

**TWIN PEAKS CHARTER ACADEMY
SEXUAL HARASSMENT POLICY**

GENERAL STATEMENT OF POLICY

Sexual harassment is a form of sex discrimination, which violates federal and state law. It is the *policy* of this school, Twin Peaks Charter Academy, to maintain learning and working environment that is free from sexual harassment. The Twin Peaks Charter Academy (TPCA) prohibits any form of sexual harassment.

It shall be a violation of this policy for any student or employee of TPCA to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. The school, TPCA, will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the school.

SEXUAL HARASSMENT DEFINED

Sexual harassment is a form of sex discrimination that is prohibited by Title VII of the Civil Rights Act of 1964 under the Federal law. Sexual harassment consists of unwelcome sexual advances by a man or woman, requests for sexual favors, sexually motivated physical conduct or communication or other visual, verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education: or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any action or conduct as defined above when directed at any student or employee, or by any student or employee, will be treated as sexual harassment under this policy. Sexual harassment may include but is not limited to:

1. Verbal harassment or abuse;
2. Subtle pressure for sexual activity;
3. Inappropriate patting, touching or pinching;
4. Intentional brushing against a student's or an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. Demanding sexual favors accompanied by implied or over promises of preferential treatment with regard to an individual's employment or educational status;
7. Any sexually motivated unwelcome touching;
8. Dating any student;

9. Any unwelcome visual displays; including leering, sexually explicit gestures, pictures, posters, or displaying sexually explicit objects.

REPORTING PROCEDURES

Any person who believes he or she has been the victim of Sexual harassment by a student or an employee of the TPCA, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate school official as designated by this policy. The school, TPCA, encourages the reporting party or complainant to write their report or develop a format with the principal of the building.

In the School Building

The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the Board of Directors (B.O.D.) immediately without screening or investigating the report. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the President of the B.O.D.

School-Wide

The B.O.D. hereby designates the Principal as the Human Resources Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and as outlined above. If the complaint involves the Human Resources Officer, the complaint shall be filed directly with the President of the B.O.D., if the complaint involves a member of the B.O.D., the complaint can be filed with the Human Resources Officer or the Board President. The Board of Directors shall conspicuously post the name of the Human Resources Officer, including a mailing address and telephone number. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments. Use of formal reporting forms is not mandatory.

The school will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible. Consistent with the school's legal obligations, the necessity to investigate allegations of harassment, and take disciplinary action when the conduct has occurred.

INVESTIGATION AND RECOMMENDATION

By authority of the B.O.D., the Human Resources Officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by school officials or by a third party designated by the B.O.D. The investigating party shall provide a written report of the status of the investigation within 10 working days to the B.O.D., and Principal. If the Principal is the subject of the complaint, the report shall be submitted to the B.O.D. or an alternate individual as designated by the B.O.D.

In determining whether alleged conduct constitutes sexual harassment, the school should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. The investigation may consist of

personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the school may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment. The School's Human Resources Officer shall make a report to the B.O.D. upon completion of the investigation.

SCHOOL ACTION

Upon receipt of a recommendation that the complaint is valid, the school will take such action as appropriate based on the results of the investigation.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school. The report will document any disciplinary action taken as a result of the complaint.

NON-REPRISAL

TPCA will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

NON-HARASSMENT

The school recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties.

RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse such as filing a complaint by a student under Title IX with the grievance officer: filing charges with State Civil Rights Office, or EEOC.

Adopted 11/29/07