



**BOARD OF DIRECTORS MEETING**

A meeting of the Board of Directors on September 15<sup>th</sup> at 6:00 via webex and in Science Room at PSA (in person will be available for this meeting)

**I. Administrative**

- a. **Meeting call to order at**
- b. **Board Members Roll Call**

|                    |                     |  |                 |  |                |  |
|--------------------|---------------------|--|-----------------|--|----------------|--|
| Board Members      | Kim Shultz          |  | Bryan Coppage   |  | Mary Brown     |  |
|                    | Lilian Hudescu      |  | Mary Blunt      |  | Melissa Knight |  |
|                    | Faith Bongiorno     |  | Jason Colonna   |  | Cynthia Hall   |  |
| Ex-Officio Members | Corrigan Rutherford |  | Patrick O’Neill |  | Joel Baughman  |  |
|                    | Destiny Grant       |  | Amber Speight   |  | Tony Chatfield |  |
| Non-Board          | Foundation          |  | Faculty Liaison |  | PCA            |  |

**c. Guests/Public in Attendance**

i.

**d. Mission Statement:** Palmetto Scholars Academy (PSA) exists to meet the distinctive academic, social, and emotional needs of students by utilizing best practices of gifted education.

**e. Acceptance of Minutes from last meeting**

**f. Public Comment**

i. None

**II. New Business**

- a. Board Reorganization for new term
  - i. Proposed Organizational Chart
  - ii. Resolution to appoint Patrick O’Neill as Ex-Officio Board Member
  - iii. Resolution to appoint Joel Baughman as Ex-Officio Board Member
  - iv. Board Officer Elections
  - v. Board Committee Chair Assignments
- b. Approve July Financials

**III. Old Business**

- a. Re-Entry to School Update
- b. PADEPP Principal Evaluator Training completed 8/31

**IV. Principals Report – Corrigan Rutherford**

- a. Formal Principals Report at end of document

**V. Report from Foundation**

**VI. Committee Reports**

- a. Policy & Human Resources Destiny (Kim)
  - i. Committee met on 9/2 and worked on existing projects with no policies forwarded to the Board for approval.



|                      |                           | Governance | Federal | Finance | Human Resources | Operational | All Policies |
|----------------------|---------------------------|------------|---------|---------|-----------------|-------------|--------------|
| Implemented          | Board Approved            | 8          | 2       | 0       | 1               | 4           | 15           |
|                      | Approved, Review Due      | 0          | 0       | 0       | 0               | 8           | 8            |
|                      | Approved, Revision Needed | 0          | 0       | 3       | 1               | 0           | 4            |
| In Use as Guidelines | Pending Board Review      | 0          | 0       | 0       | 0               | 0           | 0            |
|                      | Revision in Work          | 2          | 60      | 16      | 57              | 50          | 185          |

- b. Human Resources Sub Committee Corrigan (Kim)
  - i. Scheduled to meet in late September
- c. Development & Fundraising Faith
  - i.
- d. Military Bryan
  - i.
- e. Finance Patrick
  - i. Met 9/10
    1. Evaluating Budget areas with major variances and/or high risk
    2. Working with Facilities to do a Reserve Study and Maintenance Plan
    3. Evaluating current financial operations at school to identify areas of need and/or risk
    4. Working with PCA to incorporate PCA Financials into audit (it was determined that PCA has been using PSA 501(c)3 and must be included in PSA Financials)
- f. Nominating Cynthia
  - i. Committee met on 6/10 to review some summer tasks related to evaluating Board candidates
    1. New Project: Job Descriptions for Committee Chairs
    2. New Project: Rubric for evaluating Board Candidates
    3. New Project: Board Self Evaluations
    4. Will meet again in September
- g. Facilities Jason
  - i. Discussion re: HVAC system. Will determine need to hire consultant for TAB report based on unusual preliminary findings.
  - ii. Gym floor is having issues again. Jason has called the builder who directed him to the installation company, with whom the floor is warrantied. Installer is scheduling an inspector to come to the school to evaluate
  - iii. Reserve Study
- h. Communications John
  - i. No meeting this month
- i. Academic Excellence Amber (Mark)
  - i. Met in conjunction with Reentry Committee work assignments
  - ii. No specific AEC meeting this month
- j. Reentry Sub Committee Rachel (Mark)
  - i.
- k. Grievance Melissa
  - i.



**VII. Executive Session**

- a. Legal Matter: Update on SCHSL Lawsuit
- b. Legal Matter: Update on EEOC Complaint

**VIII. Action Items**

- a. Motion to approve Resolution appointing Joel Baughman as Ex-Officio Board Member and Assistant Treasurer
  - i. Made by:
  - ii. Second by:
  - iii. Vote:
- b. Motion to approve Resolution appointing Patrick O’Neill as Ex-Officio Board Member and Assistant Treasurer
  - i. Made by:
  - ii. Second by:
  - iii. Vote:
- c. Motion to approve slate of Board Officers as presented
  - i. Made by:
  - ii. Second by:
  - iii. Vote:
- d. Motion to approve Committee Assignments as presented
  - i. Made by:
  - ii. Second by:
  - iii. Vote:
- e. Motion to approve July Financials as presented
  - i. Made by:
  - ii. Second by:
  - iii. Vote:

**IX. Adjournment** at X:XX pm

Your Governing Board



## **Principal's Report June Board Meeting**

### **I. First Day of School Reflection**

- A. Zoom room seemed to be successful
- B. Schedule changes under way
- C. Enrollment at 529 (4 no-shows)
- D. TTC/CofC has started

### **II. Staffing**

- A. Dual Enrollment/Capstone Coordinator started 8/25/2020
- B. Evaluating capacity, workflow, and staffing needs

### **III. LEAP Days/Test Data**

- A. MAP Testing (upcoming remote as well)
- B. Data Meetings

### **IV. Re-Entry Plan/Committee**

- A. Approved by district
- B. Meeting 8/26/2020--Beginning to plan for hybrid

### **V. Human Resources**

- A. Frontline onboarding
  - 1. Technological difficulties
- B. Evaluating capacity

### **VI. Participation in Principal Induction Program**



Policy Title: Anti-Harassment (Staff)

Policy Number: PSA-FED023.0

Date Reviewed by Administration: 8/14/2020 (D. Grant)

Date Approved by PSA Board: 8/14/2020

Stand Alone or Handbook:  Employee Handbook  
 Student/Parent Handbook  
 Stand Alone Policy

Policy References: PSA-FED008.0 ANTI-HARASSMENT (ADMINISTRATION)  
PSA-FED034.0 ANTI-HARASSMENT (STUDENTS)  
PSA-HMR004.0 SEXUAL HARASSMENT  
PSA-HMR025.0 HARASSMENT POLICY AND EXHIBITS  
PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCE  
PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES

Reference: Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.  
20 U.S.C. 1400 ET SEQ., The Individuals with Disabilities Education improvement Act of 2004 (IDEIA)  
29 USC 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 6101, The Age Discrimination Act of 1975  
42 USC 2000e et seq.  
42 USC 1983  
42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635  
Title IX of the Educational Amendments of 1972, 20 USC 1681 et seq. 29 U.S.C. 794, Rehabilitation Act of 1973, as amended  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Policy:

### ANTI-HARASSMENT (STAFF)

National School Boards Association Inquiry and Analysis – May 2008

#### General Policy Statement

It is the policy of the Board of Directors to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Academy operations, programs, and activities. All students, administrators, teachers, staff, and all other Academy personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on Academy property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, height,



weight, marital or family status, military status ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the Academy community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

[ ] The Academy will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

For purposes of this policy, "Academy community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on Academy property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Academy community at Academy-related events/activities (whether on or off Academy property).

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

### **Definitions**

#### **Bullying**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;



- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### **Harassment**

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or Academy employee that:

- A. places a student or Academy employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of the Academy.

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity
- B. Sexual misconduct in the form of conditioning an educational aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo harassment)
- C. Sexual assault as defined in the Clery Act, domestic violence, dating violence or stalking as defined in the Violence Against Women Act.
- D. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- E. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;



- F. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Inappropriate boundary invasions by an Academy employee or other adult member of the Academy community into a student's personal space and personal life.
- J. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
- K. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.





[NOTE: Sexual conduct/relationships with students by employees or any other adult member of the Academy community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to Academy personnel or other adult members of the Academy community.]

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**



Members of the Academy community, which include all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other Academy official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Academy official who receives such a complaint shall file it with the Academy's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the Academy community or third parties who believe they have been unlawfully harassed by another member of the Academy community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with policy PSA-OPR045.0 Bullying, the School Leader believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the School Leader will report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the School Leader shall suspend his/her policy PSA-OPR045.0 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the School Leader informed of the status of the investigation and provide him/her with a copy of the resulting written report.

### Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the Academy. They are hereinafter referred to as the "Compliance Officers".

[NOTE: Academies are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. In addition, the Compliance Officers may also serve as the Academy's Section 504 and Title IX Coordinators.]

Destiny Grant  
(Name)

Edwin McAllister  
(Name)

Operations Assistant Principal  
(Academy Title)

Educator  
(Academy Title)

(520) 686-9035  
(Telephone Number)

(843) 300-4118  
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(Office Address)

7499 Dorchester Road  
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Destiny.Grant@psaschool.org  
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(E-mail Address)



The names, titles, and contact information of these individuals will be published annually:

- ( ) in the parent and staff handbooks.
- ( ) in the Academy Annual Report to the public.
- ( ) on the Academy 's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Academy community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the Academy community or a visitor to the Academy, or receive complaints that are initially filed with an Academy building administrator. Upon receipt of a complaint either directly or through an Academy building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Academy community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Principal or will oversee the preparation of such recommendations by a designee. All members of the Academy community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.]

Procedure:

### **Investigation and Complaint Procedure**

Any employee or other member of the Academy community or third party (e.g., visitor to the Academy) who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is



begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission (“EEOC”).

Additional Investigative Requirements are mandated for cases of Sexual Harassment and procedures outlined in PSA-HMR004.0 SEXUAL HARASSMENT must be followed in addition to those listed here.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the Academy community, or third party who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Academy community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving an Academy employee, any other adult member of the Academy community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Principal.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Academy's informal complaint procedure is designed to provide employees, other members of the Academy community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring



about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy (See Policy PSA-GOV011.0 BOARD RECORDS) and as indicated in the policies covering Complaints and Grievances (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, or other Academy employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, or other Academy employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.



If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Principal.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant Administrative Guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Principal that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

( ) The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Principal.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Principal must either issue a final decision regarding whether the complaint of harassment has been



substantiated or request further investigation. A copy of the Principals final decision will be delivered to both the Complainant and the Respondent.

If the Principal requests additional investigation, the Principal must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Principal must issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Principal may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Principal's final decision in accordance with the appropriate Complaints and Grievances policies (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES)

In an attempt to resolve the complaint, the Board Grievance Committee shall meet with the concerned parties and their representative within ten (10) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Academy community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

All formal complaints must be logged in the Complaint Log maintained by an individual designated by the Principal in accordance with the Complaints and Grievances policies (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES). All materials generated as part of the Formal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy (See Policy PSA-GOV011.0 BOARD RECORDS) and as indicated in the policies covering Complaints and Grievances (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES)

### **Privacy/Confidentiality**

The Academy will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related Administrative Procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Academy community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records that are considered student



education records in accordance with the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of the Federal and State laws.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the School Leader shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the Academy community, all subsequent sanctions imposed by the shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects

### **Retaliation**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any Academy teacher or Academy employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Principal.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Board or its designee shall provide appropriate information to all members of the Academy community related to the implementation of this policy and shall provide training for Academy students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.





Effective Date:

8/14/2020

Revision Record

| <b>Revision</b> | <b>Purpose</b>  | <b>Date</b> |
|-----------------|---|-------------|
| 0.0             | Original form created by Policy and HR committee from PCSASC template | 8/12/2020   |
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Policy Title: [Anti-Harassment \(Students\)](#)

Policy Number: [PSA-FED034.0](#)

Date Reviewed by Administration: [8/12/2020 \(D. Grant\)](#)

Date Approved by PSA Board: [8/14/2020](#)

Stand Alone or Handbook:  Employee Handbook  
 Student/Parent Handbook  
 Stand Alone Policy

Policy References: [PSA-FED008.0 ANTI-HARASSMENT \(ADMINISTRATION\)](#)  
[PSA-FED023.0 ANTI-HARASSMENT \(STAFF\)](#)  
[PSA-HMR004.0 SEXUAL HARASSMENT](#)  
[PSA-HMR025.0 HARASSMENT POLICY AND EXHIBITS](#)  
[PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES](#)  
[PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES](#)

Reference: [Titles VI and VII of the Civil Rights Act of 1964, 42 USC 2000d et seq.](#)  
[20 U.S.C. 1400 ET SEQ., The Individuals with Disabilities Education improvement Act of 2004 \(IDEIA\)](#)  
[20 U.S.C. 1681 et seq.](#)  
[29 U.S.C. 794, Rehabilitation Act of 1973, as amended](#)  
[29 U.S.C. 6101, the Age Discrimination Act of 1975](#)  
[42 U.S.C. 2000d et seq.](#)  
[42 USC 2000e et seq.](#)  
[42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended](#)  
[42 USC 1983](#)  
[42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act](#)  
[29 C.F.R. Part 1635](#)  
[Title IX of the Educational Amendments of 1972, 20 USC 1681 et seq.](#)  
[Section 504 of the Rehabilitation Act of 1973, 29 USC 794](#)  
[The Americans with Disabilities Act of 1990, 42 USC 12101 et seq.](#)

Policy:

## ANTI-HARASSMENT

### General Policy Statement

It is the policy of the Board of Directors to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Academy operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.



The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the Academy community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

[ ] The Academy will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

For purposes of this policy, "Academy community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on Academy property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Academy community at school-related events/activities (whether on or off Academy property).

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

### **Definitions**

#### **Bullying**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:



- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### **Harassment**

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or Academy employee that:

- places a student or Academy employee in reasonable fear of harm to his/her person or damage to his/her property;
- has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- has the effect of substantially disrupting the orderly operation of the Academy.

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity
- B. Sexual misconduct in the form of conditioning an educational aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo harassment)
- C. Sexual assault as defined in the Clery Act, domestic violence, dating violence or stalking as defined in the Violence Against Women Act.
- D. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- E. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;



- F. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Inappropriate boundary invasions by a employee or other adult member of the Academy community into a student's personal space and personal life.
- J. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.



[NOTE: Sexual conduct/relationships with students by school employees or any other adult member of the Academy community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to school employees or other adult members of the Academy community.]

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**

Students and other members of the Academy community and third parties are encouraged to promptly report incidents of harassing conduct to a teacher, an administrator, supervisor or other Academy official so that the conduct may



addressed before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other Academy employee or official who receives such a complaint shall file it with the Academy's Anti-Harassment Compliance Officer as soon as possible, but no later than two (2) school days.

Members of the Academy community, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with policy PSA-OPR045.0 Bullying, the School Leader believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the School Leader will report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the School Leader shall suspend his/her PSA-OPR045.0 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the School Leader informed of the status of the investigation and provide him/her with a copy of the resulting written report.

### **Anti-Harassment Compliance Officers**

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the Academy. They are hereinafter referred to as the "Compliance Officers".

[NOTE: Academies are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. In addition, the Compliance Officers may also serve as the Academy's Section 504 and Title IX Coordinators.]

Destiny Grant  
(Name)

Edwin McAllister  
(Name)

Operations Assistant Principal  
(Academy Title)

Educator  
(Academy Title)

(520) 686-9035  
(Telephone Number)

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7499 Dorchester Road  
(Office Address)

7499 Dorchester Road  
(Office Address)

Destiny.Grant@psaschool.org  
(E-mail Address)

Edwin.McAllister@psaschool.org  
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:



- ( ) in the parent and staff handbooks.
- ( ) in the Academy Annual Report to the public.
- ( ) on the Academy's Web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Academy community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student, other member of the Academy community or third party in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the Academy community or a visitor to the Academy, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Principal or will oversee the preparation of such recommendations by a designee. All members of the Academy community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Academy personnel who directly observe unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Academy employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Academy employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Procedure:

### **Investigation and Complaint Procedure**

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint





process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

Additional Investigative Requirements are mandated for cases of Sexual Harassment and procedures outlined in PSA-HMR004.0 SEXUAL HARASSMENT must be followed in addition to those listed here.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving an Academy employee or any other adult member of the Academy community against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Principal.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Academy's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of



the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy (See Policy PSA-GOV011.0 BOARD RECORDS) and as indicated in the policies covering Complaints and Grievances (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES)

#### Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, principal, or other Academy employee at the student's school, the Compliance Officer, Principal, or another Academy employee who works at another school. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Principal, or other Academy employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.



If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Principal.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

( ) The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Principal that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

( ) The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Principal.



Absent extenuating circumstances, within ten (10) school days of receiving the report of the Compliance Officer or the designee, the Principal must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Principal's final decision will be delivered to both the Complainant and the Respondent.

If the Principal requests additional investigation, the Principal must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Principal shall issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Principal may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Principal's final decision in accordance with the appropriate Complaints and Grievances policies (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES)

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within ten (10) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Academy community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

All formal complaints must be logged in the Complaint Log maintained by an individual designated by the Principal in accordance with the Complaints and Grievances policies (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES). All materials generated as part of the Formal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy (See Policy PSA-GOV011.0 BOARD RECORDS) and as indicated in the policies covering Complaints and Grievances (PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCES and PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES)

### **Privacy/Confidentiality**

The Academy will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related Administrative Procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Academy community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

### **Sanctions and Monitoring**



The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the School Leader shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the Academy community, all subsequent sanctions imposed by the Board and/or Principal, shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any Academy teacher or Academy employee who knows or suspects that a student with a disability who is twenty-six (26) years or younger or a student under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Principal.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Principal, or designee shall provide appropriate information to all members of the Academy community related to the implementation of this policy and shall provide training for Academy students and staff where appropriate. All training, as well as information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Effective Date:

8/14/2020



Revisions Record

| Revision | Purpose   | Date      |
|----------|---|-----------|
| 0.0      | Original form created by Policy and HR committee from PCSASC template | 8/12/2020 |
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Policy Title: Sexual Harassment

Policy Number: PSA-HMR004.0

Date Reviewed by Administration: 8/12/2020 (D. Grant)

Date Approved by PSA Board: 8/14/2020

Stand Alone or Handbook:  Employee Handbook  
 Student/Parent Handbook  
 Stand Alone Policy

Policy References: PSA-FED008.0 ANTI-HARASSMENT (ADMINISTRATION)  
PSA-FED023.0 ANTI-HARASSMENT (STAFF)  
PSA-FED034.0 ANTI-HARASSMENT (STUDENTS)  
PSA-HMR025.0 HARASSMENT POLICY AND EXHIBITS  
PSA-HMR046.0 STAFF COMPLAINTS AND GRIEVANCE  
PSA-OPR034.0 PARENT AND STUDENT COMPLAINTS AND GRIEVANCES

Reference: Titles VI and VII of the Civil Rights Act of 1964, 42 USC 2000d et seq.  
20 U.S.C. 1400 ET SEQ., The Individuals with Disabilities Education improvement Act of 2004 (IDEIA)  
20 U.S.C. 1681 et seq.  
29 U.S.C. 794, Rehabilitation Act of 1973, as amended  
29 U.S.C. 6101, the Age Discrimination Act of 1975  
42 U.S.C. 2000d et seq.  
42 USC 2000e et seq.  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
42 USC 1983  
42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635  
Title IX of the Educational Amendments of 1972, 20 USC 1681 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC 794  
The Americans with Disabilities Act of 1990, 42 USC 12101 et seq.

Policy:

### Sexual Harassment

Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.



- A. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- B. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- C. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- D. The harasser's conduct must be unwelcome.

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- G. Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
- H. Sexual misconduct in the form of conditioning an educational aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
- I. Sexual assault as defined in the Clery Act, domestic violence, dating violence or stalking as defined in the Violence Against Women Act;
- J. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- K. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- L. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity;

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- L. Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- M. Unwanted physical and/or sexual contact;
- N. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;





- O. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- P. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- Q. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- R. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- S. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- T. Inappropriate boundary invasions by an Academy employee or other adult member of the Academy community into a student's personal space and personal life;
- U. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature;
- V. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

[NOTE: Sexual conduct/relationships with students by employees or any other adult member of the Academy community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to Academy personnel or other adult members of the Academy community.]

Procedure:

### **Investigation Procedure**

Investigations and Complaints of incidents of Sexual Harassment are to follow the steps outlined in the PSA Anti-Harassment Policies (PSA-FED008.0, PSA-FED023.0, and PSA-FED034.0) and Complaints and Grievances Policies (PSA-HMR046.0 and PSA-OPR034.0) with the following additional considerations:

- Investigations into allegations of sexual harassment must comply with very specific protocols in terms of time frames, notices, interviews and opportunity to respond. As soon as an allegation or suspected incident, that may be considered Sexual Harassment, is received the Principal must notify the Board that a complaint has been



made and the Principal and Compliance Officer are to consult with the school’s attorney to advise on compliance with regulations in this area.

- A presumption that the respondent [alleged perpetrator] is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- A school must dismiss allegations for purposes of Title IX if they fail to meet the definitions of sexual harassment under the Title IX regulations. However, a school should investigate allegations not meeting the Title IX standard under its own code of conduct.
- Live hearings are optional for K-12 schools, meaning cross examinations are not required. Whether or not a hearing is conducted, schools must afford each party the opportunity to submit “written, relevant questions” to be asked of another party or witness; provide each party with written answers; and allow for limited follow-up questions from each party.
- Any person designated by the school as a coordinator, investigator, or decision maker must not have a conflict of interest or bias for or against complainants or respondents, generally, or an individual complainant or respondent. The school must ensure that designees receive training on the definition of sexual harassment and how to conduct an investigation and grievance process, including hearings that protect the safety of students, ensure due process protections for all parties, and promote accountability. Any materials used for training may not rely on sex stereotypes and must promote impartial investigations and adjudications of sexual harassment.
- The evidentiary standard that will be used in Title IX investigations is preponderance of the evidence.

Effective Date: 8/14/2020

Revision Record

| Revision | Purpose   | Date      |
|----------|---|-----------|
| 0.0      | Original form created by Policy and HR committee from PCSASC template | 8/12/2020 |
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