



<i>New Summit Charter Academy</i>	<i>Policies and Procedures</i>
Policy Name:	Sexual Harassment of Staff
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Sexual Harassment of Staff

New Summit Charter Academy is committed to a learning and working environment free from sexual harassment. Sexual harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination.

It shall be a violation of this policy for any staff member of NSCA staff to harass another staff member or student through conduct or communications of a sexual nature. Any conduct or communication of a sexual nature directed toward another person to whom this policy applies shall be presumed to be unwelcome. Sexual harassment committed by a staff member of the NSCA in the course of employment shall be deemed a breach of duty and, as such, shall subject the offending staff member to disciplinary action. This policy similarly applies to non-employee volunteers or any other persons who work subject to the control of school authorities.

It is also a violation of this policy to intimidate any staff member or to retaliate against anyone who reports sexual harassment or participates in a harassment investigation. Concerns regarding unlawful discrimination and harassment should be addressed using administrative policy AC and administrative procedure AC-R. Appropriate corrective action, including disciplinary measures when justified, will be taken to remedy all policy violations. This policy similarly applies to non-staff volunteers or any persons who work subject to the control of school authorities.

Sexual Harassment

For this policy, and pursuant to Title IX of the Education Amendments of 1972, unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature constitute sexual harassment if, under the totality of the circumstances:

1. Submission to such conduct is explicitly or implicitly a term or condition of a person's employment, advancement, or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment, advancement, demotion, or educational decisions affecting an individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

The prohibition against sexual harassment applies whether the harassment is between people of the same or different gender.

- Gender-based harassment is unwelcome conduct based on a person's sex or harassing conduct based on a person's failure to conform to sex stereotypes.

Sexual harassment, as defined above, may include but is not limited to:

1. Sex-oriented verbal "kidding", abuse, or harassment.
2. Pressure for sexual activity.
3. Repeated remarks to a person with sexual, threatening, or demanding implications.
4. Unwelcome written material, posters, drawings, letters, notes, or other graphic writing.
5. Unwelcome touching, such as patting, pinching, hitting, or repeated, intentional brushing against another person's body.
6. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, employment status, or similar personal concerns.
7. Sexual violence.

Sexual violence is a form of sexual harassment that may include, but is not limited to:

1. Physical, sexual acts perpetrated against a person's will or where a person is incapable of giving consent
2. Rape
3. Sexual assault
4. Sexual battery
5. Sexual abuse
6. Sexual coercion

Reporting, Investigation and Sanctions

NSCA expressly encourages victims of or witnesses to sexual harassment to report such claims through the complaint process (AC - NSCA - R).

Staff members who feel that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome sexual conduct are encouraged to report these conditions to the appropriate administrator or to the compliance officer.

All reports of sexual harassment received by any NSCA staff member shall be promptly forwarded to the compliance officer or appropriate administrator (AC - NSCA - E1). The compliance officer or appropriate administrator shall ensure that every complaint is promptly investigated and responded to as outlined in the complaint and compliance process (AC - NSCA - R). No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of sexual harassment or participation in an investigation. Requests for confidentiality shall be honored so long as doing so does not preclude NSCA from responding effectively to the harassment and preventing such conduct in the future.

Any staff member found to have engaged in sexual harassment shall be subject to sanctions,

including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by proper authorities in conformity with administrative policy JLF.

Filing a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect future employment or work assignments. All matters involving sexual harassment complaints shall remain confidential to the extent possible.

Notice

New Summit Charter Academy shall publicize this policy and explain the procedure for filing complaints to all staff members at the commencement of each school year.

Legal Refs:

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments Act of 1972) 20 U.S.C. §§ 1701 and 1703 (Title II of the Equal Educational Opportunities Act of 1974) 42 U.S.C. §§ 2000d et seq. (Title VI of the Civil Rights Act of 1964)
34 C.F.R. Part 106
C.R.S. § 22-32-109(1)(w) C.R.S.
§ 22-32-110(1)(k)
C.R.S. § 24-34-402

Cross Refs:

AC- NSCA - Nondiscrimination/Equal Opportunity

Revision History

Date	Revision Details	Revised By
09/15/2018	Creation	Board, Executive Director
05/07/2025	Revisions	Compliance Officer, Board