

278 DISCRIMINATION, HARASSMENT/SEXUAL HARASSMENT AND RETALIATION

Any student, parent, or guardian who has a question or concern or would like a copy of Oasis Academy's policy or procedures regarding discrimination, harassment, sexual harassment or retaliation should contact the school administrator. Notice of this policy and procedures shall be posted in prominent locations in all Oasis Academy buildings, including information on how to receive copies. Notices shall also be included in student handbooks given annually to families. Notices will be updated annually with the names, locations and phone numbers of contact persons in the school.

Oasis Academy is committed to a discrimination and harassment free, working, and learning environment. Discrimination and harassment adversely affect morale and productivity and interfere with students' ability to learn. Discrimination and harassment of any person on the basis of that person's actual or perceived race, color, national origin, sex (including non-conformity to gender stereotypes), sexual orientation, age, disability, and/or religious preference is prohibited. Harassing behavior including sexually harassing behavior between members of the same or opposite sex is prohibited. Harassment of individuals who are believed to have a relationship with persons who are protected on the basis of actual or perceived race, color, national origin, sex (including non-conformity to gender stereotypes), sexual orientation, age, disability, and/or religious preference is prohibited. Such behavior is just cause for disciplinary action.

Oasis Academy will act promptly on reports, (including informal reports), complaints, and grievances of discrimination, harassment/sexual harassment, or retaliation, that come to their attention. Oasis Academy staff who witness behavior that appears to violate this policy will take prompt measures to stop the behavior and, if necessary, separate the persons involved to protect the target of harassment. Oasis Academy staff will also report such apparent violations to Oasis Academy's administrator, Board of Directors or sponsor as applicable.

Oasis Academy will prohibit retaliation against any person who has made a report of alleged discrimination, harassment or sexual harassment; or against any employee or student who has testified, or assisted, or participated in the investigation of a report. Such retaliation is itself a violation of law and will lead to disciplinary or other appropriate action against the offender.

Oasis Academy will provide regular education about harassment, sexual harassment, and intimidation to all students in manners appropriate to the students' ages and grade levels. Oasis Academy will also provide regular training to staff regarding the prevention of and proper response to harassment, sexual harassment, and intimidation of students. Such staff training shall be regularly scheduled at least every other year in the school in a manner calculated to reach all staff, with periodic updates as needed. The Nevada Equal Rights Commission may be contacted to provide staff training at no cost to the school.

This policy applies to discrimination, harassment, and sexual harassment by an individual and/or any employee or student on school property, while on school business, or at any school-sponsored event, regardless of location.

DISCRIMINATION

Discrimination is defined as a failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. It is the unfair treatment or denial of normal privileges to persons because of their actual or perceived race, color, national origin, sex

(including non-conformity to gender stereotypes), sexual orientation, age, disability, and/or religious preference.

HARASSMENT

Harassment is defined as behavior consisting of verbal, non-verbal, or physical conduct that ridicules, degrades, etc., a person because of his/her actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, disability, and/or religious preference.

Nothing contained herein shall be construed or interpreted to prohibit or in any way to discourage the genuine discussion of issues or use of materials for academic, educational, or instructional purposes.

Prohibited harassment exists when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive school environment;
2. Has the purpose or effect of substantially or unreasonably interfering with a student's educational development or performance; or
3. Otherwise adversely affects a student's educational opportunities.

Examples of general harassment include, but are not limited to, behaviors that ridicule, degrade, or harass a person because of his/her actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, disability, and/or religious preference such as:

1. Unwelcome comments; ethnic, racial, or anti-gay slurs, and jokes; threats;
2. Cartoons, graffiti, posters, visuals, etc., with offensive connotations; though nothing in this regulation shall be interpreted to prohibit use of such materials for genuine academic, educational, or instructional purposes;
3. Sabotage, criticism, unreasonable monitoring of a student's work, etc.;
4. Hitting;
5. Intentionally blocking the path of;
6. Body, hand, or facial gestures; or
7. Contact.

SEXUAL HARASSMENT

Sexual harassment is generally defined as unwelcome sexual advances, requests for favors, and other verbal, nonverbal, or physical conduct of a sexual or gender-directed nature when:

1. Submission is made either explicitly or implicitly a term or condition of a student's educational progress;

2. Submission to, or rejection of, that conduct or communication by an individual is used as a factor in decisions affecting that student's education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's education or of creating an intimidating, hostile, or offensive educational environment.

An "intimidating, hostile, or offensive educational environment" means an environment in which any unwelcome behavior with sexual connotations makes a student feel uncomfortable, humiliated, or embarrassed, or any aggressive, harassing behavior in the educational setting directed toward an individual based on his/her sex and interferes with his/her ability to perform in an educational environment.

The following are some examples of sexual harassment or intimidation:

1. Sexual advances that are unwanted (this may include situations which began as reciprocal, but later ceased to be reciprocal);
2. Sexual gestures, verbal abuse, sexually-oriented jokes, innuendos, or obscenities;
3. Displaying of sexually suggestive objects, pictures, cartoons, or posters;
4. Sexually suggestive letters, notes, threats, or invitations;
5. Benefits effected in exchange for sexual favors;
6. Physical conduct such as assault, attempted rape, impeding, or blocking movement, or unwelcome touching; and
7. Hazing, or daring to engage in unsafe practices, particularly directed toward students in nontraditional settings.

RETALIATION

Forms of prohibited retaliation include, but are not limited to, adverse educational or employment actions, threats, bribes, unfair treatment or grades, continued harassment, ridicule, pranks, taunting, bullying, malicious spreading of rumors, dissemination of false information, and organized ostracism regarding the student's actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, disability, and/or religious preference.

PROCESS FOR RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND RETALIATION

Because parents, educators, and members of the public share the goal of making school experiences rewarding for students, it is in the best interest of all parties to resolve school-related concerns as quickly and effectively as possible. The best solutions are those that involve input from those closest to the concern, typically, the students, the parent(s) and/or guardian(s), teacher and administrator.

At any time a student may choose to initiate the following grievance procedure along with having the legal right to file a grievance with the Office of Civil Rights or a court of competent jurisdiction. The student will be informed of the options and timelines available to him/her in this grievance procedure. All students are permitted and encouraged to have a parent/guardian, counselor, or advisor present with them for moral support during any level of the grievance procedure and investigation. At no time shall a student's reluctance to initiate the grievance procedure be used to delay or excuse the school's responsibility to investigate in a prompt and equitable manner allegations of harassment and to report allegations that are violent or criminal in nature to law enforcement officers.

LEVEL I:

Level I consists of informal discussion between the person having a concern and personnel at the school or location of the concern. Individuals with concerns should bring them to the attention of the administrator as quickly as possible. Timelines for resolution can be mutually established at that time. It is not necessary to complete the "Complaint Form for Grievances Based on Discrimination, Harassment, and Retaliation", if the individuals involved are attempting to resolve, or have resolved, a concern at this level. A brief summary and outcome of the meeting/resolution process will be sent to the complainant by the administrator within five (5) calendar days of the meeting to resolve. The Level I informal resolution process is not a prerequisite to filing a level II complaint. At the request of the complainant or the administrator, support is available from the school's sponsor to help mediate Level I issues.

LEVEL II:

At Level II, "Oasis Academy Complaint Form for Grievances Based on Discrimination, Harassment, or Retaliation" must be completed and filed with the president of the school's governing body. A copy of this form is included at the end of this policy. Complainants not satisfied with a Level I resolution should file a formal Level II complaint with the president of the school's governing body within forty-five (45) calendar days of the level I meeting. If a Level I meeting has not been held, complainants must file a formal complaint with the president of the school's governing body within forty-five (45) calendar days of the alleged discrimination, harassment, or retaliation.

Within fourteen (45) calendar days of the original Level II filing, a meeting with the school's governing body will be held. The purpose of the meeting will be to gather information about the complaint, clarify the complainant's desired outcome, and identify how the complaint will be resolved. Within five (5) calendar days of the meeting, the governing body will send a report regarding the outcome of the meeting to the complainant, Oasis Academy administrator, and any relevant staff persons. If the report determines the complaint will be resolved without investigation, the written report will identify why the complaint is not being investigated and, if necessary, designate the staff persons responsible for any additional Oasis Academy actions. Complaints that can be resolved without investigation include those that do not raise an issue under the policy, are untimely, are being mediated, or have been resolved at the meeting with the complainant.

If an investigation of the complaint is necessary, the governing body will initiate an impartial investigation consistent with due process standards. As part of this investigation the complainant shall be asked to:

1. Provide a list of the names of witnesses who have information about the case,
2. Provide any evidence they believe supports their complaint, and
3. Have the opportunity to be interviewed and present his/her issues of complaint.

Within thirty (30) calendar days of the governing body having a written report recommending an investigation, the investigation shall be completed. If good cause exists the school's governing body may extend the time of the investigation with notice to the complainant. Within fifteen (15) calendar days following the completion of the investigation the governing body shall provide a written response, based on the investigation findings, to the complainant, Oasis Academy's administrator, and other Oasis Academy staff as appropriate.

The investigation report will identify the complaint allegations, the witnesses, the evidence considered, the findings, and the investigation conclusions. If the investigation finds that the complainant's allegation(s) was substantiated by the evidence, the report will also include a specific plan to provide remediation for the victim and for OASIS ACADEMY's action to address the situation that gave rise to the complaint and prevent future recurrence, as appropriate. The report will also include a notice of the complainant's right to appeal.

LEVEL II DUE PROCESS HEARING PROCEDURES FOR DISABILITY DISCRIMINATION COMPLAINTS IN ACCORDANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED BY ADA.

If a parent(s)/guardian(s) wishes to file a grievance regarding identification, evaluation, or placement of a student under Section 504, the parent has the right to an impartial due process hearing with representation by counsel and right of appeal. The grievance needs to be in writing using "Oasis Academy Complaint Form for Grievances Based on Discrimination, Harassment, and Retaliation". A copy of this form is included at the end of this policy.

An impartial hearing officer will be appointed by the Oasis Academy's governing body and the grievant shall be notified of the hearing. The hearing officer will conduct the hearing and issue the decision. The hearing procedures include the:

1. Right of each party to representation and assistance,
2. Right of each party to present witnesses and evidence,
3. Right of the parent to decide if the hearing is to be open to the public, and
4. Tape recording of the hearing or transcripts thereof will be made available.

The parties involved, along with the hearing officer, will establish the time and place for the hearing.

The grievance decision will be made by the hearing officer in writing and include what corrective action, if any, must be taken. The resolution of the grievance will take place no more than forty-five (45) calendar days after the receipt of the grievance unless both parties agree in writing to an extension of this time frame.

CONFIDENTIALITY

A report of discrimination, harassment, or sexual harassment and the investigation are to be kept in strictest confidence, where practical, for the protection of all parties involved.

The school's obligation to investigate and take corrective action may supersede an individual's right of privacy.

Pending the completion of the investigation, the school may take any action necessary to protect the alleged victim, consistent with the requirements of applicable regulations and statutes.

SANCTIONS

If an investigation determines that an Oasis Academy student, staff member, or administrator engaged in harassment, sexual harassment, or retaliation, the governing body may take any necessary and appropriate action that is consistent with the requirements of applicable regulations or statutes. All parties involved in the investigation shall be notified of the governing body's decision.

A substantiated charge against a student shall subject that student to disciplinary action consistent with the student discipline policies and procedures in this manual. Successive violations by a perpetrator shall lead to progressively more severe discipline. If there is a recommendation for expulsion of a student, the final disposition of the case may be by action of the governing body. The due process rights of all individuals will be protected.

REMEDIATION

Victims and witnesses of discrimination, harassment, sexual harassment, and retaliation will be provided support services to help deal with the effects of discrimination or harassment. Available remedial measures may include increased adult supervision of activities in which incidents have occurred, regular observations of the victim's and perpetrator's classes and activities, regular school counselor contact with the victim, exclusion of the perpetrator from participating in extracurricular activities, increased parental/guardian involvement, and monitoring by school authorities of the victim's security. Such remedial measures shall not include changing the victim's class or school assignments or extracurricular activities as a means for protection unless specifically requested in writing by the victim.

NOTIFICATION

Notice of this policy, procedures, and grievance procedures shall be posted in prominent locations in all Oasis Academy buildings. All such postings shall also include information on how to receive copies of the postings, policies, procedures, and grievance procedures. Notices

shall also be included in student handbooks given annually to families. Notices will be updated annually with the names, locations, and phone numbers of contact persons in the school.

PROCEDURAL DUE PROCESS RIGHTS OF DISABLED STUDENTS

This policy does not affect the other procedural due process rights of disabled students and parents in regard to identification, evaluation, or placement of disabled students under Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disability Education Act.

Oasis Academy
COMPLAINT FORM FOR GRIEVANCES BASED ON DISCRIMINATION,
HARASSMENT, OR RETALIATION

Oasis Academy is committed to nondiscrimination on the basis of race, color, national origin or ethnic group identification, marital status, ancestry, sex, sexual orientation, gender identity or expression, genetic information, religion, age, mental or physical disability, military or veteran's status in education programs or activities, and employment as required by applicable federal and state laws and regulations.

Name

Home Phone

Work Phone

Name of Your child/student (if applicable)

Address

This complaint alleges:

Bullying/Cyber Bullying Harassment Discrimination Intimidation Retaliation

On the basis of:

Race, color or nation origin religious preference disability

Sex, gender, sexual orientation, gender identity/expression age

The incident occurred on (date or dates): ____/____/____ ____/____/____ ____/____/____.

Statement of concern: (Please attach additional information as necessary)

Please list what steps you have already taken to resolve your concern.

Talked with teacher/employee date: ____/____/____

I talked/met with the administrator date: ____/____/____

Desired resolution:

Signature

Date

Please submit to Oasis Academy's Board President at 920 West Williams Avenue Suite 100, Fallon, NV 89406.

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