



Athenian Academy

Of Technology And The Arts

A Tuition-Free Public Charter School

Equity Policies

Nondiscrimination and Access to Equal Educational Opportunity

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. Therefore, the Governing Board will not discriminate nor tolerate harassment in its educational programs or activities for any reasons, including on the basis of religion, race, color, national origin, sex, disability, age, or genetic information. Additionally, it will not discriminate in its employment policies and practices.

The Governing Board is committed to providing an equal opportunity for all students, regardless of race, color, creed, disability, religion, gender, ancestry, age, national origin, place of residence, or social or economic background, to learn through the curriculum offered at Athenian Academy. In order to achieve the aforesaid goal, the Governing Board directs the Principal to:

A. **Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon race, color, gender, disability, religion, national origin, ancestry, or culture; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

B. **Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of color/racial, gender, religious, national, cultural, or other bias in all aspects of the program;

C. **Student Access**

review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of race, color, creed, gender, disability, or national origin in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

D. **Student Evaluation**

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of race, color, creed, gender, or national origin.

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing
- B. threats
- C. intimidation
- D. stalking
- E. cyberstalking
- F. cyberbullying
- G. physical violence
- H. theft
- I. sexual, religious, or racial harassment
- J. public humiliation
- K. destruction of property

Anti-Harassment

It is the policy of the Governing Board to maintain an educational and work environment that is free from discriminatory harassment based on sex/sex-stereotyping, race, color, ethnicity, national origin, religion, marital status, disability, or genetic information that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment). This commitment applies to all school operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of legally prohibited harassment. This policy applies to legally prohibited conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Governing Board.

For purposes of this policy, "school community" means students, staff, teachers, administrators, as well as Governing Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Governing Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on school property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Governing Board, and other individuals who come in contact with members of the school community at school-related events/activities (whether on or off school property).

The Governing Board will vigorously enforce its prohibition against all forms of unlawful harassment, including sexual harassment, and encourages those within the School community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Governing Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Governing Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an individual that:

- A. places an individual in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with an individual's performance, opportunities, or benefits;
or
- C. has the effect of substantially disrupting the orderly operation of the school.

Other Violations of the Anti-Harassment Policy

The Governing Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging legally prohibited harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of legally prohibited harassment, when responsibility for reporting and/or investigating legally prohibited harassment charges comprises part of one's supervisory duties.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual's work or performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class, educational program, or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes legally prohibited sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any member of the school community who engages in sexual conduct with a student may also be guilty of a crime.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Other Unlawful Harassment

Other prohibited unlawful harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race, color, religion, national origin, disability, etc., and when the conduct has the purpose or effect of interfering with the individual's work or performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race, color, religion, national origin, disability, etc. such as slurs, nicknames implying stereotypes, epithets, and/or negative references relative to a legally protected class.

Reports and Complaints of Harassing Conduct

Members of the school community, which includes all staff and third parties are encouraged to promptly report incidents of unlawfully harassing conduct to a staff member, teacher, or administrator, so that the Governing Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator or other school official who receives such a complaint shall file it with the Assistant Principal or designee within two business days.

Members of the school community or third parties who believe they have been unlawfully harassed by another member of the school community or a third party are entitled to utilize the Governing Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complainant's employment or participation in educational or extra-curricular programs unless the complainant makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

Anti-Harassment Compliance Officer

The following individual serves as the "Anti-Harassment Compliance Officer" for Athenian Academy.

Title: Assistant Principal

Name: Danielle Nichols

Address: 3118 Seven Springs Blvd New Port Richey, FL 34655

Phone: 727-372-0200

Fax: 727-376-1916

E-mail: Danielle.Nichols@aaota.org

Members of the school community or third parties who feel they have been legally prohibited harassed should file a formal written complaint with the Assistant Principal or Principal. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

The complaint process set forth in the policies listed above is not intended to interfere with the rights of a member of the school community or a third party to pursue a complaint of legally prohibited harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Governing Board reserves the right to investigate and resolve a complaint or report of legally prohibited harassment regardless of whether the member of the school community or third party alleging the legally prohibited harassment pursues the complaint. The Governing Board also reserves the right to have the formal complaint investigation conducted by an external person or in such other manner as deemed appropriate by the Governing Board or its designee.

Any Governing Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to the school's Assistant Principal. Thereafter, the Assistant Principal must contact the student's parents to advise of the Governing Board's intent to investigate the alleged misconduct, including the obligation of the Assistant Principal or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure

Any individual who believes that he/she has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated or unsubstantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of an individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an individual who believes he/she has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint.

Individuals who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process; however, they are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Individuals who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process; however, all complaints of harassment involving a school employee or any other adult member of the school community against a student will be formally investigated.

As an initial course of action, if an individual feels he/she is being unlawfully harassed and he/she is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Assistant Principal is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Principal may advise against the use of the informal complaint process.

An individual who believes he has been unlawfully harassed may make an informal complaint, either orally or in writing: to a teacher, staff member, or administrator. All informal complaints must be reported to the Assistant Principal who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The school's informal complaint procedure is designed to provide individuals, who believe they are being unlawfully harassed by an individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder of school policy.
- C. If both parties agree, the Principal may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Assistant Principal or his/her designee will exercise his authority to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. Those members of the school community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an individual party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

An individual who believes he/she has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing, with a teacher, staff member, or administrator. Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, staff member, or administrator, that employee must report such information to the Assistant Principal or designee within two (2) business days.

Throughout the course of the process as described herein, the Assistant Principal should keep the complainant informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Assistant Principal shall ask for such details in an oral interview. Thereafter the Assistant Principal will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Assistant Principal will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of class schedule, or possibly a change of school. In making such a determination, the Assistant Principal should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Principal, the Principal may still take whatever actions he/she deems appropriate in consultation with the Governing Board and the school's attorney.

Within two (2) business days of receiving a formal complaint, the Assistant Principal will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Governing Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Assistant Principal or a designee will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the Assistant Principal or a designee will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Assistant Principal or the designee shall prepare and deliver a written report to the Principal which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in the Governing Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment, or the complainant's claim was unsubstantiated. The Assistant Principal's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Assistant Principal may consult with the Governing Board's Attorney before finalizing the report to the Principal.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Assistant Principal or the designee, the Principal must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Principal's final decision will be delivered to both the complainant and the respondent. If the Principal requests additional investigation, the Principal must specify the additional information that is to be gathered, and such additional investigation must be completed within ten(10) business days. At the conclusion of the additional investigation, the Principal must issue a final written decision as described above. The decision of the Principal shall be final.

If the complainant is not satisfied with the Principal's decision, the complainant will have an additional sixty (60) days to file a complaint with the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Educational Opportunity Commission.

The Governing Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the school community or third party alleging the unlawful harassment pursues the complaint. The Governing Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Governing Board or its designee.

Student Grievance Procedure:

Grievance Defined

The steps described below must be followed in the submittal and resolution of student grievances.

Step 1

A student should first take the complaint to the person(s) and/or appropriate school official involved and try to solve the problem informally. If this does not work, then he may go on to the next step. The student may begin the process at the second step.

Step 2

The student (or parents) must give the Assistant Principal a written and signed harassment grievance form no later than three (3) days after the date of the event giving rise to the grievance. This event is the initial response by a school official to an accusation of harassment. A copy of the grievance is to be given to any other person involved. This should describe the problem and give all the facts. The student should tell what would be the best solution to the problem. The Assistant Principal should make a decision within seven (7) days.

Step 3

If a student does not agree with the Assistant Principal's decision, his parents may send another harassment grievance, just as in Step 2, to the Principal. A copy of the grievance is to be given to the Assistant Principal. This must be done within seven (7) days after receiving the Assistant Principal's decision. The Principal will make a decision within seven (7) days after receiving the grievance.

Step 4

If the parents of the student do not agree with the Principal's decision, they may send the harassment grievance to the Governing Board within seven (7) school days after they receive the Principal's decision. A copy of the harassment grievance is to be given to the Principal. The Governing Board will take action at its next regularly scheduled meeting. The Governing Board will communicate its decision to the grieving party within thirty (30) days.

At any time, if a student and/or his parent or guardian believes that he has been subjected to discrimination pursuant to State or Federal law, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR") or with the Office of Equal Educational Opportunity, Florida Department of Education, as appropriate. The OCR can be reached at:

U.S. Department of Health and Human Services
Office for Civil Rights
Atlanta Office
Sam Nunn Atlanta Federal Center, Suite 16T70 61 Forsyth Street, SW
Atlanta, GA 30303-8909
404-562-7881
FAX: 404-562-7881
TDD: 404-562-7884

Confidentiality

The school will make reasonable efforts to maintain the confidentiality of the parties involved in an investigation of unlawful harassment. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Principal or his/her designee will instruct all members of the School community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Principal in accordance with the Governing Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

Sanctions and Monitoring

The Governing Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Principal or School Administrator shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where legally prohibited harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Governing Board becomes aware that a prior remedial action has been taken against a member of the school community, all subsequent sanctions imposed by the Governing Board, Principal, and/or School Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Mandatory Reporting of Misconduct by Certificated Employees

The Principal is required by State law to report alleged misconduct by certificated employees of the school that affects the health, safety, or welfare of a student.