Spectrum Charter School

Board of Trustees Policy 348

EMPLOYEE ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY

The Spectrum Charter School ("Charter School") shall provide an environment free from harassment of any kind, including sexual harassment, or harassment because of one's gender. Sexual harassment has been defined by the Equal Employment Opportunity Commission (EEOC), as well as by federal, state and local laws, and for the purpose of this policy, Charter School has adopted this definition. This policy covers employee on student and employee on employee harassment.

A key aspect of such an environment is protection from harassment or discrimination based on sex, race, religion, age, marital status, ethnicity, disability, ancestry, sexual orientation, gender and/or any other legally-protected class for every employee. Such harassment will not be tolerated by or from any Board member, employee, student or vendor doing business with the Charter School.

Harassment or discrimination is defined herein as discriminatory treatment on the basis of race, color, sex, religion, national origin, age of forty (40) or older, disability, or any other protected activity or class under applicable law or statutes. An action may not rise to the level of harassment pursuant to federal law if it consists of simple teasing, offhand comments, or isolated incidents that are not "extremely serious." Rather, the conduct must be "so objectively offensive as to alter the 'conditions' of the victim's employment." The conditions of employment are altered if the harassment or discrimination culminated in a tangible employment action or was sufficiently severe or pervasive to create a hostile work environment.

Further, sexual harassment is defined as: unwanted sexual advances, including request for sexual favors, and/or inappropriate verbal or physical contact of a sexual nature when made by a member of the Charter School staff, administration or Board of Trustees ("Board"). Sexual advances, request for sexual favors, or other verbal or physical acts of a sexual nature constitute sexual harassment when:

A) submission to such conduct is made either explicitly or implicitly a term or condition of a student's success in school;

B) submission to or rejection of such conduct by a school employee is used as the basis for the employee's success in their employment with the Charter School or threatens their employment with the Charter School in any way;

C) submission to or rejection of such conduct by a student is used as the basis for school decisions affecting such student;

D) such conduct has the purpose or effect of unreasonably interfering with a student's work performance or creating an intimidating, hostile, or offensive school environment; or

E) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile work environment.

Recent court cases have recognized acts of harassment directed at a person because of gender to be sexual harassment, despite the intent behind the act. The Charter School adopts this interpretation as part of its policy. Sexual harassment is a violation of federal and state laws and may expose not only the Charter School, but also individuals to significant liability under the law.

Any student or employee who feels they are being subjected to harassing or discriminatory behavior of any kind is encouraged to object to the behavior and report the behavior to the Chief Executive Officer ("CEO") or other appropriate officials as indicated in the "Procedures for Making Complaints," which is incorporated herein. It is a violation of this policy to retaliate or engage in any form of reprisal because a student or employee has raised a concern, filed a complaint of, or been a witness to sexual harassment.

It shall also be the policy of the Charter School that the basic rights of all concerned must be respected at all times.

Prohibited Sexually Harassing Conduct

The following are examples of acts that violate the Charter School's Anti-Harassment policy and position. These examples are not to be construed as an all-inclusive list of prohibited acts under the policy.

A) Physical assaults of a sexual nature, such as:

1) rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death; and

2) intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking a person's body, or touching of the clothing covering the immediate area of the complainant's intimate body parts.

B) Unwelcome sexual advances, propositions or other sexual comments such as:

1) sexually-oriented gestures, sounds, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any student;

2) preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any student to engage in sexual activity for compensation or reward; and

3) subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct, or intentionally making success in school more difficult because of the individual's gender.

C) Display of publications anywhere within the Charter School's control such as:

1) Displaying pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music or other materials that are sexually suggestive, sexually demeaning, or pornographic;

2) displaying or publicizing, in the classroom environment, materials that are sexually revealing, sexually suggestive, sexually demeaning or pornographic;

3) displaying signs or other materials purporting to segregate a student by gender in any area of the school (other than the rest rooms and similar semi-private lockers/changing rooms); or

4) possession of such material in a manner that is reasonably foreseeable that it might be seen by others.

Exceptions will be considered in situations where nudity or sexually explicit language is necessary to convey a message important to public health and/or safety or pedagogically appropriate.

Subject to the foregoing exceptions, visual material will be presumed to be sexually suggestive if it depicts a person of either sex who is nude or seminude and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of the body.

D) Sexual Favoritism: The granting or withholding of school opportunities and benefits, including, but not limited to, evaluation, salary, etc., constitutes sexual harassment when it is based on sexual favoritism, and is prohibited.

E) Other Forms of Prohibited Sexual Harassment: Other conduct that has the purpose or effect of unreasonably interfering with work performance on the basis of gender may also constitute sexual harassment, and therefore, is prohibited.

Prohibited Retaliation

The following are examples of retaliatory acts that violate the Charter School's Anti-Harassment and Anti-Discrimination Policy. These examples are not to be construed as an all-inclusive list of prohibited retaliatory acts. Examples of such retaliation may include:

1) Arbitrary discipline, threats, unwarranted change of assignments, providing inaccurate information, or failing to cooperate or discuss school-related matters with an employee because that employee has complained about, been a witness to, or resisted harassment, discrimination and/or retaliation; and/or

2) Intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up conduct such as that described in any items above.

Procedures for Making Complaints

The Charter School is committed to resolving these complaints as quickly and efficiently as possible. Individuals who believe they are/have been the victims of or have knowledge or have witnessed harassment, discrimination and/or retaliation should report such incidents, in writing, as promptly as possible, to the CEO. Should the CEO be the person accused of the harassment, discrimination and/or retaliation or should the complainant feel that the CEO is in some way responsible for the harassment, discrimination or retaliation, the complainant may bring the concerns directly to the attention of the Board President who will follow the procedures outlined below.

Any alleged incident involving an employee and another employee, administrator, Board member or vendor shall be investigated by the CEO or designee. After completing any such investigation, the CEO shall determine appropriate remediation and/or discipline and shall report to the Board of Trustees.

The reporting of an alleged incident shall remain strictly confidential, within the bounds of any legal and investigative requirements. The confidentiality and rights of the accused shall be similarly respected.

To the extent possible and as permissible by law, the Charter School shall maintain full and confidential records of all such investigation, remediation and discipline (if imposed).

Any retaliation by a Charter School employee found guilty of harassment, discrimination and/or retaliation (or friend/supporter(s) of such an individual) shall be handled as a most serious offense by the appropriate level of jurisdiction, including possible referral to the appropriate law enforcement agencies. Equally serious is a complaint that is not made in good faith or based upon false information. Disciplinary action, including unpaid suspension or termination, may be taken against an employee who files such a complaint.

All students and employees shall be made aware of this policy and their rights to protection against harassment and against any type of retaliation for reporting alleged harassment or discrimination. They also shall be informed of counseling services, where appropriate.

The employee may seek either an informal or formal resolution to their complaint:

A. Informal (Employee)

The employee may request that the CEO intervene, after a full investigation by the CEO or designee, by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated in the work place. In such case, the CEO must discuss the matter with the alleged offender, and, if warranted, require that the alleged offender participate in non-disciplinary counseling. The CEO shall document responsive actions taken in writing. Copies will also be forwarded to the President of the Board. If a student, the accused shall have the right to have a parent/guardian present during the interview.

B. Informal (Student)

The student or a parent/guardian may request CEO to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated. In such case, the CEO must discuss the matter with the alleged offender, and, if warranted, require that the alleged offender participate in non-disciplinary counseling. The CEO shall document actions taken in writing. Copies will also be forwarded to the Board President. The accused, if it is a student, shall have the right to have a parent present during the interview.

C. Formal

An individual who believes that they has been harassed, discriminated, or retaliated against (or a witness to any such conduct) should make a written complaint to the CEO requesting an investigation into the allegation. Formal complaints shall be taken in writing and signed by the complainant. A thorough and complete investigation shall be conducted by the CEO or designee with results provided to the Board of Trustees. To the extent possible and allowed by law, confidentiality shall be maintained within the confines of the investigation of the alleged prohibited behavior. All parties will be treated with dignity and due process.

Procedures for Investigating and Resolving Complaints

A. Equal Employment Opportunity Officer ("EEO")

The CEO or designee shall be designated as the EEO Officer, capable of conducting a thorough and complete investigation. This EEO Officer shall seek advice and assistance from the Board of Trustees if it is believed that the EEO Officer lacks the capacity to conduct a thorough and complete investigation of the alleged misconduct. If the CEO is the alleged harasser or is alleged to have been responsible for the harassment/discrimination/retaliation, the President of the Board will conduct the investigation.

B. Conducting Investigations

The EEO Officer, receiving a complaint of harassment, discrimination or retaliation, shall take the details of the complaint in writing and have the complainant sign it. Copies of this document will be provided to the Board. All complaints of harassment, discrimination or retaliation against a Charter School employee shall be received, investigated and disposed of in accordance with the procedures set forth in this policy, and complainants shall be notified of the final disposition/action taken.

If the complaint involves sexual assault, rape or conduct of a potentially criminal nature, the local police department or law enforcement agency shall be contacted and a report of the incident made. If there is any question whether the conduct complained of constituted criminal activity, the Charter School's solicitor should be contacted and consulted.

The EEO Officer shall attempt to secure statements from all participants in, and witnesses to the alleged incident. The accused, if it is a student, shall have the right to have a parent or guardian present.

All investigations shall be completed by the EEO Officer within ten (10) school days from the date of the written complaint.

A substantiated charge of harassment, discrimination or retaliation shall result in appropriate disciplinary action, including, but not limited to, potential employee discharge or suspension without pay, or student suspension or expulsion. Any disciplinary action shall be subject to the requirements of the Charter School's Code of Conduct, the Public School Code, Charter School Law, Department of Education Regulations and

other applicable law. All complainants shall be guaranteed protection from reprisals of any type, including, but not limited to, continued employment, promotion, work assignment, grades awarded, etc., unless it can be proved such accusations were known to be false and malicious in their intent. If such malicious intent is proved, the complainant shall be subject to appropriate disciplinary action.

Documents regarding substantiated charges of harassment, discrimination or retaliation shall be maintained by the Charter School. Documents regarding unsubstantiated charges shall not be placed in employee personnel files, but shall be maintained by the Board of Trustees in a confidential EEO file established expressly for retaining complaints of harassment, discrimination and/or retaliation against students and/or employees.

C. Training

It is the responsibility of the Charter School Board of Trustees to ensure that all administration, staff and Board receive the appropriate training to enforce this Policy.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

Approved this day 19 of February, 2020

Reapproved this day 15th of September 2026

President

Secretary