

CHARTER SCHOOL BOARD POLICY MANUAL

POLICY GROUP 3 – STUDENTS

WELLNESS AND HEALTH SERVICES: SEXUAL HARASSMENT PG-3.36

STATEMENT OF NONDISCRIMINATION

Saint Mary's Charter School (School) prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of School policy.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

Sexual Harassment

By an Employee

Sexual harassment of a student by a School employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A School employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or

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- b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and School employees are prohibited. Any sexual relationship between a student and a School employee is always prohibited, even if consensual.

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Retaliation

The School prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a School investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Reporting Procedures

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other School employee.

Alternatively, a student may report prohibited conduct directly to one of the School officials below:

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Definition of School Officials

For the purposes of this policy, School officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The School designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: ~~Stan Simonson~~Ruth Cude
Position: Director/~~Section 504 Coordinator~~of Special Projects
Address: 507 N. Filmore
Telephone: 361.358.5601

ADA/Section 504 Coordinator

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The School designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: ~~Stan Simonson~~Stan Simonson
Position: ~~Director~~/Director/Section 504 Coordinator
Address: 507 N Filmore
Telephone: 361.358.5601

Director

The Superintendent shall serve as coordinator for purposes of School compliance with all other antidiscrimination laws.

Alternative Reporting Procedures

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

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Timely Reporting

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the School's ability to investigate and address the prohibited conduct.

Notice of Report

Any School employee who receives notice that a student has or may have experienced prohibited conduct shall immediately notify the appropriate School official listed above and take any other steps required by this policy.

Notice to Parents

The School official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a School employee or another adult.

Investigation of the Report

The School may request, but shall not insist upon, a written report. If a report is made orally, the School official shall reduce the report to written form.

Upon receipt or notice of a report, the School official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the School official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, the School shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the School official or designees, such as the Campus Administrator, or by a third party designated by the School, such as an attorney. When appropriate, the Campus Administrator shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

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Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten School business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the School official overseeing the investigation.

School Action

If the results of an investigation indicate that prohibited conduct occurred, the School shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The School may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

To the greatest extent possible, the School shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through the School's Parent and Student Complaint procedure, beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Records Retention

Retention of records shall be in accordance with the applicable schedule published by the Texas State Library and Archives Commission.

Access to Policy

Information regarding this policy shall be distributed annually to School employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the School's administrative offices.