

## **Student Discrimination and Harassment Policy**

### **I. Administration Policy**

Endeavor Hall Charter School is committed to providing an educational environment that is free from illegal harassment and other forms of discrimination based upon sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability. No student, employee, nor volunteer of Endeavor Hall may engage in illegal harassment that creates a hostile learning environment for students or staff. It is the policy of Endeavor Hall to provide fair, expeditious and uniform procedures for investigation and resolution of claims of illegal harassment or discrimination.

### **II. Definitions**

**A. Clearly Offensive Conduct:** That conduct, be it verbal or nonverbal, which when perceived in its overall context, would be taken by a reasonable person, similarly situated, to be strongly objectionable.

**B. Complainant:** A person who files a written or oral complaint about illegal harassment.

**C. Compliance Officer:** Person, or persons, designated by the Administration to receive and process complaints of discrimination.

**D. Confront:** To have a face-to-face discussion and/or contact regarding specific claims of harassment.

**E. Demeaning or Derisive Behavior:** Behavior which substantially lowers the status, dignity or standing of another individual, or which insults or otherwise belittles or shows contempt for another individual.

**F. Disability:** An individual's physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

**G. Discrimination:** Conduct, including words or gestures and other actions, which adversely affects a student's learning environment or results in disparate treatment based upon their immutable characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

**H. Harassment:** Unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, gender, creed, age, citizenship or disability and which creates a hostile educational environment. Harassment shall include one or more of the three levels described below. If conduct is clearly offensive only one incident may be necessary to establish harassment:

**1. Level One—Generalized Harassment:** Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is so severe or pervasive that

it creates a hostile learning environment. Examples include comments or jokes, physical gestures or visual displays such as posters, etc.

**2. Level Two—Individually Targeted Harassment:** Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group, which can be verbal, physical or visual that is so severe or pervasive that it adversely affects the learning environment. Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

**3. Level Three—Criminal Harassment:** Harassing behavior which violates state or federal criminal statutes. Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

I. Respondent: A person named in a discrimination complaint as having engaged in or being responsible for a discriminatory act.

J. Retaliation: Any form or sanction, restraint, coercion, discrimination or adverse treatment against a person because that person has asserted, or has assisted another person to assert, a discrimination complaint in either a formal or informal manner with the district, or with any state or federal agency, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing related to a discrimination complaint.

K. Sexual Harassment: A form of sex (gender) discrimination. It consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is based on one or more of the following conditions.

1. Submission to such conduct is made either explicitly or implicitly as a term or condition to educational benefit.
  2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student's educational program.
  3. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive learning environment.
- There are two types of sexual harassment:

a. Hostile Environment: The three levels of hostile environment are the same as those listed for other harassment; e.g., generalized harassment, individually targeted harassment, and criminal harassment.

b. Harassment that culminates in a tangible action which alters the conditions of the educational programs (previously called quid pro quo). III. Complaint Procedure A. Any student or employee who knows of a violation of this policy is obligated to report such conduct to a teacher, staff, administrator or the Compliance Officer(s). B. The initial allegation of harassment may be submitted either orally or in writing.

c. Complaints must be made to the immediate supervisor/administrator or the Compliance Officer(s) within 45 calendar days after the date of the alleged act of discrimination. IV. Complaint and Investigative Procedures A. The following procedure is available for those who believe they are victims of harassment or discrimination, or who witness such acts:

1. Report incidents of harassment to a teacher, staff, or Administration.
2. Register a formal complaint with the Compliance Officer(s) who will initiate an investigation.

B. If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. The Administration will conduct its own internal investigation independent of law enforcement officials.

C. All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information confidential; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed. In matters of sexual harassment, the complainant has the right to be informed of the status and process of the investigation, including information regarding the person or persons who are the alleged harassers, but only as it pertains to the complaint and investigation.

D. The accused may not contact the alleged victim during an investigation without intervention by the Administration and with the permission of the complainant.

E. When conducting investigations, the Compliance Officer(s) shall disclose his/her role as a neutral investigator rather than an advocate for any party. The extent of the investigation will be determined, among other factors, by the nature and severity of the charges.

F. An investigation shall be completed as quickly as possible, but within 30 days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.

G. Within 10 working days of the conclusion of the investigation, the Compliance Officer(s) shall provide all parties a written disposition of the complaint.

H. The parties will then have 10 working days to provide written responses to the report and have them considered by the District Compliance Officer.

### **Outside Reporting Procedures**

Nothing in this policy shall prohibit a person from filing an education discrimination claim with the Office of Civil Rights: Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, CO 80204-3582