



Document Name:	Anti-Discrimination and Harassment Policy
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## 1.0 Purpose

Wasatch Waldorf Charter School does not discriminate on the basis of sex in education programs or activities it operates.

As of April 2018, this policy incorporates the Wasatch Waldorf Charter School policies A-36 Sexual Harassment Policy and A-32 Prohibiting Discrimination in Public Schools, both of which have been archived and replaced by this document.

The purpose of this policy is to create and preserve an educational environment free from sexual harassment and discrimination on the basis of sex. The Executive Director is responsible for ensuring compliance with this policy.

Title IX of the Education Amendments Act of 1972 prohibits sex discrimination in any federally funded educational program. This applies to the school and all educational experiences the school offers including clubs and extracurricular activities.

Under both Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, the School considers sexual harassment to be unlawful discrimination on the basis of sex. In addition, discrimination on the basis of sex is prohibited by the Utah Constitution. Finally, sexual harassment/assault by any individual may constitute a sexual crime under Chapter 76 of the Utah Criminal Code.

Furthermore, the purpose of this policy is also to incorporate the following:

- 1) The Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C., 1400;
- 2) State Board of Education Special Education Rules, August 2007;

- 3) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance;
- 4) Section 5 of the Americans with Disabilities Act Amendments of 2008, which prohibits discrimination on the basis of disability.
- 5) Title IV of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000c et seq., which provides standards and training for educators relative to the desegregation of schools receiving Federal financial assistance;
- 6) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance;
- 7) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination in employment based on race, color, religion, sex, or national origin in programs and activities receiving Federal financial assistance;
- 8) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance;
- 9) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination on the basis of race, color, religion, sex, or national origin, and also prohibits discrimination against an individual because of his or her association with another individual of a particular race, color, religion, sex, or national origin. Title VII also covers types of wage discrimination not covered by the Equal Pay Act;
- 10) Equal Pay Act of 1963, 29 U.S.C. 206 et. seq., as amended in the Fair Labor Standards Act, which prohibits sex discrimination in pay under an equal work standard;
- 11) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- 12) The Utah Antidiscrimination Act of 1965, Utah Code Ann. 34A-5 et seq.

## 2.0 Definitions

**“Responsible Employee”** means employees are those who have authority to redress or a duty to report incidents of sexual violence, or those who students reasonably believe have this authority or duty.

**“Sexual harassment”** means unwelcome sexual conduct, requests for sexual favors, other physical or verbal conduct or communications including electronic communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties when:

1. submission to the conduct is made explicitly or implicitly a term or condition of a student's education (including any aspect of the student's participation in school sponsored activities, or any other aspect of the student's education);
2. submission to or rejection of the conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education; or,
3. the conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive education environment.

There does not need to be an intent to harm, nor does the activity need to be directed at a specific person to be considered harassment.

**“Sexual Violence,”** as defined by the Department of Education’s Office for Civil Rights (OCR), includes “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual may also be unable to consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts are forms of sexual harassment covered under Title IX.”

**“Unacceptable conduct”** may or may not constitute sexual harassment. Normally, unacceptable behavior must be severe or pervasive to be considered sexual harassment.

Conduct that the School considers unacceptable and often a part of sexual harassment includes, but is not limited to, the following:

- rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the Utah Criminal Code;

- unwelcome sexual invitations or requests for sexual activity in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc.;
- unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of oneself or others, sexually suggestive dancing, and massages;
- any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic electronic messages or games, etc.;
- unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or actual or perceived sexual orientation;
- unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal-body hugs, etc.;
- unwelcome and offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
- unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
- unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or implies sexual motives or intentions or are based on sexual stereotypes;
- unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, email, text, web pages, etc.;
- any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

### 3.0 Policy Content

In accordance with R277-112, Wasatch Waldorf Charter School does not advocate, permit, or practice discrimination on the basis of race, creed, color, national origin, religion, age, sex, sexual orientation, gender identity, pregnancy, or disability.

3.1 It is a violation of this policy for any student or employee to sexually harass any other student or employee.

3.2 The School encourages all victims of sexual harassment and persons with knowledge of sexual harassment to report the harassment immediately..

3.3 All complainants have the right to be free from retaliation of any kind.

3.4 All complaints received shall be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the definition of “unacceptable conduct,” “sexual harassment,” or “sexual violence” as found above, and should be treated as sexual harassment.

3.5 The School will take prompt corrective action reasonably calculated to end the harassment.

#### 3.6 SCHOOL RESPONSIBILITIES

3.6.1 If the school knows or reasonably should have known about sexual harassment or sexual violence that creates a hostile environment, it will take immediate action to end the harassment, prevent its recurrence, and remediate its effects - regardless of whether a complaint has been filed.

#### 3.6.2 SITE-LEVEL COMPLAINT PROCEDURES

3.6.3 Students and staff affected by sexual harassment shall be afforded avenues for filing complaints which are free from bias, collusion, intimidation, or reprisal.

3.6.4 Students and staff subjected to sexual harassment are first encouraged to confront the harasser and tell the harasser to stop the conduct because it is unwelcome. If the complainant's concerns are not resolved satisfactorily through a discussion with the harasser, or if the complainant feels he/she cannot discuss

the concerns with the harasser, the complainant should directly inform school staff of the complaint and should provide information regarding their preferred method for resolution of the situation.

- 3.6.5 Complainants should document the incident(s) of harassment, and any conversations they have with the harasser, noting such information as time, date, place, what was said or done, and other relevant circumstances surrounding the event(s).
- 3.6.6 Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the Executive Director, and then shall immediately notify the Executive Director.
- 3.6.7 Complainants who contact school staff with a complaint are encouraged to submit the complaint in writing using the School Concern Form. (See Appendix 5.3) However, complaints may be filed verbally. Alternate methods of filing complaints shall be made available to individuals with disabilities who need accommodation.
- 3.6.8 Upon receipt of a harassment complaint, the Director should explain the grievance process to the parties or their parents if the parties are minors. Victims will be provided or connected with support services, that may include school counseling resources or other victim support resources in the community.

### 3.7 CONFIDENTIALITY

- 3.7.1 It is School policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy; however, because an individual's right to confidentiality must be balanced with the School's obligations to cooperate with police investigations or legal proceedings, or to investigate and take necessary action to resolve a complaint, the School retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances.

- 3.7.2 Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by Utah Code Ann. §62A-4a-412.

### 3.8 SITE-LEVEL INVESTIGATION PROCEDURES

- 3.8.1 The school administrator has the responsibility to conduct a preliminary review when he/she receives a verbal or written complaint of sexual harassment, or if he/she observes sexual harassment. The administrator should take the following steps:
- 3.8.1.1 Notify the complainant of his/her right to have someone of the same gender conduct or be present during the interview.
  - 3.8.1.2 Interview the complainant and document the conversation. Instruct the complainant to have no contact or communication regarding the complaint with the alleged harasser.
  - 3.8.1.3 Interview the alleged harasser regarding the complaint and inform the alleged harasser that objectionable conduct must cease immediately.
  - 3.8.1.4 Instruct the alleged harasser to have no contact or communication regarding the complaint with the complainant and to not take any retaliatory action against the complainant.
  - 3.8.1.5 If the alleged harasser admits all or part of the allegations, the administrator shall implement appropriate disciplinary action. At a minimum, a written warning/reprimand shall be issued to the harasser and,
    - if the harasser is a student, a copy placed in the student's discipline record/file.

- if the harasser is an employee, submit a copy of the written warning/reprimand to the Executive Director for inclusion in the harasser's personnel file.
- 3.8.1.6 If the alleged harasser denies the allegations, promptly conduct a further investigation including interviewing witnesses, if any.
- 3.8.1.7 Report back to the complainant:
- (a) that the investigation has been completed;
  - (b) whether or not the evidence supported the claim;
  - (c) that appropriate actions will be taken; and
  - (d) instruct the complainant to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- 3.8.1.8 Notify the complainant that, if he/she is unsatisfied with the outcome of the site level investigation, he/she may file a complaint according to the School's Communication and Complaint Policy.
- 3.8.2 The School Administrator must consider the severity or pervasiveness of the conduct and exercise discretion in determining whether a School level investigation is necessary regardless of the complainant's desires. If a blatant violation occurs involving criminal touching, quid pro quo (e.g., offering an academic reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint should be referred promptly to the appropriate School Director. In addition, where the Executive Director has reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately contact appropriate law enforcement authorities.



- 3.8.3 Whenever a sexual harassment complaint is made, the Executive Director must take action to investigate the complaint or to refer the complaint for investigation even if the complainant does not request any action or withdraws the complaint.
- 3.8.4 Investigations should commence as soon as possible but not later than five (5) working days following receipt of the complaint.
- 3.8.5 Completion of the major stages of investigation will be reasonably prompt and will not exceed 60 calendar days.
- 3.8.6 Both parties have the right to appeal the outcome of an investigation.
- 3.8.7 When an investigation is complete, both parties will be notified of the outcome and will be reminded of the time frame for filing an appeal. Communications will include contact information for other options a student, parent or employee may have, such as those provided by OCR or state enforcement agencies. (See Appendix 5.2)

### 3.9 RETALIATION PROHIBITION

- 3.9.1 Any act of reprisal against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and therefore subject to disciplinary action. Likewise, reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited and therefore subject to disciplinary action.
- 3.9.2 The school may provide interim remedial measures, such as limiting contact between parties, changing alleged harasser's classes, and providing other academic accommodations and support to the victim as necessary. These actions must not penalize the complaining party and the school will take actions such as these or other affirmative steps to prevent further harassment.

### 3.10 DISCIPLINE

- 3.10.1 Any individual who violates this policy will be subject to appropriate disciplinary action.
- 3.10.2 Depending on the severity or persistence of the harassment, an individual who violates this policy may be subject to suspension, exclusion, probation, termination, or alternate placement. In addition, students who violate this policy may lose the privilege of participating in extra-curricular activities.
- 3.10.3 If the accused is a student with a disability whose education involves services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA), procedures outlined in the Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

### 3.11 FALSE COMPLAINTS

False, malicious or frivolous complaints of sexual harassment shall result in corrective or disciplinary action taken against the complainant.

### 3.12 TRAINING

- 3.12.1 All new employees shall receive information about this policy at new employee orientation.
- 3.12.2 All employees shall be provided information on a annual basis regarding this policy and the School's commitment to a harassment-free learning and working environment. Employees will be trained annually on how to identify, stop and prevent sexual harassment, including sexual violence. Training may include relevant school policies and procedures, how to make a complaint, and resources available to victims. Student age-appropriate training will be provided on how to identify and report harassment if an incident is witnessed or experienced. Training may include information on the policies and procedures, how to make a complaint, resources available to victims and how to file an

appeal, all presented in an age-appropriate manner using language that the students will understand and providing specific examples of prohibited conduct.

3.12.3 Administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive training on a regular basis on this policy and related legal developments.

### 3.13 RECORDS

3.13.1 Separate confidential records of all sexual harassment complaints and initial investigations shall be maintained. Records of school level investigations shall be maintained in a secure location by the Title IX coordinator / Director.

3.13.2 Records of initial complaints and investigations shall be retained for at least one (1) year.

3.13.3 Records of school level investigations shall be retained for at least three (3) years.

3.13.4 Records of complaints and investigations of blatant violations involving criminal touching, quid pro quo, other criminal acts, or acts which shock the conscience of a reasonable person shall be retained permanently.

### 3.14 DISSEMINATION OF POLICY:

A summary of this policy and related materials shall be posted in a prominent place and may also be referenced in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Executive Director.

## 4.0 Relevant Procedures, Guidelines & Restrictions



## 5.0 Appendices

### 5.1 OCR Guidance

The Office of Civil Rights (OCR) issues significant Title IX guidance for k-12 schools that can be found on their website, here:

<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/sex.html>.

### 5.2 Important Contact information for Students, Parents and Employees

#### OFFICE FOR CIVIL RIGHTS U.S. DEPARTMENT OF EDUCATION (OCR)

Headquarters	Regional Office (Arizona, Colorado, New Mexico, Utah, Wyoming)
Office for Civil Rights US Department of Education Lyndon Baines Johnson Department of Education Bldg 400 Maryland Avenue, SW Washington, DC 20202-1100  Customer Service Hotline: (800) 421-3481 Facsimile: (202) 453-6012 TTY#: (800) 877-8339  Email: <a href="mailto:OCR@ed.gov">OCR@ed.gov</a> Web: <a href="http://www.ed.gov/ocr">http://www.ed.gov/ocr</a>	Office for Civil Rights, Denver Office U.S. Department of Education Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582  Telephone: (303) 844-5695 Facsimile: (303) 844-4303  Email: <a href="mailto:OCR.Denver@ed.gov">OCR.Denver@ed.gov</a>



OCR Electronic Complaint Form: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html> or <https://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>

### 5.3 Wasatch Waldorf Charter School - School Concern Form

#### SCHOOL CONCERN FORM

Thank you for taking the time to articulate your concern in writing. Concerns are a normal and natural occurrence among people working together toward shared goals. When we engage in moving a concern toward resolution, we model healthy human relationships for our students and for each other. Resolution can take a variety of forms, including:

- coming to a mutual understanding
- recognizing the need for further work
- agreeing to disagree, and agreeing nonetheless to treat each other with respect.

WCS has a four-level process to support concern resolution and improve parent staff communication.

Level 1: Speak to the Person Directly

Level 2: Contact Your Class Teacher or the Person with Direct Supervisory Responsibility

Level 3: Contact the Communication Support Team ([CST@wasatchwaldorf.org](mailto:CST@wasatchwaldorf.org))

Level 4: Fill Out Written Form to Start a Formal Concern

For more information on the steps and process, please see the Healthy Communications Guide on the WCS Website. Using the contact information you provide, the Communications Support Team will reach out to set up an appropriate meeting or offer guidance on the Communications Process at WCS.

This form may be filled out in hard copy or the elements on this form may be sent in an email to the Communication Support Team.



**Your Name:**

**Date** this form was submitted:

**What is the best way to contact you?** (Please circle one and provide the information requested.)

By phone (include your number and the best time to reach you at that number):

By email (include your address):

**Please describe your concern:**

If possible, summarize your concern in one sentence:

**What steps have you already taken toward addressing your concern?**



Step 1: Speak to the person directly?

Step 2: Contact your class teacher or the person with the direct responsibility for the area of concern?

Step 3: Contact the communication support team?

**What is your goal regarding this concern?** (For example: to be heard, to gather information, to seek advice, etc.) What is your desired outcome?

**For use of the CST:**

Date received: \_\_\_\_\_

Notes pertaining to actions or proposed actions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Acknowledgement & Referral:

Date of Facilitated Meeting or Conversation:



Date(s) of Resolution:

Date(s) of Follow-up: