

River Valley Charter School

NON-DISCRIMINATION AND SEXUAL HARASSMENT POLICY

I. Introduction

River Valley Charter School is committed to maintaining an educational environment and workplace where bigotry and intolerance, including discrimination on the basis of sex, race, color, ancestry, national origin, religion, age, disability, marital status, or sexual orientation are not tolerated and where any form of intimidation, threat, coercion and/or harassment that insults the dignity of others and interferes with their freedom to learn or work is unacceptable. This policy is intended to help each member of the community to be unencumbered by unwelcome comments or gestures that would interfere with his/her feeling of safety while at school.

River Valley Charter School strictly enforces a prohibition against harassment and discrimination, sexual or otherwise, of any of its employees, students, or parents by anyone, including any fellow student, teacher, supervisor, co-worker, vendor, parent, or other third party, as such conduct is contrary to the mission of the River Valley Charter School and its commitment to equal opportunity in educational programs and employment.

Discrimination and harassment consist of unwelcome conduct, whether oral or physical, that is based on a characteristic protected by law, such as sex, race, color, ancestry, national origin, religion, age, disability, marital status, or sexual orientation. River Valley Charter School will not tolerate harassing or discriminatory conduct that affects employment or educational conditions, that interferes unreasonably with an individual's school or work performance, or that creates an intimidating, hostile, or offensive work or school environment. Discrimination and/or harassment of employees, students, or parents occurring in the school or workplace is prohibited by law and will not be tolerated by River Valley Charter School. For purposes of this policy, "workplace" or "school" includes school-sponsored social events, trips, work related travel or similar events connected with school programs or employment.

Further, any retaliation against an individual who has complained about discrimination, harassment or any retaliation against any individual who has cooperated with an investigation of a discrimination, harassment or retaliation complaint is similarly unlawful and will not be tolerated.

River Valley Charter School takes allegations of discrimination and harassment seriously and will respond promptly to complaints. Where it is determined that inappropriate conduct has occurred, the River Valley Charter School will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include termination of employment, school-related discipline, or reporting to state/federal agencies.

II. Definition of Discrimination and Harassment

“Discrimination” and “Harassment” is defined as unwelcome conduct, whether oral, written, or physical, that is based on sex, race, color, ancestry, national origin, religion, age, disability, marital status, or sexual orientation.

Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Oral abuse or insults about, directed at, or made in the presence of an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from employment or a program or activity of the River Valley Charter School; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Many forms of harassment and discrimination have been recognized as violations of the civil rights laws (including Section 504 of the Rehabilitation Act of 1973, Title VI and Title IX) by federal courts, state courts, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education, Office for Civil Rights and the Massachusetts Commission Against Discrimination.

“Sexual harassment” is defined as sexual advances, requests for sexual favors, and oral or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment, academic standing, school-related opportunities or as a basis for employment decisions.
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment.

Under the definition stated above, direct or implied requests by a teacher, supervisor, parent, or any individual in a position of work or school authority for sexual favors in exchange for actual or promised job or school benefits such as favorable reviews, salary increases, promotions, increased benefits, continued employment, better grades, recommendations or other advantages constitutes sexual harassment.

While it is not possible to list all circumstances that may be considered sexual harassment, the following are examples of conduct that are inappropriate and that, if unwelcome, may constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

Sexual harassment includes, but is not limited to:

- Unwelcome sexual advances, whether they involve physical touching or not.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Sexual epithets, jokes, written or oral references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Discussions of one's own sexual activities or inquiries into others' sexual experiences.
- Displaying sexually suggestive objects, pictures, cartoons.

The definitions of discrimination, harassment, and sexual harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school or work environment that is hostile, offensive, intimidating, or humiliating to either male or female employees, students or parents also may constitute discrimination, harassment and/or sexual harassment.

III. Reporting Complaints of Discrimination and Harassment

If any River Valley Charter School employee, student, or parent believes, in good faith, that he/she has been subjected to sexual harassment or any other form of harassment or discrimination described above, the individual has a right to file a complaint with River Valley Charter School through the Sexual Harassment and/or Civil rights Officer (Officer). This may be done orally or in writing. Teachers or other staff members who observe incidents of harassment involving students should report such incidents immediately to the Officer. The Officer, being aware of harassment involving any employee or student, is obligated to follow the school policy for documenting and resolving the situation.

If another school community member wishes to file a complaint, he/she may do so with the Officer.

IV. Complaint Investigation

When the Officer receives a complaint of discrimination or harassment, he/she will investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may include an interview with the person filing the complaint and also may include interviews with witnesses or other individuals who the Officer believes would be useful to the investigation. The Officer also will interview the person alleged to have committed the discrimination or harassment. When the Officer has concluded his/her investigation, the Officer will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation. The Officer will keep confidential written records of the pertinent information and the investigative process.

The complaint investigation procedures are designed to promote the sensitive handling of harassment and discrimination issues, the thorough investigation of complaints, facilitation of a prompt and expeditious internal review, and a fair and equitable resolution of the complaint.

An employee, student, or parent may select any of the routes identified below to discuss a concern or file a complaint of discrimination or harassment. School community members are encouraged to attempt resolution personally at the onset of the unwanted behavior by telling the offending party to stop. The school community member may seek advice and help from appropriate individuals within the administrative office without being required to file a formal complaint.

Please note that while these procedures relate to the River Valley Charter School policy of promoting a workplace and educational setting free from discrimination and harassment, including sexual harassment, as detailed further in this policy, these procedures are not designed nor intended to limit the River Valley Charter School's authority to discipline or take remedial action for workplace and educational conduct which the River Valley Charter School deems unacceptable.

A. General Policies

1. No reprisals or retaliation shall be invoked against any employee, student, or parent for processing, in good faith, a complaint, either on an informal or formal basis, or for participating in any way in these complaint procedures.
2. No reprisals or retaliation shall be invoked against any employee, student, or parent who, in good faith, has testified, assisted or participated in any manner in any investigation, proceeding, or hearing of a complaint or for otherwise participating in any way in these complaint procedures.
3. Whenever possible, a conference should be scheduled during a time that does not conflict with regularly scheduled work and/or school programs.
4. River Valley Charter School will work with an individual who files a complaint of discrimination or harassment, including conducting an investigation and holding conferences, in order to fairly and expeditiously resolve the complaint.
5. When a student has filed a complaint, guidance counseling services will be offered individually to any students involved to support them as they participate in the investigative process.

B. Procedures

1. Informal Resolution of Discrimination and Harassment Concerns.

Before initiating the formal procedure, the school community member should, if possible, resolve any complaint regarding an alleged discriminatory practice on an informal basis.

a. The *student or parent* can raise the issue with the teacher or the Sexual Harassment or Civil Rights Officer (Officer) of River Valley Charter School who is located in the school office at 2 Perry Way, Newburyport, MA (telephone: 978-465-0065). The name of the Officer is posted in the public areas of the school and in other school publications, including the Family Handbook.

b. The *employee* can raise the issue with the Sexual Harassment or Civil Rights Officer (Officer) at the school office, which is located at 2 Perry Way, Newburyport, MA 01950 (telephone: 978-465-0065). The name of the Officer is posted in employee areas, in the public areas, and in other school publications, including the Faculty Handbook.

c. The Officer shall attempt, within his/her authority, to work with the individual to resolve the complaint fairly and expeditiously within ten (10) school days of receiving the complaint. Attempts will be made to resolve the matter to the satisfaction of the employee, student, or parent who has made the complaint. If the employee, student, or parent is not satisfied with the resolution, or if the employee, student, or parent does not choose informal resolution, then he/she can begin the formal complaint process.

2. Formal Resolution of Discrimination and Harassment Concerns.

a. The employee, student, or parent may file a written complaint to the Sexual Harassment or Civil Rights Officer (Officer) of the school located at 2 Perry Way, Newburyport, MA 01950. The name of the Officer is posted in public and employee areas of the school and in publications by the school, namely the Family Handbook and Faculty Handbook. The employee, student, and parent are expected to file a written complaint no later than twenty (20) school days after the alleged discriminatory practice occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. The employee, student, or parent shall write a letter that will state the name of the individual and the location of the school where the alleged discriminatory practice occurred, the basis for the complaint and the corrective action that he/she is seeking.

b. After receipt of a filing of the formal written complaint, the Officer shall promptly give written notification to the appropriate school member identified in the complaint. This written notification shall include a copy of the complaint letter filed with the Officer.

c. The Officer will conduct the necessary investigation promptly after receiving the complaint. In the course of its investigation, the Officer shall contact those individuals that have been referred to as having pertinent information related to the complaint. This process shall include, at a minimum, contacting the complainant and the person against whom the complaint was filed. If further documentation is needed, the Officer shall present to the appropriate individuals, written requests for additional information pertaining to the complaint.

d. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. For example, sometimes the employees, students, or parents that are involved in the complaint are not immediately available. The Officer, however, will try to facilitate the process so that the complaint is handled as quickly as is feasible and will strive to complete the investigation within twenty (20) school days. When more than twenty (20) school days is required for the investigation, the Officer shall inform the school community member who filed the complaint that the investigation is still ongoing.

e. After completing the formal investigation of the complaint, the Officer shall request a meeting with the person against whom the complaint was filed to discuss the findings, and, at the same time, to give the person against whom the complaint was filed an opportunity to respond to the findings, and to seek to resolve the complaint.

f. When feasible and appropriate, the Officer will make every attempt to resolve the issue within the time parameters of this initial meeting; however, more than one meeting may be necessary. The Officer shall strive to complete both the investigation and the resolution of the complaint within twenty (20) school days. When more than twenty (20) school days is required for the investigation and resolution process, the Administration shall inform the school community members involved in writing that additional time is needed for the resolution process.

g. If no satisfactory resolution can be reached through the informal or formal resolution procedures detailed above, the employee, student, or parent has the right to appeal the decision by filing a grievance according to the guidelines specified in the River Valley Charter School Grievance Policy.

h. If, after completing the procedures set forth in the River Valley Charter School Grievance Policy, the employee, student, or other school community member is not satisfied with the outcome, he/she may file a complaint with an appropriate state or federal agency. Moreover, it should be noted that using the River Valley Charter School's complaint process does not prohibit the individual from filing a complaint with these agencies.

i. For *students or parents* complaints may be taken to:

U. S. Department of Education
Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02110
Tel: 617-289-0111
Fax: 617-289-0150

Program Quality Assurance
The commonwealth of Massachusetts
Department of Education
350 Main Street
Malden, MA 02148-5023
Tel: 781-338-3300

j. For *employees* or applicants for employment, complaints may be taken to:

Massachusetts Commission Against Discrimination
One Ashburton Place
Boston, MA 02108
(617) 994-6000

Equal Employment Opportunity Commission
JFK Federal Building
475 Government Center
Boston, Massachusetts 02203
617-565-3200 or 800-669-4000

The United States Equal Employment Opportunity Commission (EEOC)
1801 L Street, NW
Washington, DC 20507
202-663-4900

Each agency has a specific time period for filing a claim. The United States Equal Employment Opportunity Commission (EEOC) allows at least 180 days (may be longer in some circumstances) to file a complaint, and the Massachusetts Commission Against Discrimination (MCAD) allows at least 300 days to file a complaint.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by a River Valley Charter School teacher, student, parent, supervisor, co-worker, vendor, or other third party, the River Valley Charter School will take action that is appropriate under the circumstances. Action may range from counseling to termination of employment, discipline, up to and including expulsion, or reporting to state and/or federal agencies.

**Approved by the Board of Trustees
May 10, 2005**