

## **FOUR CORNERS CHARTER SCHOOL POLICY AND PROCEDURES PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT**

### **I. Policy Against Discrimination**

- A. No person shall, on the basis of race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, or sexual orientation be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School, except as provided by law.
- B. The School shall comply with all state and federal laws, which prohibit discrimination and are designed to protect the civil rights of applicants, employees, and/or students, or other persons protected by applicable law.
- C. The School shall admit students to programs and classes without regard to race, color, religion, gender, age, national or ethnic origin, marital status, disability or handicap or sexual orientation.

### **II. Policy Against Sexual Harassment or Other Forms of Harassment Prohibited by Law**

- A. The School desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the School's commitment to equal opportunities and the prohibition of discriminatory practices. The School's prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of harassment based upon a person's membership in a protected class and specifically prohibited by applicable state or federal law. The School forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer or visitor. The School will not tolerate sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents.
- B. The prohibition against discrimination including sexual and other forms of illegal harassment shall also apply to non-employee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to School facilities.

### **III. Definition of Sexual Harassment**

- A. Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:
  - 1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
  - 2. Submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
  - 3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.
  - 4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.
- B. Types of conduct which are prohibited in the School and which may constitute sexual harassment include, but are not limited to:
  - 1. Graphic verbal comments about an individual's body or appearance.
  - 2. Sexual jokes, notes, stories, drawings, pictures or gestures.
  - 3. Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions.
  - 4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
  - 5. Spreading sexual rumors.
  - 6. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
  - 7. Cornering or blocking normal movements.
  - 8. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

### **IV. Definition of Other Forms of Prohibited Harassment**

- A. Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability, marital status, citizenship or sexual orientation or any other characteristic protected by law and that:
  - 1. Has the purpose or affect of creating an intimidating, hostile or offensive work or academic environment;

2. Has the purpose or effect of interfering with an individual's work or academic performance; or
3. Otherwise, adversely affects an individual's employment or academic performance.

B. Examples of prohibited actions, which may constitute harassment include, but are not limited to, the following:

1. Epithets, slurs or negative stereotyping;
2. Threatening, intimidating or hostile acts, such as stalking; or
3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school premises or circulated in the workplace or academic environment.

## V. Retaliation Prohibited

- A. Any act of retaliation against an individual who files a complaint alleging a violation of the School's anti-discrimination policy and/or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited.
- B. Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation if, or filing a complaint of, discrimination.

## VI. Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment

### A. Procedures for Filing Complaints

1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on gender, marital status, sexual orientation, race, national origin, religion, age or disability by an employee, volunteer, agent or student of the school should within sixty (60) days of alleged occurrence file a written or oral complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
2. The complaint should be filed with the school Principal. Complaints filed with the Principal must be forwarded to the Equity Officer within five (5) days of the filing of the complaint. If the complaint is against the principal, the complaint may be filed directly with the Equity Officer.
3. If the complaint is against the Equity Officer, the VP of Education, or other member of the School's Board, the complaint may be filed with the School Attorney.

### B. Procedures for Processing Complaints

1. Complaints filed against persons other than the VP of Education or member of the School's Board:
  - a. Upon receipt of the written complaint by the Equity Officer, the Equity Officer shall investigate or appoint an investigator to conduct an investigation of the allegations in the complaint. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation, and make a recommendation to the Equity Officer as to whether there is reasonable cause to believe a violation of the School's anti-discrimination policy has occurred. Copies of documents, evidence and witness statements which were considered in the investigation must be sent to the Equity Officer along with the summary and recommendation.
  - b. If the complaint is against the Equity Officer, the School Attorney shall appoint an investigator, who shall conduct an investigation in the manner set forth in section VI.B.1.a. (above).
  - c. The investigation, summary, relevant documents, witnesses' statements and recommendation should be completed and forwarded to the Equity Officer within thirty (30) days, or to the School Attorney within thirty (30) days, if the complaint is against the Equity Officer. The Equity Officer, or School Attorney, respectively, shall review the investigation summary, evidence and recommendation, and determine within ten (10) days whether there is reasonable cause to believe a discriminatory practice occurred.
  - d. If the Equity Officer or School Attorney determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall within ten (10) days provide notice of the reasonable cause finding to the complainant and the accused. The Equity Officer or School Attorney shall then review the investigatory file, reasonable cause determination, and all related documents and evidence, to the VP of Education.
  - e. If the Equity Officer or School Attorney determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide within ten (10) days notice of the finding of no reasonable cause to the complainant and accused.
  - f. The complainant may request a no reasonable cause finding by the Equity Officer or School Attorney be reviewed by the VP of Education within ten (10) days of receipt of this notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination. The complainant will also be given an opportunity to meet with the VP of Education and Equity Officer/School Attorney to present his or her position. The VP of Education and Equity Officer/School Attorney shall prepare a written

memorandum summarizing the content of the conference to be included in the complaint file. The VP of Education shall within ten (10) days of receipt of the notice make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.

- g. If review by the VP of Education is not timely requested, the Equity Officer or School Attorney's determination of no reasonable cause shall be final.
- h. The accused may request, within ten (10) days of receipt of a notice of a finding of reasonable cause, that the determination be reviewed by the VP of Education. The request must include a written statement expressing the accused's position on the complaint and findings, and address any facts, statements or evidence which he or she submits are inaccurate. The accused will be given an opportunity to meet with the VP of Education and the Equity Officer/School Attorney to present his or her position. The VP of Education and Equity Officer/School Attorney must within ten (10) days of receipt of the notice prepare a memorandum summarizing the content of the meeting to be included in the complaint file.
- i. After providing the opportunity for an informal hearing as referenced in section VI.B.1.h. (above), the VP of Education shall evaluate all the evidence, the investigation summary, recommendations and findings, along with any input by the accused and complainant, and make a final determination as to whether there is reasonable cause to support the complainant's allegations. He or she shall then determine any necessary disciplinary, remedial, or other action. Notice of the final disposition of the complaint and any disciplinary and/or remedial action shall within twenty (20) days of the informal hearing be forwarded to the accused and the complainant and the Chairman of the School's Board, and a copy of will be filed with and maintained in the office of Charter Schools USA Senior Director of Human Resources.

## 2. Complaints against School Board Members.

- a. Complaints against the School's Board Members shall be filed with the School Attorney. The School Attorney will within twenty (20) days appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status.
- b. The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed, and documents or other evidence to be reviewed as relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge which the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall within twenty (20) days of receiving the complaint prepare a written summary of his or her investigation, and a recommendation to the School Attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred.
- c. If reasonable cause is recommended by the investigator against a School's Board Member the recommendation shall within twenty (20) days be forwarded to the Chairman of the Osceola County School Board to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Osceola County School Board will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official.
- d. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the School Attorney, shall be final and a copy will be forwarded to the Chairman of the Osceola County School Board. In compliance with Florida Statute, the investigation file shall become public record and School's Board Member shall answer to their constituency.

## 3. Penalties for confirmed Discrimination or Harassment

- a. Student - A substantiated allegation of discrimination or harassment against a student shall subject that student to disciplinary action consistent with the Code of Student Conduct.
- b. Employee or Volunteer - A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.

## 4. Limited Exemption from Public Records Act and Notification of Parents of Minors

- a. To the extent possible, complaints will be treated as confidential and in accordance with Florida Statutes and the Family Educational Rights and Privacy Act (FERPA). Limited disclosure may be necessary to complete a thorough investigation as described above. The School's obligation to investigation and take corrective action may supersede an individual's right to privacy.
- b. The parents of a person under the age of 18 who has filed a complaint of discrimination and/or harassment shall be notified within three (3) days of receipt of a complaint.

Four Corners Charter School shall conspicuously post its Notice of Non-Discrimination and Non-Harassment and the name and telephone number of the employee responsible for compliance with such policies at its facilities subject to its discretion regarding placement.

### **Equity Officer**

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