
MAKING COMMUNITY CONNECTIONS CHARTER SCHOOL

SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

ACA

I. GENERAL STATEMENT OF POLICY

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment of any employee or student by any other employee or student, or by anyone a student or employee may interact with in order to fulfill a job or school responsibilities on or off school property, is not only illegal as a form of sex discrimination as defined by Title VII of the 1964 Civil Rights Act and Title IX of the Educational Amendments of 1972, but also is a violation of this Policy and will not be tolerated. "School property" means any buildings, vehicles, property, land, or facilities used for school purposes or school-sponsored events or activities, whether public or private. For the purposes of this policy, the term "employee" shall include, but not be limited to, MC² employees, teachers, non-certified personnel, administrators, volunteers, coaches, contractors, internship mentors, and/or other such personnel whose employment is directed by the school.

It is the policy of MC² to maintain a learning and working environment that is free from sexual harassment and violence. MC² will not tolerate any form of sexual harassment or sexual violence.

It shall be a violation of this policy for any student or employee to harass a student or an employee through conduct or communication of a sexual nature, as defined by this policy.

It shall be a violation of this policy for any student or employee to be sexually violent to a student or employee.

MC² will act to promptly investigate and equitably resolve all complaints; formal or informal; oral or written; of sexual harassment and sexual violence; and to discipline any student or employee who is deemed to have committed these offenses.

Any person believing that the School, or any part of the School organization, has inadequately applied the above-referenced regulations shall bring forth a complaint to the designated person assigned by the Executive Director (hereinafter Designee). Any complainant has the right to file a complaint directly with the Title IX Coordinator/Civil Rights Coordinator should they not wish to pursue the process outlined above for any reason. The School's Title IX/Civil Rights Coordinator is the Executive Director of MC².

II. SEXUAL HARASSMENT/SEXUAL VIOLENCE DEFINED

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or 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.
 4. The unwelcome conduct may result in sexual violence.
- B. Sexual harassment is not limited to requests for sexual favors in return for a job or educational benefits. Sexual harassment may include, but is not limited to:
1. verbal harassment and/or abuse of a sexual nature;
 2. leering at an individual's body;
 3. jokes of a sexual nature;
 4. the display anywhere on school facilities of sexually suggestive, sexually demeaning or pornographic objects, pictures, writings, posters or cartoons;
 5. graphic verbal comments about an individual's body, clothing or sexual activity;
 6. subtle pressure for sexual activity;
 7. inappropriate patting or pinching;
 8. intentional brushing against a student's or an employee's body;
 9. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
 10. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
 11. any sexually motivated unwelcome touching; or
 12. sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.

III. REPORTING PROCEDURES

Any person who believes they have been the victim of sexual harassment or sexual violence,

by a student or an employee of MC², or any third person with knowledge or belief of conduct which may violate this policy, should report the alleged act(s) immediately to an appropriate School Official as designated by this policy. MC² encourages the reporting party or complainant to use the report form available from the Executive Director, website, or front office, but use of the form is not required. The Executive Director is responsible for implementing all procedures of this policy. Additionally, the Executive Director may develop and implement additional administrative regulations in furtherance of this policy.

Upon receipt of a report, the complaint should be reported to the Executive Director immediately without screening or investigating the report. If the report was given verbally, the Executive Director shall commit to written form within 24 hours. Failure to forward any 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 of Trustees.

Submission of a complaint or report of sexual harassment or sexual violence will not affect the complainant's future employment, grades, or work assignments.

MC² recognizes that certain individuals, may not be able to submit a written complaint. In such cases, alternate methods of filing complaints, such as tape recorders or note-takers, shall be made available.

MC² will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with MC²'s legal obligations and the necessity to investigate allegations and take disciplinary action.

IV. INVESTIGATION AND RECOMMENDATION

The Executive Director, upon receipt of the report or complaint (verbal or written) alleging illegal discrimination, harassment or sexual violence, shall investigate. The investigation may be conducted by a third party designated by the Board of Trustees if deemed necessary. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Executive Director. A final written report with recommendations for action shall be submitted to the Executive Director at the conclusion of the investigation. If the complaint pertains to the Executive Director, the report shall be submitted to the Chair of the Board of Trustees.

If both the complainant and alleged harasser agree, the Executive Director, or their designee, may work with the complainant and alleged harasser to informally resolve the complaint provided, however, that the Executive Director must first notify the complainant of their right to end the informal process at any time and begin the formal complaint process. In compliance with applicable federal and

state law, it is the policy of the Charter School to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex.

1. The Executive Director upon receipt of a report or complaint alleging sexual harassment or sexual violence shall promptly investigate.
2. The number of people involved with any harassment investigation will be kept as small as possible. All those who are involved will protect the confidentiality of any and all information relating to the case.
3. Each person involved in the investigation must be informed of appropriate methods of case documentation. Corroboration of evidence and a credibility statement of the complainant(s) and witness(es) should be gathered.
4. Maintaining confidentiality without violating due process of the accused should always be the goal.
5. Should the grievance come from a female (or female identified) student or faculty member, whenever possible, a female (or female identified) counselor or employee shall be present at all discussions and meetings involving the case.
6. Should the grievance come from a male (or male identified) student or employee, whenever possible, a male (or male identified) counselor or employee shall be present at all discussions and meetings involving the case.
7. The Investigator shall provide a written report of the status of the investigation within ten (10) working days to the Executive Director. If the Executive Director is the subject of the complaint, the report shall be submitted to the Board of Trustees.
8. 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 giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the Investigator.
9. Persons accused of harassment will be given sufficient information about the allegations and a reasonable opportunity to respond before they are found to have harassed another and before any corrective action or discipline is imposed.
10. The Investigator shall file a report with the Executive Director no later than twenty days following receipt of the complaint. The Executive Director will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Executive Director or designee will provide all parties

with a written status report within ten (10) days following receipt of the complaint.

11. Any victim or accused who is still not satisfied with the outcome of the MC² investigations may file a request for review by the Board of Trustees by submitting a written appeal to the Executive Director within ten working days following receipt of MC²'s findings.
12. At all times victims have the right to pursue alternative procedures set forth below.
13. Retaliation in any form against any person who has filed a grievance relating to harassment is forbidden. If it occurs it will be considered:
 - a. for employees: possible grounds for dismissal; and
 - b. for a student: possible grounds for removal from the setting, up to and including expulsion.

V. ACTION IF COMPLAINT IS SUBSTANTIATED

The Executive Director should review the victim's records, grades, evaluations, etc., with a view to correct any injustice(s) that might have occurred as a result of the harassment. In the case of an employee, MC² may need to consider rehiring a terminated employee or offering a promotion or raise that might have been denied.

Upon determination that the complaint is valid, MC² shall take such disciplinary action as it deems necessary and appropriate to end the harassment, and prevent its recurrence.

Disciplinary measures include, but are not limited to, expulsion, termination, verbal and written warning/reprimand in employee or student files, detention or in-school suspension, out-of-school suspension, behavior contract, requirement of a verbal and/or written apology to the victim and mandatory education and training on sexual harassment.

Since it is not unusual for harassment to begin again after several weeks have lapsed, the harasser should be supervised closely. The victim should be encouraged to report any renewed problems. If possible, the harasser and the victim should be separated, with the harasser being the one to be transferred. Care should be taken not to punish the victim.

VI. ACTION IF THE COMPLAINT IS UNSUBSTANTIATED

If the complaint proves to be unsubstantiated, the Investigator must review the findings and report with the complainant.

This review should include a complete description of the investigation and the reasons why the complaint was found to be unsubstantiated.

This should be done without identifying the name(s) of any other student(s) or

employee(s) who were contacted and done in compliance with FERPA and privacy laws.

VII. APPEAL OF INVESTIGATOR'S RECOMMENDATION

Either the complainant or the accused may appeal the investigator's recommendation and subsequent MC² action, if any, to the Board of Trustees. After a hearing, the Board will note either to accept or deny the Investigator's recommendation and resulting discipline. Either party may then appeal the Board's decision in accordance with applicable law.

VIII. REPRISAL/RETALIATION

There should be no retaliation for a complaint made in good faith. MC² will discipline any individual who retaliates or encourages others to retaliate against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

If the complaint was not made in good faith, a reprimand or some other disciplinary action may be in order.

IX. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

The procedures in this policy do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Commissioner of Education, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

The individual may choose to file the alleged violation or complaint with:

A. The New Hampshire Commission of Human Rights

2 Chenell Road
Concord, New Hampshire 03301
(603) 271-2767
<https://www.nh.gov/hrc/howto.html>

B. The Equal Educational Opportunity Office (Title IX)

New Hampshire Department of Education
State Office Park South
101 Pleasant Street
Concord, New Hampshire 03301-3860
(603) 271-3494

C. U.S. Department of Education

Office for Civil Rights
5 Post Office Square
8th Floor, Suite 900
Boston, Massachusetts 02109-3921
(617) 289-0023

- X. SEXUAL HARASSMENT OR SEXUAL VIOLENCE AS SEXUAL ABUSE
- A. Consistent with School policies on child abuse and the Safe Schools Act and state law, upon receipt of any complaint that contains evidence of violence or criminal activity, the Executive Director or the Board of Trustees shall refer the complaint to law enforcement officials and appropriate child protection authorities for investigation.
 - B. Nothing in this policy prohibits MC² from taking immediate action to protect victims of alleged child abuse, including immediate suspension of a student or placement of an employee on administrative leave pending the outcome of an investigation.
- XI. POSTING/PUBLICATION
- A. Copies of this Policy shall be made available to all Employees, Students, and Parents by publishing in the applicable Handbook and on the MC² website.
 - B. Each new MC² employee and student shall receive and sign for a copy of MC²'s Policy.
 - C. Postings required by this Policy and/or Title IX shall be made on bulletin boards in every school and office where employees, as well as students, are likely to see them. It is the responsibility of the Executive Director to assure that the required postings are up to date and displayed appropriately.

Legal Reference:

NH Code of Administrative Rules Section Ed. 303.01(J)
Civil Rights Act 1964 Title

Appendix Reference:

Date Adopted: July 8, 2013

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Last Review Date: