pro-quo or hostile environment, overheard or indirect.

Grievance Procedure

In fulfilling their obligation to maintain a positive and productive work environment, school administrators are expected to halt any harassment of which they become aware. They are responsible for reporting all complaints to the Principal and/or the Human Resources Department.

Any employee who believes he or she is being harassed, or any employee, who becomes aware of such harassment, should promptly notify his or her supervisor. If the employee believes that the supervisor is the harasser, the supervisor's supervisor, the Principal or Human Resources should be notified. In any situation, if an employee is uncomfortable discussing a concern of harassment with his or her supervisor, the employee should contact Employer Services Corporation (ESC), the School's outsourced Human Resources service provider. All reports of sexual harassment will be held in confidence subject to all applicable laws.

Upon notification of a harassment complaint, a confidential and impartial investigation will be promptly commenced and may include direct interviews with involved parties and where necessary with employees who may be witnesses or have knowledge of matters relating to the complaint.

The parties of the complaint will be notified of the findings, to the extent appropriate to maintain overall confidentiality, and of their options.

In the event the problem is not suitably resolved through discussion with their immediate supervisor, the employee may reduce the problem to writing and present the issue to their

immediate supervisor. A written grievance must be presented to the immediate supervisor or their designated representative within fifteen (15) working days of its alleged occurrence in order to be a proper matter for this grievance procedure. The written grievance shall be dated and signed by the aggrieved faculty or staff member and shall set forth the facts, including dates of the grievance and the remedy desired. The grievance shall not be considered submitted until the immediate supervisor receives the written grievance. At the time it is received, it shall be dated, and a copy returned to the aggrieved employee. The immediate supervisor shall investigate the allegations and will then answer the grievance in writing to the aggrieved employee within ten (10) working days of the receipt of the grievance.

If the grievance is not resolved, the aggrieved employee may refer the grievance in writing to the school Head of School indicating the reasons why the answer of the immediate supervisor was unsatisfactory. The grievance shall not be considered submitted until the administrative Head of School receives the written grievance. At the time it is received, it shall be dated, and a copy returned to the aggrieved employee. The Head of School shall investigate the allegations and will then answer the grievance in writing to the aggrieved employee within ten (10) working days of the receipt of the grievance.

Non-Retaliation

This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in good faith in the investigation of a complaint. Such employees may not be adversely affected in any manner related to their employment. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment may be subject to appropriate disciplinary action, up to and including termination.

Disciplinary Action

HSCS views all forms of harassment and retaliation to be among the most serious breaches of work place behavior. Consequently, appropriate disciplinary or corrective action, ranging from a warning to termination, can be expected.

Supporting Procedures:

Staff Handbook

Related Laws, Regulations & Acts:

Title VII of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972 Section 1983 Liability

Civil Rights Act of 1991

42 United States Code (USC) Section 1981(a)29

Code of Federal Regulations (CFR) Section 1604.11(a) Executive Law Sections 296 and 297

42 United States Code (USC) Section 2000-e et seq. Title IX of the Education Amendments of 1972,

20 United States Code (USC) Section 1681 et seq.

34 Code of Federal Regulations (CFR) Section 100 et seq. 29 Code of Federal Regulations (CFR) Section 1604.11(a)

Adopted: 02/03/2013

Revised: 1/10/2022