

Troy Christian Schools District Policy Prohibiting Harassment and Violence

I. General statement of policy.

It is the policy of Troy Christian Schools to maintain a learning and working environment that is free from religious, racial, or sexual harassment and violence. The school district prohibits any form of religious, racial, or sexual harassment and violence.

It shall be a violation of this policy for any pupil, teacher, administrator, or other school personnel to harass a pupil, teacher, administrator, or other school personnel through conduct or communication of a sexual nature or regarding religion or race as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)

It shall be a violation of this policy for any pupil, teacher, administrator, or other personnel to inflict, threaten to inflict, or attempt to inflict religious, racial, or sexual violence upon any pupil, teacher, administrator, or other school personnel.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial, or sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who is found to have violated this policy.

II. Religious, racial, and sexual harassment and violence, and assault defined

A. Religious harassment

Definition: Religious harassment consists of physical or verbal conduct relating to an individual's religion when the conduct

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance
3. otherwise adversely affects an individual's employment or academic opportunities

B. Racial harassment

Definition: Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance
3. otherwise adversely affects an individual's employment or academic opportunities

C. Sexual harassment

Definition: 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
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
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 educational environment

Sexual harassment may include but is not limited to the following:

- unwelcome verbal harassment or abuse
- unwelcome pressure for sexual activity
- unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status
- unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or educational status
- unwelcome behavior or words directed at an individual because of gender

D. Religious violence

Definition: Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

E. Racial violence

Definition: Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

F. Sexual violence

Definition: Sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts, or forcing a person to touch a person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas. Sexual violence may include but is not limited to the following:

1. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex
2. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts
3. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another
4. threatening to force or coerce sexual acts on another, including the touching of intimate parts or intercourse

G. Assault

Definition: Assault is any of the following:

1. an act done with intent to cause fear in another of immediate bodily harm or death
2. the intentional infliction of or attempt to inflict bodily harm upon another
3. the threat to do bodily harm to another with present ability to carry out the threat

III. Reporting procedures

Any person who believes he or she has been the victim of religious, racial, or sexual harassment or violence by a pupil, teacher, administrator, or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report

form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the district superintendent.

A. School building level

The building principal is the person who is responsible for receiving oral or written reports of religious, racial, or sexual harassment or violence at the building level. Any adult school district personnel who receives a report of religious, racial, or sexual harassment or violence shall inform the building principal immediately.

Upon receipt of a report, the principal must notify the school district superintendent immediately, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the superintendent. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the superintendent. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the principal, the complaint shall be made or filed directly with the superintendent by the reporting party or complainant.

B. School district level

At the district level, the school board hereby designates the school principals or superintendent to receive reports or complaints of religious, racial, or sexual harassment or violence. If the complaint involves the superintendent, the complaint should be filed directly with the Board of Trustees.

The school district shall conspicuously post the name of the superintendent, including the mailing addresses and telephone numbers.

C. Adverse effect of complaint

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

D. Reporting forms

The use of formal reporting forms is not mandatory.

E. Privacy

The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. Investigation

By authority of the school district, the superintendent, upon receipt or complaint alleging religious, racial, or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and document deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires determination based on all the facts and surrounding circumstances.

In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged religious, racial, or sexual harassment or violence.

The investigation will be completed as soon as practical. The school district superintendent shall make a written report to the Board of Trustees upon completion of the investigation. If that complaint involves the superintendent, the report may be filed directly with the Board of Trustees. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. School district action

A. Appropriate action

Upon receipt of a report, the school district will take appropriate action. Such action may include but it's not limited to warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, state and federal law, and school district policies.

B. Written report to complainant

The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records of privacy.

VI. Reprisal

The school district will discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who retaliates against any person who reports alleged religious, racial, or sexual harassment or violence or any person who testifies; assists or participates in an investigation; or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

VII. Right to alternative complaint procedures

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

VIII. Harassment or violence as abuse

Under certain circumstances, alleged harassment or violence may also be possible abuse. If so, the duties of mandatory reporting under law may be applicable. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

IX. Dissemination of policy and training

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall appear in the student handbook.
- C. The school district will develop a method of discussing this policy with students and employees.
- D. This policy shall be reviewed at least annually for compliance with state and federal law.

Describe the incident(s) as clearly as possible, including such things as what force, if any, was used; any verbal statements (i.e., threats, requests, demands); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.)

Where and when did such incidents occur? _____

List any witnesses who were present. _____

The complaint is filed on my honest belief that _____ has harassed or has been violent to me or to another person. I hereby certify that the information I have provided in this complaint is true, correct, and that the to the best of my knowledge and belief.

Complainant Signature Date

Received By Date