

Policy for Preventing Sexual Harassment of Students

Purpose

It is the policy of Young Scholars Charter School (YSCS) to provide a school environment for students that is free from inappropriate behavior and discrimination, including sexual harassment.

It shall also be the policy of YSCS that the basic rights of all concerned must be respected at all times. Please also see the YSCS Child Abuse and Neglect Reporting Policy for any incident that maybe considered child abuse or neglect.

Definition

Sexual Harassment includes unwelcome sexual advances, request for sexual favors, or other verbal or physical acts of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of a student's success in school,
2. submission to or rejection of such conduct by a student is used as the basis for school decisions affecting such student, or
3. such conduct has the purpose or effect of unreasonably interfering with a student's work performance or creating an intimidating, hostile, or offensive school environment.

Examples of Sexual Harassment

The following are examples of acts which violate this Policy. These *examples* are not to be construed as an all-inclusive list of prohibited acts under the policy:

a. Physical assaults of a sexual nature, such as:

1. Rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death; and
2. Intentional physical *contact* which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking a student's body, or touching of the clothing covering the immediate area of the student's intimate *body* parts.

b. Unwelcome sexual advances, propositions or other sexual comments such as:

1. Sexually-oriented gestures, sounds, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any student;
2. Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any student to engage in sexual activity for compensation or reward; and
3. Subjecting, or threatening to subject, a student to unwelcome sexual attention or conduct or intentionally making success in school more difficult because of the student's gender.

c. Display of publications anywhere within the school's control such as:

1. Displaying pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music or other materials that are sexually suggestive, sexually demeaning, or pornographic.

Exceptions will be considered in situations where nudity or sexually explicit language is necessary to convey a message important to public health and/or safety *or pedagogically appropriate*. Subject to the foregoing exceptions, visual material will be presumed to be sexually suggestive if it depicts a person of either sex who is nude or seminude and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.

2. Displaying or publicizing, in the classroom environment, materials that are sexually revealing, sexually suggestive, sexually demeaning or pornographic;
3. Displaying signs or other materials purporting to segregate a student by gender in any area of the school (other than rest rooms and similar semi-private lockers/changing rooms); or
4. Possession of such material in a manner that it is reasonably foreseeable that they might be seen by others.

d. Sexual Favoritism. Impact on other students:

The granting or withholding of school opportunities and benefits including, but not limited to, assignments, discipline, and evaluation constitutes sexual harassment when it is based on sexual favoritism, and is prohibited.

e. Other Forms of Prohibited Sexual Harassment:

Other conduct that has the purpose or effect of unreasonably interfering with a student's work performance or learning conditions on the basis of gender may also constitute sexual harassment, and therefore, is prohibited. Examples of conduct which, when based upon gender, constitute prohibited sexual harassment include:

1. Assigning disagreeable or unsafe duties; or not making comparable assignments that would tend to disadvantage a student's development;
2. Withholding information, materials, equipment or supplies which are necessary for the efficient performance of an assignment;
3. Unreasonably failing to cooperate or assist students with school-related matters;
4. Interfering with a student's efforts to satisfactorily complete an assignment;
5. Maintaining unequal standards of performance;
6. Ostracizing students, or otherwise making it known to students that they are not welcome because of their gender; or
7. Referring to students by sexually denigrating or insulting names because of their gender.

Retaliation for sexual harassment complaints

It is a violation of this policy to retaliate or engage in any form of reprisal because a student has raised a concern, filed a complaint of, or been a witness to sexual harassment. Examples of retaliation may include:

1. Arbitrary discipline, *threats*, unwarranted change of assignments, providing inaccurate information, or failing to cooperate or discuss school-related matters with any student because that student has complained about, been a witness to or resisted harassment, discrimination or retaliation; and
2. Intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up conduct such as that described in any item above.

Procedures for Making Complaints

Young Scholars Charter School is committed to resolving these complaints as quickly and efficiently as possible. If you believe or have knowledge that a student has been sexually harassed, you are encouraged to contact your Co-Principals.

Any student who has witnessed or feels that he or she is being subjected to sexually harassing behavior of any kind may seek either an informal or formal resolution of his/her complaint:

Informal

The student or his/her parent may request a Co-Principal to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated. In such case the Co-Principals must discuss the matter with the alleged offender, and, if warranted require that he/she participate in non-disciplinary counseling. The Co-Principals shall document actions taken in writing. Copies will also be forwarded to the Designated Trustee (who is appointed by Young Scholars Charter School's Board of Trustees).

Formal

A student who believes that he/she has been sexually harassed or parent who believes that his/her child has been sexually harassed can file a complaint requesting an investigation into the allegation. Formal complaints shall be taken in writing and signed by the complainant. A thorough and complete investigation shall be conducted by the Co-Principals.

Should one of the Co-Principals be the person accused of the sexual harassment or should the complainant feel that the Co-Principals are in some way responsible for the sexual harassment, the student or parent may bring his/her concerns directly to the attention of Designated Trustee.

To the extent possible and permitted by law, confidentiality shall be maintained within the confines of the investigation of the alleged prohibited behavior. All parties will be treated with dignity and due process.

Procedures for Investigating and Resolving Complaints

The Co-Principals shall take the details of the complaint of sexual harassment in writing and have the complainant sign it. Copies of this document will be forwarded to the Designated Trustee. All complaints of sexual harassment against a Young Scholars Charter School employee or student shall be received, investigated and disposed of in accordance with the procedures set forth in this policy, and complainants shall be notified of the final disposition/action taken.

If the complaint involves sexual assault, rape or conduct of a criminal nature, the Philadelphia Police Department shall be contacted and a report of the incident made. If there is any question of whether the conduct complained of constituted criminal activity, the Designated Trustee should be contacted and consulted.

The Co-Principals shall attempt to secure statements from all participants in, and witnesses to the alleged incident. The accused, if he/she is an employee, shall have the right of representation during his/her interview. The accused if he/she is a student shall have the right to have his/her parent present.

Absent extenuating circumstances, all investigations shall strive to be completed by the assigned investigator within ten (10) days from the filing date of the complaint.

If the charge is substantiated, the Co-Principals shall determine the appropriate level of discipline consistent with Young Scholars Charter Schools' strong policy against sexual harassment of students. Documents regarding substantiated charges of sexual harassment against Young Scholars Charter School's employees shall be placed in the accused employee's personnel file. Documents regarding unsubstantiated charges shall not be placed in personnel files, but shall be maintained by the Designated Trustee in a confidential file established expressly for retaining complaints of sexual harassment against students.