

MARE ISLAND TECHNOLOGY ACADEMY
POLICY ON SEXUAL AND SEX/GENDER-BASED HARASSMENT & DISCRIMINATION

Statement against Sexual, Sex, and Gender Based Harassment

- **No toleration policy** - Sexual or gender-based harassment of or by any faculty, staff or student is illegal and will not be tolerated. The Mare Island Technology Academy (“Charter School”) Board of Directors (“Board”) prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sex, sexual orientation, gender identity, gender expression, or any other basis protected by federal, state or local law or ordinance or regulation.
- **To whom the policy applies** - This policy applies to all persons involved in the operation of the Charter School and prohibits unlawful harassment by faculty, staff, students, volunteers, and visiting third parties participating in a School-related function.
- **Discipline** - The Board considers sexual and gender-based harassment and sex or gender-based discrimination of any kind to be major offenses and any individuals who violate this policy are subject to discipline up to and including dismissal, expulsion, ejection or prevention from participation in School-related activities, or other appropriate sanction.
- **Prompt and Thorough Investigation** - All claims of harassment and discrimination will be taken seriously and will be investigated promptly and thoroughly.
- **Confidentiality** - Sexual and gender-based harassment advisers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual or gender-based harassment. Sexual and gender-based harassment and discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the extent reasonably possible.
- **No Retaliation** - Retaliation against any student who reports or provides information related to harassment or discrimination in violation of this policy is against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

Sexual and Gender-Based Harassment Defined

Harassment, whether sexual or otherwise, on the basis of sex, pregnancy disability, gender identity, or gender expression, are unlawful forms of harassment. Students in California are protected from discrimination based on their actual or perceived sexual orientation. Sexual orientation is defined as heterosexuality, homosexuality (gay/lesbian), and bisexuality.

Sexual Harassment

Sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made implicitly or explicitly a term or condition of educational development or participation in an educational program or activity;
- Submission or rejection of such conduct is used as a basis for education decisions affecting individuals; or
- Such conduct has a purpose or effect of unreasonably interfering an individual's work or educational performance, or creating an intimidating, hostile or offensive educational environment.
- Sexual harassment in California also includes:
 - Verbal harassment, such as epithets, derogatory comments, jokes, or slurs;
 - Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work or learning because of sex; and
 - Visual harassment, such as derogatory cartoons, drawings or posters.
 - Sexual advances of a Charter School employee to a minor student or unwelcome sexual advances from student to student of either the same or opposite sex.

Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions and may include, but is not limited to the following examples:

- Vulgar remarks;
- Sexually derogatory comments regarding a person's appearance;
- Physical touching, pinching, patting, or blocking free movement;
- Sexual propositions or advances;
- Sexually suggestive or degrading posters, cartoons, pictures or drawings;
- Offensive sexual jokes, slurs, insults, innuendos or comments; or
- Physical assault.

Gender-Based Harassment

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformance with stereotypical notions of masculinity and femininity.

- Conduct that may constitute sex or gender-based harassment include:
 - Disparaging remarks made or aggression towards a student because that person displays mannerisms or a style of dress perceived as indicative of the other sex.
 - Hostility towards a student because that person participates in an activity more typically favored by a person of the other sex.
 - Intimidating a student to discourage that student from enrolling in a particular area of study because of his/her gender.
 - Ostracizing a student who wishes to participate in an extracurricular activity because that activity is more typically favored by a student of the other sex.
 - Taunting a student who is struggling with a subject-area curriculum by insisting that students of that gender are “bad” at that subject area.

Sex-Based Different Treatment

Treatment of students differently on the basis of sex or gender in Charter School programs and activities, including admissions, recruitment, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing or employment.

The Charter School seeks to ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities.

Notification

- A copy of the Sexual and Sex/Gender-Based Harassment & Discrimination Policy shall be provided to all Charter School students at the beginning of the first semester of each school year.
- New employees to the Charter School will receive a copy of the Sexual and Sex/Gender-Based Harassment & Discrimination Policy upon acceptance of employment.
- The Sexual and Sex/Gender-Based Harassment & Discrimination Policy will be

displayed in a prominent location at the Charter School or posted on the Charter School's website.

- A copy of the Sexual and Sex/Gender-Based Harassment & Discrimination Policy shall appear in any publication of the Charter School that sets forth the comprehensive rules, regulations, procedures and standards of conduct from the Charter School.

Students, parents or guardians who have questions concerning this Policy are encouraged to contact the Director/Title IX Coordinator.

Complaint Procedure

Complaint Filing Procedure

- Complaint – Any student who believes he or she has been harassed, or believes he or she has witnessed harassment, by a peer or agent of the Charter School should promptly report either by using the attached form or by reporting verbally to someone on the Student Services Team for your grade level, Title IX Coordinator, or other trusted School staff member. Note that where appropriate, Charter School Staff may attempt to resolve a reported alleged harassment or discrimination situation through open communication with the other student with a School staff member present. Staff will explain to the student complaining of harassment that any such attempt to resolve the complaint informally is purely voluntary, and she or he may elect not to participate.
- A complaint form is attached to this Policy. A copy of this form also can be obtained from the Director/Title IX Coordinator. Students who feel comfortable completing and submitting this form may do so or report verbally.
- The Director/Title IX Coordinator, or designee, will investigate all reported incidents within ten (10) days of receiving a written complaint form, unless the Director/Title IX Coordinator, or designee, is the subject of the investigation, in which case the Board shall appoint an investigator. The individual responsible for the investigation will hereinafter be referred to as the “Investigator.” If the Investigator deems it necessary, he or she will convene a team of trained investigators to proceed in the investigation.

Investigation

Investigation Policies

- Complaints will be treated seriously and investigated immediately.
- Complaints will be handled confidentially to the extent possible.
- Complainants will be promptly and fully informed of their rights pursuant to this policy.
- Witnesses and the accused will be properly and fully informed of their rights and

remedies pursuant to this policy.

- All interviews of the accused, witnesses and the complainant shall be conducted in a private area.
- The Investigator will be properly trained to listen to the allegations, make complete notes, attempt to identify all persons involved, as well as all possible witnesses, and interview the accused.
- No complainant, witness, or party who assists in the investigation will be retaliated against.
- The Charter School will take steps to prevent the recurrence of any harassment and will correct any discriminatory effects on the complainant and others.

Investigation Procedure

The Investigator will initiate an investigation to determine whether there is reasonable cause to believe that a violation of the Charter School's Sexual and Sex/Gender-Based Harassment & Discrimination Policy has occurred. "Reasonable cause" is shown if a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of a violation of the policy.

- Individuals involved in the investigation including the complainant, witnesses and the accused shall be fully informed of their rights under this policy, as applicable.
- The Investigator shall fully and effectively conduct an investigation that includes:
 - 1) Interviewing the following:
 - (a) the complainant;
 - (b) the accused;
 - (c) any witnesses to the conduct;
 - (d) any other person who may be mentioned during the course of the investigation as possibly having relevant information; and,
 - 2) Reviewing any other relevant evidence.
- When appropriate, interim protections or remedies for the complainant, such as limitations on contact, alternative course schedules, and the like, may be recommended to the appropriate Charter School administrator at any time during the process. However, if the complainant or accused are students, any change imposed to the classes, schedules, study programs, or activities of said students shall be equivalent to the classes, schedules, study programs, or activities in which they are currently engaged, such that the student(s) maintain the educational benefit from said class or program. The complainant will be kept informed of the status of the complaint, consistent with the Charter School's policy

and applicable law.

- Absent extenuating circumstances, the formal investigation shall typically be completed within ninety (90) days of the date of the filing of the request.
- The final determination of the Investigator's investigation shall result in a report which shall contain, at the minimum:
 - 1) a statement of the allegations and issues;
 - 2) the positions of the parties;
 - 3) a summary of the evidence received from the parties and the witnesses; and
 - 4) all findings of fact.
- The final determination report shall state a conclusion that the Investigation Team:
 - 1) Found reasonable cause that the accused violated the Sexual and Sex/Gender Harassment & Discrimination Policy; or
 - 2) Did not find sufficient evidence to find reasonable cause that the accused violated Sexual and Sex/Gender Harassment & Discrimination Policy. Where the Investigator did not find reasonable cause but believes the behavior complained of may constitute misconduct, the Investigator may state such a conclusion and refer the matter to the appropriate Charter School administrator.
 - 3) If the complaint involves a student, the Title IX Coordinator or designee shall notify the student's parent or guardian of the conclusion reached by the Investigation Team and the steps taken to address the needs (current and ongoing) and/or behaviors of the student(s) involved.
- The report shall be submitted to the appropriate Charter School Director/Title IX Coordinator for action, within thirty (30) days of the completion of the investigation or as soon thereafter as is feasible. The Investigator will inform the complainant and the accused that the report has been forwarded and to whom, if applicable. The Director/Title IX Coordinator will ensure that the complainant and the accused are timely notified in writing of the disciplinary action taken, if any.
- Within a reasonable time period after taking disciplinary action against the accused, the appropriate administrator(s) shall notify the Director/Title IX Coordinator indicating the observed results of any disciplinary actions.
- If the final determination is that sexual or gender-based harassment has occurred, a prompt, relevant and effective remedy shall be provided to the complainant and appropriate disciplinary action taken against the harasser.

- An appropriate administrator will periodically follow up with the student harassed to ensure that she or he is not experiencing any recurring harassment or retaliation.

**SEXUAL/GENDER-BASED HARASSMENT/SEX BASED DISCRIMINATION
COMPLAINT FORM**

It is the policy of Mare Island Technology Academy (“MIT Academy”) that all of its employees and students be free from sexual and gender-based harassment and other forms of sex-based discrimination. This form is provided for you to report what you believe to be sexual or gender-based harassment and sex-based discrimination, so that MIT Academy may investigate and take appropriate disciplinary or other action when the facts show that there has been sexual or gender-based harassment or sex-based discrimination.

If you are an employee of MIT Academy, you may file this form with your immediate supervisor or any Board Member. If you are a student, you may file this form with the Director/Title IX Coordinator or other administrator who will forward the complaint as appropriate.

Please review MIT Academy’s policies concerning sexual and gender-based harassment for a definition of sexual harassment and gender-based harassment and a description of the types of conduct that are considered to be sexual and gender-based harassment and sex-based discrimination.

MIT Academy will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, MIT Academy will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, MIT Academy will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged harasser.

In signing this form below, you authorize MIT Academy to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that MIT Academy will be able to address your complaint to your satisfaction.

Charges of sexual and gender-based harassment and sex-based discrimination are taken very seriously by MIT Academy both because of the harm caused to the person harassed, and because of the potential sanctions that may be taken against the harasser. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you believe harassed you or someone else or discriminated against you based on sex/gender: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, why you believe the person discriminated against you based on sex/gender, etc.) (Attach additional pages, if needed):

I acknowledge that I have read and that I understand the above statements. I hereby authorize MIT Academy to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

Signature of Complainant

Date: _____

Print Name

Received by: _____

Date: _____