

OAKLAND ACADEMY

DISCRIMINATORY HARASSMENT AND INTIMIDATION

It is the intention of this Academy to provide a work atmosphere free from harassment, whether verbal or physical. This expression of intention is made to prevent the development of an intimidating, hostile, or offensive work/school atmosphere, and applies to all staff, students, agents, and visitors.

- I. It is the policy of this PSA to maintain a learning and working environment that is free from sexual harassment. No Board member, staff member or student of this school shall be subjected to any form of sexual harassment or intimidation.
- II. It shall be a violation of this policy for any Board member, employee, or student to harass any member of the Board, staff or student body through conduct or communications of a sexual nature as defined in this policy.
- III. The administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws, and Board policy and procedures governing sexual harassment within his/her school.
- IV. Definition
 - A. Sexual harassment means the unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or advancement or of a student's participation in school programs or activities; or
 2. submission to or rejection of such conduct by a Board member, employee, or student is used as the basis for decisions affecting the employee or student; or
 3. such conduct has the purpose or effect of unreasonably interfering with a Board member's, employee's or student's performance or creating or intimidating, hostile, or offensive work or learning environment.
 - B. Sexual harassment, may include, but is not limited to, the following:
 1. verbal harassment or abuse;
 2. pressure for sexual activity;
 3. repeated remarks with sexual or demeaning implications;
 4. unwelcome touching;
 5. sexual jokes, posters, cartoons, etc.
 6. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of public duties.
 - C. Other forms of harassment as defined by state law, discrimination on the basis of race, color, creed or national origin includes harassment when a person maliciously and with specific intent to intimidate or harass another person does anything listed under 1, 2, and 3 below.

Discrimination on the basis of religion, age, marital status, handicap, veteran status, height or weight includes harassment when a person maliciously and with specific intent to intimidate or harass another person does any of the following:

1. Causes physical contact with another person.
2. Damages, destroys, or defaces any real or personal property of another person.
3. Threatens by word or act, to do an act described in 1. or 2. above, if there is reasonable cause to believe that an act described in 1. or 2. above will occur.

D. Free Speech

The right to free speech, including expressive conduct, is guaranteed and protected by the First Amendment to the U.S. Constitution. However, the right to free speech is not absolute. Free speech is subject to reasonable time, place and manner restrictions as established by the courts. Further, discriminatory harassing speech is prohibited under the following circumstances:

1. "Fighting words" which by their very utterance inflict injury or tend to incite an immediate breach of peace and are directed to a specific listener. Threatening, profane and obscene language may be deemed "fighting words".
2. Harassing speech which is obscene. This is not protected by the First Amendment.
3. Speech which presents a clear and present danger of bringing about substantial harm or evil, i.e. inciting or producing imminent lawless action which is likely to incite or produce such action.
4. Speech which is defamatory, i.e. conveying false statements of fact.

E. Complaint Procedure

A school employee or student with a complaint should promptly report it to the School Director or the employee's immediate supervisor, or teacher in the case of students.

In order to effect prompt correction of the alleged behavior, complaints must be reported as soon as possible, but normally no later than within sixty (60) days of the first offending incident. However, the school reserves the right to investigate an act on complaints reported beyond the sixty (60) day period.

The appropriate office, as defined above, will assist the complainant to pursue effective resolution to the complaint. This may be handled through an informal or formal process, depending on the severity of the situation.

If complainant chooses the informal process as a method for resolving a complaint, the Director or immediate supervisor or social worker will meet with the alleged offender. The alleged offender will be informed of the informal complaint and that the complaint has requested resolution. If the complaint is resolved to the satisfaction of all parties, no further action will be taken. If all parties are not satisfied with the action taken, a formal complaint can be made.

Written complaints (formal) must be signed and clearly state the nature of the alleged offense, the name of the alleged offender, and the specifics (including time, date, and location of incident) of the offending incident. Forms for this purpose are available in all administrative and student offices.

Written complaints must be filed with the Complaint Resolution Team. If the circumstances require action, the complaint will be investigated in the timely and thorough manner to protect the rights of both the complainant and the alleged harasser. In the course of the investigation, the following process will be followed:

1. Written complaint filed with Complaint Resolution Team.
2. Complaint Resolution Team will attempt to convene within 2 working days of filing.
3. Team reviews and investigates allegations. Their role will be fact finding only.
4. Team presents report to the School Director.
5. Appropriate action is taken.

If any team member is involved in the allegations they may not participate in the process. If the Director is involved in the allegations, the Board of Directors will appoint a committee of three to replace his/her role.

F. Complaint Resolution Team Members

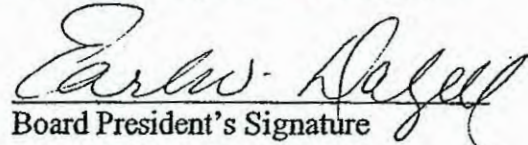
- Two female staff members
- Two male staff members
- Director is ex officio member

Although discretion will be exercised, guarantee of confidentiality or anonymity cannot be made since the investigation will involve discussions with other parties. Information about the complainant and the incidents giving rise to the complaint will be observed to the extent permitted by law and which is consistent with protecting the welfare of the staff, students and the interests of the school.

The person who violates the discriminatory harassment policy may be subject to sanctions which include, but are not limited to, expulsion from school, banishment from campus and/or dismissal from employment by the Foundation for Behavioral Resources. Violators may also be subject to civil action or criminal prosecution as harassment and other discriminatory behavior may violate state and federal laws.

Date Adopted

12/20/01


Board President's Signature

Legal Reference: MCL, 37.2101 et seq., MCL, 380.1300a, Title IX of the Education Amendments of 1972.

HARASSMENT COMPLAINT FORM

Name of Complainant: _____

Position of Complainant: _____

Date of Complaint: _____

Name of alleged harasser: _____

Date and Place of Incident or Incidents; _____

Description of Misconduct: _____

Name of Witnesses: _____

Evidence of Harassment, i.e. letters, photos: _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

Legal Reference: MCL, 37.2101 et seq., MCL, 380.1300a, Title IX of the Education Amendments of 1972.