
MAKING COMMUNITY CONNECTIONS CHARTER SCHOOL

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

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I. PURPOSE

The purpose of this policy is to maintain a learning environment that is free from sexual harassment, or other improper or inappropriate behavior that may constitute harassment as defined below.

Sexual harassment is against the law and is against board policy. Any form of sexual harassment is strictly prohibited.

It is a violation of this policy for any employee to harass another employee through conduct or communication of a sexual nature as defined by this policy.

For the purposes of this policy, the term "employee" shall include, but not be limited to MC2 staff, teachers, non-certified personnel, administrators, volunteers, coaches, contractors and/or other such personnel whose employment or position is directed by MC2.

MC2 administration will investigate all complaints, either formal or informal, verbal or written, of sexual harassment and will discipline any employee who sexually harasses or is sexually violent toward another employee, student, contractor or volunteer.

II. SEXUAL HARASSMENT DEFINED

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexual physical conduct, and /or conduct of a sexual nature when:

- (1) The unwelcome conduct is made a term or condition of an individual's employment, either explicitly or implicitly.
- (2) The unwelcome conduct is used as the basis for decisions affecting a person's employment; or
- (3) The unwelcome conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive working environment; or
- (4) The unwelcome conduct may result in sexual violence.

Sexual harassment may include, but is not limited to:

1. Verbal harassment and/or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Inappropriate patting, pinching or other touching;
4. Intentional brushing against an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment;
7. Any sexually motivated unwelcome touching; or
8. Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.
9. Any image or display of sexually explicit material.

III. REPORTING PROCEDURES

1. The CEO or his/her written designee is responsible for implementing all procedures of this policy. Additionally, the CEO may develop and implement additional administrative regulations in furtherance of this policy.

2. Any employee who believes he or she has been the victim of sexual harassment should report the alleged act(s) to the CEO. If the alleged perpetrator is the CEO, the alleging victim should report the incident to the Board Chair. The Board encourages the reporting employee to use make such reports in writing.

3. The CEO is the person responsible for receiving oral or written reports of sexual harassment. Upon receipt of a report, the CEO will notify the Board Chair immediately without screening or investigating the report. If the report was given verbally, the CEO shall reduce it to written form within 24 hours and then forward it to the Board Chair. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the CEO, the complaint shall be filed directly with the Board Chair.

4. The Board designates the CEO as the MC2 Human Rights Officer to receive any report or complaint of sexual harassment. If the complaint involves the CEO, the complaint shall be filed directly with the Chair of the Board Governance Committee who shall forward it to the Board Chair. MC2 shall post the name of the Human Rights Officer in conspicuous places throughout MC2 buildings, including a telephone number and mailing address. In the event the CEO is involved in the complaint, the Board Chair shall designate a temporary Human Rights Officer.

5. Submission of a complaint or report of sexual harassment will not affect the complainant's standing in school, future employment, or work assignments.

6. MC2 will respect the confidentiality of the complainant and the person(s) against whom the complaint is filed as much as possible, consistent with MC2's legal obligations and the necessity to investigate allegations of sexual harassment and take disciplinary action when the conduct has occurred.

IV. INVESTIGATION AND RECOMMENDATION

The Human Rights Officer will authorize an investigation upon receipt of a report or complaint alleging sexual harassment. This investigation may be conducted by MC2 officials or by a third-party designated by the Board.

If MC2 officials conduct the investigation, the investigation should consider the surrounding circumstances, the nature of the alleged incidents, the relationship between the parties and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. If the Board determines that a third-party designee should conduct the investigation, MC2 agrees to assent to that party's methods of investigation.

Upon completion of an investigation conducted by either MC2 officials or a third-party, the Board and the CEO will be provided with a written factual report and recommended action.

V. MC2 ACTION

If investigating party determines that the alleged conduct constituted sexual harassment, the

CEO may discipline the offending employee. Such discipline may include, but is not limited to, a warning, training, temporary suspension or dismissal. Any discipline will be in accordance with all applicable laws.

If the investigating party determines that the alleged conduct did not constitute sexual harassment, both the complaining party and the accused will be informed of such. No disciplinary action will be taken.

Conduct which does not rise to the level of sexual harassment as defined by the policy, but is nonetheless inappropriate or in violation of other related Board policies, will be addressed on a case-by-case basis by the CEO, who may order the offending employee to engage in some remedial action.

If the complaint involves the CEO, any disciplinary or corrective action will be addressed by the Board.

VI. APPEAL OF INVESTIGATOR'S RECOMMENDATION

Either the complainant or the accused may appeal the investigator's recommendation and subsequent MC2 action, if any, to the Board. After a hearing, the Board will vote to either accept or deny the investigator's recommendation and resulting discipline. Either party may then appeal the Board's decision in accordance with applicable law.

VII. REPRISAL

The MC2 will discipline any employee who retaliates against any other employee who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the NH Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

IX. SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment may constitute sexual abuse under New Hampshire law. In such situations, MC2 shall comply with all applicable laws.

Nothing in this policy will prohibit MC2 from taking immediate action to protect victims of alleged sexual abuse.

X. BY-PASS OF POLICY

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to: N.H. Commission on Human Rights, at 2 Chenelle Dr., Concord, NH 03301, phone 603-271-2767 or US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.

Legal Reference:

NH Code of Administrative Rules, Section Ed. 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy

*NH Code of Administrative Rules, Section 306.04(a)(9), Sexual Harassment
RSA 354-A:7, Unlawful Discriminatory Practices*

Revision History

Approved 1/15/2018