



## **Anti-Discrimination Policy**

**Policy Number: 5204**

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### **I. Purpose**

Summit Academy Schools are committed to providing a working and educational environment free from unlawful discrimination, harassment, and/or retaliation. Accordingly, no otherwise qualified person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to unlawful discrimination in any LEA program or activity on the basis of age, color, disability, gender, gender identity, national origin, pregnancy, race, religion, sexual orientation, or veteran status.

### **II. Definitions**

- A. “Clearly Offensive Conduct” That conduct, be it verbal or nonverbal, which when perceived in its overall context, would be taken by a reasonable person, similarly situated, to be strongly objectionable.
- B. “Complainant” A person who files a written or oral complaint about illegal harassment.
- C. “Compliance Officer” Person or persons designated by the Director to receive and process complaints of discrimination.
- D. “Confront” To have a face-to-face discussion and/or contact regarding specific matters.
- E. “Demeaning or Derisive Behavior” Behavior which substantially lowers the status, dignity or standing of another individual, or which insults or otherwise belittles or shows contempt for another individual.
- F. “Disability” An individual's physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.
- G. “Discrimination” Conduct, including words or gestures and other actions, which adversely affects a student's or employee environment or results in disparate treatment based upon their immutable characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.
- H. “Harassment” Unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability and which creates a hostile educational environment. Harassment shall include one or more of the three levels described below. If conduct is clearly offensive only one incident may be necessary to establish harassment:
  - 1. Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is so severe or pervasive that it creates a hostile learning environment.  
Examples include comments or jokes, physical gestures or visual displays such as posters, etc.
  - 2. Individually Targeted Harassment: Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group, which can be verbal, physical or visual that is so severe or pervasive that it adversely affects



the learning environment.

Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

3. Criminal Harassment: Harassing behavior which violates state or federal criminal statutes.

Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

- I. "Respondent" A person named in a discrimination complaint as having engaged in or being responsible for, a discriminatory act or omission.
- J. "Retaliation" Any form or sanction, restraint, coercion, discrimination, or adverse treatment against a person because that person has asserted, or has assisted another person to assert, a discrimination complaint in either a formal or informal manner with the district, or with any state or federal agency, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing related to a discrimination complaint.
- K. "Sexual Harassment" A form of sex (gender) discrimination. It consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is based on one or more of the following conditions.
  - 1. Submission to such conduct is made either explicitly or implicitly as a term or condition to educational benefit.
  - 2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student's educational program.
  - 3. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creating an intimidating, hostile, or offensive learning environment.
  - 4. There are two types of sexual harassment:
    - 1. Hostile Environment: The three levels of hostile environment are the same as those listed for other harassment, e.g., generalized harassment, individually targeted harassment, and criminal harassment.
    - 2. Harassment that culminates in a tangible action which alters the conditions of the educational programs (previously called quid pro quo).

### **III. Policy**

This policy is to promote a work and educational environment at Summit Academy Schools that is free of unlawful discrimination, harassment, and/or retaliation, and to affirm the Board's commitment to non-discrimination, equity in education, and equal opportunity for employment.

- 1. Summit Academy is committed to providing equal access and equal opportunity in its programs, services and employment, policies, complaint processes, program accessibility, and LEA facility use.
- 2. Summit Academy shall operate as an Equal Opportunity Employer and will provide and safeguard the opportunity for all persons to seek, obtain, hold and advance in employment within Summit Academy without discrimination. The Board shall:



consider applicants on an equal basis; publicize the LEA commitment to provide equal opportunity employment; review the status of equal opportunity employment, and ensure all persons are given full opportunity and access to compete for available employment opportunities.

3. The Board prohibits unlawful discrimination, harassment, and/or retaliation against individuals who follow this policy in reporting allegations of discrimination, file a formal complaint, or participate in the investigative process. It is a violation of this policy for any Summit Academy employee to ignore unlawful discrimination, harassment, or retaliation. Violations of this policy may result in discipline for both students and Summit Academy employees.
4. Students or employees who believe that they have been subjected to unlawful discrimination, harassment, and/or retaliation shall report the incident immediately to the school principal and/or LEA supervisor. Complaints will be investigated with fairness and reasonable speed.

#### **IV. Complaint Procedure**

- A. Any student or employee who knows of a violation of this policy is expected to report such conduct to an Administrator, or the LEA Compliance Officer.
- B. The initial allegation of harassment may be submitted either orally or in writing.
- C. Complaints must be made to the immediate supervisor/administrator or the LEA Compliance Officer within 45 calendar days after the date of the alleged act of discrimination.

#### **V. Complaint and Investigative Procedures**

- A. The following procedure is available for those who believe they are victims of harassment or discrimination, or who witness such acts:
  1. Seek to resolve issues directly with the accused.
  2. Seek to resolve issues through administrative personnel.
  3. Register a formal complaint with the LEA Compliance Officer who will initiate an investigation.
- B. If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. The LEA will conduct its own internal investigation independent of law enforcement officials.
- C. All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information confidentially; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed.
- D. The accused may not contact the alleged victim during an investigation without intervention by the LEA, law enforcement, or with the permission of the complainant.
- E. When conducting investigations, the LEA Compliance Officer shall disclose his/her role as a neutral investigator rather than an advocate for any party. The extent of the investigation will be determined, among other factors, by the nature and severity of the charges.



- F. An investigation shall be completed as quickly as practicable, but at least within 30 days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.
- G. Within 10 working days of the conclusion of the investigation, the LEA Compliance Officer shall provide all parties a written disposition of the complaint.
- H. The parties will then have 10 working days to provide written responses to the report and have them considered by the LEA Compliance Officer.

**VI. Reprisal/Retaliation**

Retaliation under this policy is prohibited. Individuals found to have engaged in retaliatory conduct will face disciplinary action, up to and including termination or expulsion.

**VII. Records**

Records of all discrimination or harassment complaints shall be maintained by the LEA Human Recourse Manager. The records will be kept in a separate and confidential file as required by GRAMA. Information gathered, developed and documented in the investigation will be regarded as a protected record.

**VIII. Outside Reporting Procedures**

Nothing in this policy shall prohibit a person from filing an education discrimination claim with the Office of Civil Rights

**IX. References**

N/A

**X. Attachments**

N/A

**XI. Revision History and Approval Dates**

Version 1: 17FEB2022: Original Date of Approval