

## **Sexual Harassment Title IX Policy**

### **General Statement of Policy**

Polaris Tech Charter School is committed to safeguarding the rights of all students, employees and third parties within the school system, on school campuses, at school events, and on school buses to learn and work in an environment that is free from all forms of harassment and/or sexual harassment.

It is the policy of Polaris Tech Charter School to maintain a learning and working environment that is free from harassment of any type. The Board prohibits any form of sexual harassment or harassment based upon gender, age, religion, disability, color, and/or race/national origin. All persons are required to make a conscientious effort to fully consider and understand the nature and basis of a harassment or a sexual harassment complaint. It will be a violation of this policy for any student, teacher, administrator, other personnel of Polaris Tech Charter School to harass or sexually harass a student, teacher, administrator or other school personnel, through conduct or communication of any form as defined by this policy.

The school system will promptly investigate all complaints and to promptly and appropriately discipline any student or school personnel who is found to have violated this policy, and/or take other appropriate action reasonably calculated to end the harassment or sexual harassment. For the purpose of this policy, school personnel includes school board members, employees of Polaris Tech Charter School, agents of Polaris Tech Charter School, volunteers, contractors, chaperones, or persons subject to the supervision and control of Polaris Tech Charter School.

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and section 504 of the Rehabilitation act of 1973 require school districts to have officially adopted policy statements of nondiscrimination on the basis of sex, disability, sexual orientation, national origin and race.

### **Harassment Defined and Prohibited**

It is the policy of Polaris Tech Charter School Board of Directors not to discriminate on the basis of sex, race, national origin, color, creed, religion, gender, age, marital status or disability in its educational programs, activities, or employment policies as required by the referenced federal

and state statutes. Any student or school personnel shall be punished for infractions of the policy under the following conditions:

The harassing conduct is sufficiently severe, persistent or pervasive that it affects the ability of the student or school personnel to participate in or benefit from the educational program or activity of the work environment and/or creates an intimidating, threatening or abusive environment. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance.

Harassment may include, but is not limited to:

- Graffiti, notes, or cartoons containing discriminatory or offensive language;
- Name calling, jokes, or rumors;
- Negative stereotypes and hostile acts that are based upon a person's sex, gender, race, national origin, color, creed, religion, age, sexual orientation, marital status, or disability;
- Written or graphic material containing discriminatory comments or stereotypes that is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- Threatening or intimidating conduct directed at another because of the other's race, gender, national origin, color, creed, religion, age, sexual orientation, transgender identity marital status, or disability;
- A physical act of aggression or assault, or other acts of aggressive conduct, upon another because of, or in a manner reasonably related to, an individual's race, gender, national origin, color, creed, religion, age, sexual orientation, transgender identity, marital status, or disability
- Texting, emailing, social networking

### Sexual Harassment Defined and Prohibited

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining equal access to an education program or activity;or
- Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or access to an education program or activity;or

● 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 educational environment. Any sexual harassment as defined when perpetrated on any student or employee will be treated as sexual harassment under this policy.

Sexual harassment may include but is not limited to:

- Sexual advances;
- Verbal harassment or abuse;
- Subtle pressure for sexual activity;
- Touching of a sexual nature, including inappropriate patting or pinching;
- Intentional brushing against a student or employee's body;
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- Demanding sexual favors, especially when accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
- Graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures or other written materials, including making and playing sexually explicit audio/video tapes;
- Sexual gestures, including touching oneself sexually or talking about one's sexual activities in front of others;
- Sexual or "dirty" jokes;or
- Spreading rumors about or rating other students or employees as to sexual activity.
- Sexual assault, as defined in the Clery Act, including any sexual act directed against another person, without consent of the individual, including instances where the individual is incapable of giving consent.
- Domestic violence, dating violence or stalking as defined in the Violence Against Women Act.
  - The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of South Carolina, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of South Carolina.

- The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
- The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.
  - For the purposes of this definition:
    1. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
    2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
    3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### Reporting Procedures

Any person who believes he/she has been the victim of harassment or sexual harassment as defined in Sections II and III of this policy by a student or school personnel, or any third person with knowledge or belief of conduct which may constitute harassment or sexual harassment should report the alleged act(s) immediately to the appropriate school system official as designated by this policy. The Board encourages the reporting party or complainant to use the report form available from the Title IX coordinator or Executive Director. The Title IX Coordinator is the person responsible for receiving oral or written reports of harassment or sexual harassment at the school level. Upon receipt of a report, the Title IX Coordinator and/or Executive Director must notify the Board Chairman or designee immediately.

A written report will be forwarded to the Board Chairman. Failure to forward any harassment or sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the Executive Director, the complaint shall be filed directly with the Board Chairman.

Submission of a complaint or report of harassment or sexual harassment will not affect the reporting individual’s future employment, grades or work assignment. 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 system’s legal obligations and the necessity to

investigate allegations of harassment and take disciplinary action when the conduct has occurred.

### Investigation and Recommendation

By Board authority, the Title IX Coordinator and Executive Director upon receipt of a report or complaint alleging harassment or sexual harassment, shall immediately authorize an investigation. This investigation shall be conducted by the school system official or by a third party designee as designated by the SCPCSD Superintendent. The party making the investigation shall provide a written report of the status of the investigation as soon as possible to the Title IX Coordinator and Executive Director.

In determining whether alleged conduct constitutes harassment or sexual harassment, the surrounding circumstances, the nature of the sexual advances, the alleged relationships between parties involved and the context in which the alleged incidents occurred should be considered.

The investigation will consist of, but not be limited to, 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 shall also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the Title IX Coordinator and Executive Director shall take immediate steps to protect the complainant, students, and employees pending completion of an investigation of alleged harassment or sexual harassment.

### Action

Upon receipt of a recommendation that the complaint is valid, the Title IX Coordinator and Executive Director, along with the Board Chairman and SCPCSD Superintendent, shall take such action as appropriate based on the result of the investigation.

The Title IX Coordinator and/or Executive Director shall report the result of the investigation of each complaint filed under these procedures in writing to the complainant. The report shall document any disciplinary action taken as a result of the complaint.

The Title IX Coordinator and Executive Director shall take other steps as are necessary to prevent reoccurrence of the harassment.

### Reprisal

The Executive Director shall discipline any individual who retaliates against any person who reports alleged incidents of harassment or sexual harassment (as defined in Sections II and III of

this policy) or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment or sexual harassment complaint.

### Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse that may be available under state and/or federal law.

False accusations of harassment or sexual harassment (as defined in Sections II and II of this policy) can have a serious detrimental effect on innocent parties. Any person, who knowingly and intentionally makes false accusations for any reason that would be contrary to the spirit and intent of this policy, shall be subject to immediate and appropriate disciplinary action.

Under certain circumstances, sexual harassment may constitute sexual abuse as defined under South Carolina Law. In such situations, the school system shall comply with South Carolina Law regarding the reporting of suspected abuse to appropriate authorities.

### Policy Distribution

A copy of the foregoing policy and reporting procedure shall be published in the Board's Policy Manual, shall be included in each student handbook published by the school, the school website, and shall be posted in a conspicuous place in each school building. Postings of the policy shall include the name(s) of the person(s) to whom reports should be directed (Title IX Coordinator).

Staff development and student education will be provided by the school annually.

## Polaris Tech Charter School Title IX Coordinator

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