

## **Freedom from Discrimination, Harassment, and Retaliation**

### **Statement of Nondiscrimination**

EKHLA prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender or sex, national origin, disability, age, or any other basis prohibited by law. EKHLA also prohibits dating violence, as defined by this Handbook. Retaliation against anyone involved in the complaint process is a violation of school policy.

### **Discrimination**

For purposes of this Handbook, discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender or sex, national origin, disability, age, or any other basis prohibited by law and that adversely affects the student.

### **Prohibited Harassment**

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender or sex, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

- Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities.

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes; name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

### **Sexual Harassment**

In compliance with the requirements of Title IX, EKHLA does not discriminate on the basis of sex in its educational programs or activities. Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

- Affects the student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities.

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

EKHLA also does not tolerate sexual harassment of a student by school employees. Romantic or inappropriate social relationships between students and school employees are prohibited. Any sexual relationship between a student and a school employee is always prohibited, even if consensual.

Sexual harassment of a student by a school employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

- A school employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
- The conduct is so severe, persistent, or pervasive that it:
  - Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - Creates an intimidating, threatening, hostile, or abusive educational environment.

Gender-based harassment includes harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender.

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include, but not be limited to, offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

### **Dating Violence**

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner. Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engaged in these behaviors.

For purposes of this Handbook, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

- Affects the student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities.

### **Retaliation**

EKHLA prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a school investigation regarding discrimination or harassment is subject to appropriate discipline.

## **Reporting Procedures**

Any student who believes that he or she has experienced prohibited harassment or believes that another student has experienced prohibited harassment should immediately report the alleged acts to a teacher, the Principal or designee, or other school employee. Alternatively, a student may report prohibited harassment directly to the appropriate Compliance Coordinator designated in this Handbook.

A student shall not be required to report prohibited harassment to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator, the ADA/Section 504 Coordinator, and/or the Age Discrimination Coordinator may be directed to the Joanie Schwartz, board member, at [schwartzj@ekhla.org](mailto:schwartzj@ekhla.org). If a report is made directly to a board member, EKHLA shall appoint an appropriate person to conduct an investigation.

## **Investigation of Complaints**

After receiving a complaint of prohibited discrimination or harassment, EKHLA may, but need not, require the student to prepare a written report. Oral complaints will be reduced to written form. Upon receipt of a complaint, the appropriate Compliance Coordinator or other authorized school official shall promptly authorize and undertake an investigation. Following completion of the investigation, the Compliance Coordinator or other authorized school official will prepare a written decision regarding the complaint, including a determination of whether prohibited discrimination or harassment occurred.

When appropriate, EKHLA may take interim action to avoid additional opportunities for discrimination or harassment. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and any others with knowledge of the circumstances surrounding the allegations. If the results of the investigation establish that prohibited discrimination or harassment occurred, EKHLA shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the discrimination or harassment and prevent its recurrence. EKHLA may take disciplinary action based on the results of an investigation, even if EKHLA concludes that the conduct did not rise to the level of harassment prohibited by law or policy.

## **Confidentiality**

To the greatest extent possible, EKHLA shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

## **Appeal**

A student or parent who is dissatisfied with the outcome of the investigation may appeal through the EKHLA grievance procedure. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.