

Schoolcraft Learning Community Sexual Harassment Policy

Schoolcraft Learning Community believes that every employee and student has the right to an environment free from sexual or other harassment. We disapprove of and will not tolerate harassment by any supervisor, co-employee, subordinate, parent, student or any other individual coming into contact with the school's employees in the workplace.

* Sexual Harassment/Sexual Violence Defined

Sexual harassment is a form of discrimination and is prohibited by law. The Equal Employment Opportunities Commission (EEOC) has defined sexual harassment as follows:

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

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

ANY SEXUAL HARASSMENT AS DEFINED WHEN PERPETRATED ON ANY STUDENT OR EMPLOYEE BY ANY STUDENT OR EMPLOYEE WILL BE TREATED AS SEXUAL HARASSMENT UNDER THIS POLICY.

Sexual Harassment may include, but is not limited to:

1. Verbal harassment or abuse;
2. Subtle pressure for sexual activity;
3. Inappropriate patting or pinching;
4. Intentional brushing against a student's or an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or education status;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or education status;
7. Any sexually motivated unwelcome touching;
8. Sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.

* Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment or sexual violence by a student or an employee of the school or any third person, should report the alleged acts immediately to an appropriate school official as designated by this policy. The school encourages the reporting party or complainant to report the incident in writing to the Director.

1. **In the school building:** The Director is the person responsible for receiving reports of sexual harassment or sexual violence at the building level. Upon receipt of a report, the Director must notify the School Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given verbally, the Director shall reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any sexual harassment or sexual violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the Director, the complaint shall be filed directly with the School Human Rights Officer.
2. **School-wide:** The School Board will designate a School Human Rights Officer to receive reports or complaints of sexual harassment and sexual violence from any individual, employee or victim of sexual harassment or sexual violence and also from the Director as outlined above. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Director. The school shall conspicuously post the name of the Human Rights Officer, including a mailing address and telephone number.
3. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades or work assignments.
4. The school will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence and take disciplinary action when the conduct has occurred.

* Investigation and Recommendation

The Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment or sexual violence, shall immediately authorize an investigation. This investigation may be conducted by school officials or by a third party designated by the Director. The investigating party shall provide a written report of the status of the investigation within 10 days to the Director and the Human Rights Officer.

In determining whether alleged sexual conduct constitutes sexual harassment or sexual violence, the school should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment or sexual violence 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 using methods and documents deemed pertinent by the investigator. In addition, the school may take immediate steps, at the Director's discretion, to protect the

complainant, students and employees pending completion of an investigation of alleged sexual harassment or sexual violence.

The School Human Rights Officer shall make a report to the Director upon completion of the investigation.

* Reprisal

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

* 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 Minnesota Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

* Sexual Harassment or Sexual Violence as Sexual Abuse

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under Minn. Stat. 609.341 through 609.3451; Minn. Stat. 609.321 through 609.324; or Minn. Stat. 617.246. In such situations the school shall comply with Minn. Stat. 626.556, "Reporting of Maltreatment of Minors".

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

* Discipline

Any school action taken pursuant to this policy will be consistent with requirements of Minnesota statutes and school policies. The school will take such disciplinary action as it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual harassment and sexual violence and prevent its recurrence.