

12.6 HARASSMENT POLICY

Vanguard Academy has adopted a policy of "zero-tolerance" with respect to unlawful employee harassment. Harassment is verbal or physical conduct which denigrates or shows hostility or aversion toward an individual based on race, color, religion, sex, national origin, age, sexual orientation, personal appearance, disability, or status in any group protected by state or local law. Harassment can also occur if conduct is directed toward a person's relative, friends, or associates.

Sexual Harassment is defined as:

1. Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Offensive comments, jokes, innuendos, and other sexually oriented statements.

Types of Harassment

Sexual harassment constitutes a form of sexual discrimination under Title VII of the Civil Rights Act of 1964. As was stated above, the EEOC and the federal courts have recognized two distinct types of sexual harassment: "quid pro quo" and "hostile environment" harassment.

- "Quid pro quo" harassment occurs when an aspect of a person's job is conditioned on his or her accepting the sexual advances or conduct of another worker (usually a manager or supervisor).
- "Hostile environment" harassment occurs when an employee is subjected to a pattern of unwelcome, sexually, racial, religious, etc. related conduct in the workplace that creates a hostile, intimidating, or offensive work environment. Such conduct includes, but is not limited to:
 - Slurs
 - Stereotyping
 - Threats
 - Intimidation
 - Hostile or demeaning jokes and pranks
 - Harassing material displayed on walls, bulletin boards, or circulated in the workplace
 - Favoritism or persecution

It should be noted, however, that sexually harassing conduct need not be of a specifically sexual nature, it need only be gender-based.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
- Sexually suggestive touching.
- Grabbing, groping, kissing, fondling.
- Violating someone's "personal space."
- Whistling at another person.
- Lewd, off-color, sexually oriented comments or jokes.
- Foul or obscene language.
- Leering, staring, stalking.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons.
- Unwanted or offensive letters or poems.
- Sitting or gesturing sexually.
- Offensive text, E-mail or voice-mail messages.
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
- Questions about one's sex life or experiences.
- Repeated requests for dates.
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- Spreading of sexual rumors.
- Sexual assault or rape.

Complaint Procedure

Employees who feel that they are being harassed should report the incident immediately to the school administration unless the complaint involves the Director, in which case employees should report to the Board. Employees who have personal knowledge of the occurrence of harassment shall report the incident immediately to the school administration and/or Board. If for any reason you believe it would be inappropriate to discuss the matter with the school administration and/or Board the employee may report it directly to the appropriate Human Resources contact who will undertake an investigation. Your complaint will be kept confidential to the maximum extent possible; however, Vanguard Academy cannot guarantee anonymity to persons who report harassment.

If Vanguard Academy determines that an employee is guilty of harassing another individual, appropriate disciplinary action will be taken against the offending employee up to and including termination of employment.

Vanguard Academy prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, it is determined that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, including disciplinary and/or legal action.

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