

OCS Sexual Harassment & Non-Discrimination Policies

NONDISCRIMINATION STATEMENT

Ocean Charter School is committed to providing a working and learning environment that is free from discrimination and harassment based on an individual's sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability or any other basis protected by federal, state, local law, ordinance or regulation. Harassment under Title IX (sex), Title VI (race, color, or national origin), and Section 504 and Title II of ADA (mental or physical disability) is a form of unlawful discrimination that will not be tolerated by the School. Harassment is intimidation or abusive behavior toward a student/employee that creates a hostile environment, and that can result in disciplinary action against the offending student or employee. Harassing conduct can take many forms, including verbal acts and name-calling, graphic and written statements, or conduct that is physically threatening or humiliating.

This nondiscrimination policy covers admission or access to, or treatment or employment in, School programs and activities. The lack of English language skills will not be a barrier to admission or participation in the School's programs or activities.

Additional information prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes may be found in other School policies. It is the intent of the School that all such policies be read consistently to provide the highest level of protection from unlawful discrimination in the provision of educational services and opportunities. The School prohibits retaliation against anyone who files a complaint or who participates in a complaint investigation.

SEXUAL HARASSMENT POLICY

It is the policy of Ocean Charter School to maintain a working and learning environment that is free from sexual harassment. Sexual harassment, of or by employees or students, is a form of sex discrimination in that it constitutes differential treatment on the basis of sex. For that reason, it is a violation of state and federal laws and a violation of School policy.

The School considers sexual harassment to be a major offense that can result in disciplinary action to the offending employee or the suspension or expulsion of the offending student. Suspension or expulsion as a disciplinary consequence for sexual harassment shall not apply to students enrolled in kindergarten and grades one through three, inclusive.

Any student or employee of the School who believes that she or he has been a victim of sexual harassment shall bring the complaint to the attention of the proper authority (whether in an office or a school) so that appropriate action may be taken to resolve the complaint. The School prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process. Any such complainant is further advised that civil law remedies may also be available to them. Complaints will be promptly investigated in a way that respects the privacy of the parties concerned.

C.E.C. 212.5 defines sexual harassment as any unwelcome sexual advances: requests for sexual

Exhibit B

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favors; and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or education environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the education institution.

Sexual harassment may include, but is not limited to: Unwelcome:

- Verbal conduct such as the use of suggestive, derogatory, or vulgar comments (including catcalls and whistling); sexual innuendoes or slurs or making unwanted sexual advances, invitations, or comments; repeatedly asking for dates; making threats; and/or spreading rumors about or rating others as to their sexual activity or performance.
- Visual conduct such as displays of sexually suggestive objects, pictures, posters, written material, cartoons, drawings or graffiti of a sexual nature and/or use of obscene gestures, leering, or staring.
- Physical conduct such as unwanted touching, pinching, kissing, patting or hugging; the blocking of normal movement; stalking; assault; and/or interference with work or study directed at an individual because of the individual's gender.
 - Threats and demands or pressure to submit to sexual requests in order to keep a job or academic standing or to avoid other loss and/or offers of benefits in return for sexual favors.
 - Retaliation for opposing, reporting, threatening to report, or participating in an investigation or proceeding on a claim of sexual harassment.