

POLICY: ANTI-DISCRIMINATION AND HARASSMENT

J PAUL TAYLOR ACADEMY

www.jpaultayloracademy.org

Adoption date: October 16, 2019

I. PURPOSE

The purpose of this Policy is to ensure a school environment in which students feel safe and secure. J. Paul Taylor Academy (JPTA) is committed to maintaining an environment conducive to learning in which students are not subjected to an intimidating, hostile, or offensive environment.

II. POSITION

- A. JPTA prohibits illegal discrimination including harassment against any student on the basis of race, color, sex, religion, national origin, ancestry, age, physical or mental disability or serious medical condition, sexual orientation, or gender identity (referred to herein as "protected characteristics"), on school premises, at any school-sponsored activities, or during any school-supplied transportation, by any student, employee, volunteer, or any other person who is subject to the control of school authorities.
- B. JPTA prohibits retaliation against any person for good faith reporting, or participating in the investigation of an alleged violation of this policy.
- C. JPTA prohibits employees or students from knowingly giving false reports or information under this policy.
- D. School officials, employees, and volunteers shall not permit or tolerate discrimination or harassment and shall immediately report, intervene, or stop the discrimination or harassment that is threatened, found or reasonably known, or suspected to be occurring.

III. DEFINITIONS

A. Definitions

- 1. "Discrimination" is treating someone differently because he or she has a protected characteristic and such treatment results in denial or granting of a privilege or right that he or she would otherwise receive or not receive but for his or her being an individual with a protected characteristic(s).
- 2. "Harassment" is verbal or physical conduct that denigrates or shows hostility or aversion toward a student because of a protected characteristic(s) and that:
 - i. Has the purpose or effect of creating an intimidating, hostile, or offensive school environment; or
 - ii. Has the purpose or effect of unreasonably interfering with the student's ability to benefit from any educational program or service provided by JPTA; or
 - iii. Is so offensive or pervasive as to adversely interfere with a student's ability to benefit from an educational program, including negatively affecting the educational performance of the student.

IV. REPORTING, INVESTIGATION, AND STANDARDS

A. Reporting

Students who feel they have been discriminated against or harassed by a school employee or by another student or students, are strongly encouraged to report the incident.

- 1. Reporting Discrimination or Harassment by a student or students:

Any student who believes he or she has been discriminated against or harassed by another student(s) should report the incident to a teacher, the Executive Director, or any other school employee.

If a student believes he or she has been discriminated against or harassed and feels uncertain about who to tell, or feels uncomfortable telling any school employee, the

student should tell his or her guardians about the problem, and ask for the guardians' help in reporting the prohibited conduct to school personnel.

2. Reporting Discrimination or Harassment by a School Employee:

If a student believes he or she has been discriminated against or harassed by a school employee, the student should seek the assistance of his or her guardians in reporting such prohibited conduct to the Executive Director. If the incident involves the Executive Director, report the matter to the Chair of the Governance Council.

Any employee who witnesses or is aware of conduct that may violate this policy shall report it to the Executive Director or their immediate supervisor at his or her earliest opportunity. Any employee who receives any report of discrimination against or harassment of a student, whether the report is given by a student, guardian, or another employee, or who himself or herself observes instances of discrimination or harassment must notify his or her immediate supervisor or the Executive Director, regardless of whether the employee receiving the report or observing the instance considers the matter credible or significant.

B. Investigation

1. All reports of violations of this policy shall be promptly investigated by the Executive Director or his/her designee.
2. The Executive Director shall create a procedure for investigations, which shall include a provision that the final investigation report sufficiently documents the investigation and the basis for any disciplinary or other action taken as a result of the investigation.
3. The Executive Director shall communicate with the alleged victim and alleged perpetrator(s) and their guardians during the investigation where reasonable and promptly report to each of them as to whether the complaint was substantiated.
4. The Executive Director shall make every effort to complete the investigation process within a maximum of ten (10) school days of receipt of the complaint, except in extenuating circumstances, and then report the findings to the student and guardians to the extent appropriate protecting student confidentiality.
5. If guardians and students are not satisfied with actions taken and wish to appeal the findings and decision of Executive Director, they may request in writing a review of the investigation ("grievance") by the Governance Council. The Council shall make a determination on a grievance within fifteen (15) school days of the submission of a grievance and may concur with the actions of the Executive Director, or direct further or different action. The Governance Council is the final appeal authority on a grievance.
6. Staff and students are expected to cooperate with an investigation of a complaint of harassment.
7. Where violations of criminal law may have occurred, the Executive Director may report the matter to the appropriate law enforcement agency.

C. Standard:

When assessing whether violation of this policy has occurred and the appropriate discipline, the Executive Director or designee shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

V. CONFIDENTIALITY

The identities of those reporting violations of this policy and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirements of a full and fair investigation, the due process rights of persons charged with violations, and state and federal law.

VI. SANCTIONS

- A. Any employee who is found to have engaged in conduct prohibited by this policy, or to have failed to discharge a duty imposed by this Policy, shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements and the Collective Bargaining Agreement, if applicable.
- B. Any student who is found to have engaged in conduct prohibited by this policy shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.