Charter School of Wilmington

HARASSMENT POLICY

Adopted July 22, 2008
Modified 11/25/08
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Respect for the dignity and worth of each individual is a basic tenet of the Charter School of Wilmington (CSW). Each individual has the right to work in an environment conducive to equal opportunity and free from discriminatory practices. CSW promotes a positive working environment and expects all employees and people that are associated with the CSW to be treated with respect and dignity. For this reason, sexual and other forms of unlawful harassment are not tolerated.

POLICY PROHIBITING SEXUAL AND UNLAWFUL HARASSMENT

A. Sexual and Unlawful Harassment Prohibited

CSW does not tolerate harassment of any of employees, students, Board members, parents or visitors on the school’s premises and in connection with any school related activities. Any form of harassment related to an individual's race, color, sex, gender, religion, age, national origin, handicap or disability, citizenship, familial, marital, sexual preferences or military status or any other protected characteristic is a violation of this policy and will be treated as a disciplinary matter. All employees are responsible for ensuring that the workplace is free from all forms of sexual and unlawful harassment. Sexual and other forms of prohibited harassment in the workplace are also forms of employment discrimination that is prohibited by law.

B. Harassment Defined

“Sexual Harassment” refers to any sexual attention, sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:

Such conduct is unwelcome; or

a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
d) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment
The term "harassment" also includes:

a) Offensive sexual remarks, sexual advances or requests for sexual favors regardless of the gender of the individuals involved.

b) Offensive physical conduct, including gestures and touching, regardless of the gender of the individuals involved.

c) Offensive pictures, drawings, cartoons or photographs or other communications, including e-mail. Verbally abusive comments that include derogatory statements based on an individual's race, color, sex, gender, religion, age, national origin, handicap or disability, citizenship, familial, marital, sexual preferences or military status.

d) Threatening reprisals for an employee's refusal to respond to requests for sexual favors or for reporting a violation of this policy.

e) An intimidating, hostile, or offensive working environment may be created by the existence of such circumstances as those described in the preceding paragraph or other circumstances creating a discriminatory working environment.

C. Persons Covered

This policy prohibits harassment of all CSW employees and all applicants for employment, students, parents, Board members and visitors of CSW.

D. Enforcement of the Policy

The School’s Chief Administrative Officer will act as the primary Enforcement Officer of this policy and is responsible for its dissemination through out the school and enforcement.

a) Harassment of an employee in connection with either another employee or a non-employee [examples: parent or student] must be reported to the employee’s supervisor or to the Chief Administrative Officer.

b) If an employee’s supervisor is the offender, then the harassment is to be reported to the Chief Administrative Officer.

c) If an employee should experience harassment by the Chief Administrative Officer then the employee must report this directly to the Board Policy Administrator. All employees have the right to go directly to the Board Policy Administrator to report the harassment. Any time a complaint is not being handled properly, the Chief Administrative Officer or Board Policy Administrator needs to be contacted immediately.

When an incident is reported to the Board, the School's Chief Administrative Officer or a supervisor will conduct a thorough independent investigation with both the person making the accusation and the person accused of the incident. This process and all relevant information will be conducted in a timely, consistent, professional and confidential way. At the conclusion of the
investigation the Enforcement Officer [Board, the Chief Administrative Officer or supervisor] will determine if the incident meets the criteria of harassment. The Enforcement Officer will inform the parties to the investigation as to the final outcome of the investigation. The Enforcement Officer is responsible for the implementation of any further action(s). All complaints will be kept in confidence. The Chief Administrative Officer and the Board Policy Administrator will keep the Chair of the Board of Directors advised of any ongoing harassment investigations and provide to the Board an annual summary of harassment investigations.

Retaliation in any form against a complainant who exercises his or her right to make a complaint under this policy is strictly prohibited, and may result in appropriate disciplinary action, including termination of employment.

It is the policy of CSW that all employees have the responsibility to ensure a harassment free workplace, as such, complaints and issues raised by employees in good faith will be investigated thoroughly and confidentially.

Any employee who is determined, as a result of investigation, to have engaged in sexual or unlawful harassment, or retaliation, in violation of this policy, will be subject to appropriate disciplinary action up to and including termination of employment.

E. Information on Policy

At least annually, the Chief Administrative Officer will disseminate and educate staff about sexual and unlawful harassment and this policy to ensure that all employees are aware of the various forms that sexual or unlawful harassment can take, understand there is no tolerance policy for sexual and other harassment in any form, and review expectations for enforcing this policy.

All employees are required to attend training on the Harassment Policy. The Chief Administrative Officer and administrative staff will receive additional management and harassment investigation training so that they understand their role to handle incidents according to Federal, State and local laws. All new employees must receive training within 30 days of employment.