

## **Heritage Academy BOARD POLICY MANUAL**

### **POLICY GROUP 3 – STUDENTS**

#### **FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

PG-3.4.1

#### **STATEMENT OF NONDISCRIMINATION**

Heritage Academy prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, age, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of Heritage Academy policy.

#### **Discrimination**

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, age, or on any other basis prohibited by law, 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, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. 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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

#### **Sexual Harassment**

##### **By an Employee**

Sexual harassment of a Heritage Academy student by a Heritage Academy 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:

1. A Heritage Academy 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
2. The conduct is so severe, persistent, or pervasive that it:
  - a. 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
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

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Romantic or inappropriate social relationships between students and Heritage Academy employees are prohibited. Any sexual relationship between a student and a Heritage Academy employee is always prohibited, even if consensual.

#### **By Others**

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:

1. 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;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

#### **Retaliation**

Heritage Academy prohibits retaliation against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

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

#### **Prohibited Conduct**

In this policy, the term "prohibited conduct" includes discrimination, harassment, and/or retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

#### **Reporting Procedures**

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, Principal, or the appropriate Compliance Coordinator listed in this policy.

Any Heritage Academy employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall

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immediately notify the appropriate Compliance Coordinator listed in this policy, and take any other steps required by this policy.

#### *Definition of Compliance Coordinator*

For the purposes of this policy, Compliance Coordinators are the Title IX Coordinator, the ADA/Section 504 coordinator, and the Superintendent.

#### *Title IX Coordinator*

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX Coordinator. Heritage Academy designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Dr. David Lee

Position: Superintendent

Address: 12470 Woman Hollering Rd., Schertz, TX 78154

Telephone: 210-659-0329

#### *ADA/Section 504 Coordinator*

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. Heritage Academy designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Derrick Armstead

Position: Director of Student Services

Address: 12470 Woman Hollering Rd., Schertz, TX 78154

Telephone: 210-659-0329

#### *Superintendent*

The Superintendent shall serve as the Compliance Coordinator for purposes of Heritage Academy's compliance with all other antidiscrimination laws.

### **Alternative Reporting Procedures**

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or ADA/Section 504 Coordinator, may be directed to the Superintendent. Reports concerning prohibited conduct by the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

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#### **Timely Reporting**

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair Heritage Academy's ability to investigate and address the prohibited conduct.

#### **Notice to Parents**

The Heritage Academy official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a Heritage Academy employee or another adult.

#### **Investigation of the Report**

Heritage Academy may request, but shall not insist upon, a written report. If a report is made orally, the school official shall reduce the report to written form.

Upon receipt or notice of a report, the appropriate Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Compliance Coordinator shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, Heritage Academy shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by a Compliance Coordinator or designee, or by a third party designated by Heritage Academy, such as an attorney. When appropriate, the Principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

#### **Concluding the Investigation**

Absent extenuating circumstances, the investigation should be completed within ten school business days from the date of the report. If the investigator determines that additional time is needed to complete a thorough investigation of the complaint and/or issue a report, he or she shall inform the complainant in writing of the necessity to extend the time for investigating or responding and a specific date by which the report will be issued.

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The investigator shall prepare a written report of the investigation. The report shall be filed with the Compliance Coordinator overseeing the investigation.

#### **School Action**

If the results of an investigation indicate that prohibited conduct occurred, Heritage Academy shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Heritage Academy may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

#### **Confidentiality**

To the greatest extent possible, Heritage Academy 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 who is dissatisfied with the outcome of the investigation may appeal through Board Policy PG-3.35 (Parent and Student Complaints and Grievances), beginning at the appropriate level. 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.

#### **Records Retention**

Retention of records shall be in accordance with the applicable schedule published by the Texas State Library and Archives Commission.

#### **Access to Policy**

Information regarding this policy shall be distributed annually to Heritage Academy employees and included in the Student Handbook. Copies of the policy shall be readily available at each campus and the Heritage Academy administrative offices.