

APPENDIX D

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

The Hermosa Montessori Charter School ("School") is committed to creating and maintaining an environment free of discrimination, harassment, and retaliation that is unlawful or prohibited by School policy. The School prohibits discrimination, including harassment and retaliation, by School employees, students, contractors, or agents of the School and by anyone participating in a School sponsored activity against an individual based on a protected classification. Protected classification includes race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or other protected category. The School also prohibits retaliation because an individual has engaged in a protected activity.

POLICY

The School will take prompt and appropriate action to: thoroughly investigate complaints under this policy; and prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy in accordance with School policies.

All members of the School community are responsible for participating in creating a campus environment free from all forms of prohibited discrimination and for cooperating with School officials who investigate allegations of policy violations.

PROHIBITED DISCRIMINATION, INCLUDING HARASSMENT AND RETALIATION

Discrimination occurs when an individual, or group of individuals, is treated adversely because they belong to a classification of individuals that is protected by an employment discrimination statute or School policy as set forth above. The failure to provide reasonable accommodations required by School policy for disability or religious practice may constitute discrimination.

Harassment

Harassment is a specific form of discrimination. It is unwelcome behavior based on a protected classification that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in School sponsored activities. Additionally, sexual harassment, whether between individuals of the same or different sex, includes unwelcome conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual's education, employment, or participation in a School program or activity, and/or the submission to or rejection of such conduct is a factor in decisions affecting that individual's education, employment, or participation in School sponsored activities. Harassing conduct may take many forms, including verbal acts and name calling, as well as nonverbal behavior, such as graphic, electronic, and written statements, or conduct that is physically offensive, harmful, threatening, or humiliating.

Retaliation

Retaliation occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of: opposing conduct reasonably believed to constitute discrimination, including harassment, which violates an employment discrimination statute or which School policy prohibits; or filing a complaint about such

practice; or testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.

MANAGEMENT'S PREVENTION AND REPORTING RESPONSIBILITIES

Employees or agents of the School who (a) supervise other employees, students, contractors, or agents; (b) teach or advise students; or (c) have management authority related to a School sponsored program or activity are required to:

- Engage in appropriate measures to prevent violations of this policy; and
- Promptly notify the Head of School after being informed of or having a reasonable basis to suspect a policy violation; or
- If both the alleged policy violator and the person who is the subject of the conduct are students, promptly notify Hermosa's Head of School.

REPORTING DISCRIMINATION, HARASSMENT, OR RETALIATION

Reporting Complaints to School Administration

An individual who believes that he or she has been subjected to discrimination, harassment, or retaliation in violation of this policy should report the matter immediately to enable the School to take prompt remedial action, as set forth below:

- If both the alleged policy violator and the person who is the subject of the potential discrimination, harassment, or retaliation are students, then the person who is the subject of the conduct should contact the Head of School.
- For all other instances in which an individual believes he or she may have been subjected to discrimination, harassment, or retaliation as defined in this policy, or in cases in which staff member believes a policy violation has occurred, he or she should contact Hermosa's administration office for information about resolving concerns, including complaint-filing options and procedures.

Good Faith Allegations

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation. However, individuals who make dishonest statements or make statements with willful disregard for the truth during an investigation or enforcement procedure under this policy may be subject to disciplinary action in accordance with existing School policies.

Anonymous Inquiries and Complaints

Members of the School community and students may contact Hermosa's Administration Office at any time to ask questions about discrimination, harassment, retaliation, or complaint procedures without disclosing their names and without filing a complaint. Because of the inherent difficulty in investigating and resolving allegations from unidentified persons, the School discourages individuals from making anonymous complaints. However, if an individual desires to make a complaint anonymously, then the School will weigh factors such as the following to determine the appropriate response to an anonymous allegation:

- The source, specificity and nature of the information provided;

- The seriousness of the alleged conduct;
- The objectivity and credibility of the source of the report;
- Whether other individuals potentially can be identified who were privy to the alleged policy violation; and
- Whether those individuals are willing to pursue the matter.

If, based upon these factors, it is reasonable for the School to investigate a matter, then the School will proceed with an investigation.

Reporting Complaints to Outside Agencies

School employees and students have the right to file discrimination, harassment, and retaliation complaints with outside agencies as well as with the School's Administration Office. If an individual files a complaint with an external agency, the filing will not affect the School's investigation concerning the same or similar events.

CONSEQUENCES OF POLICY VIOLATIONS

Members of the School community who violate this policy will be subject to disciplinary action that could include letters of reprimand, termination from employment or other appropriate administrative action.

CONFIDENTIALITY

All responsible administrators who receive reports of discrimination, harassment, or retaliation shall maintain the confidentiality of the information they receive, except where disclosure is required by law or is necessary to facilitate legitimate School processes, including the investigation and resolution of discrimination or harassment allegations.

SOURCE REFERENCES

The School's Nondiscrimination and Anti-harassment Policy is based on the amended provisions of Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1975, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, and other applicable federal and state laws, and Arizona Board of Regents and School policy.