



## Policy Prohibiting Discrimination, Harassment and Sexual Misconduct

**Policy Statement:** This Policy discusses the school's prohibitions against discrimination and harassment based upon membership in enumerated protected classes as well as the prohibitions against retaliation based upon the exercise of rights pursuant to the Policy. The scope of the Policy is set forth herein, as well as definitions of harassment and discrimination. The Policy also references the process for reporting violations of the Policy.

### I. POLICY

VH Academy is committed to a working and learning environment for all faculty, staff and students that is free from discrimination and harassment, including sexual harassment. The school strictly prohibits discrimination and harassment based on membership in certain enumerated protected classes ("protected classes"). These classes are race, religion, color, national origin, ancestry, age, sex, sexual orientation, pregnancy, gender identity and expression, disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, veteran status, and any other category protected by law. Harassment is a form of discrimination and, therefore, harassment directed toward an individual or group, or experienced by an individual or group, based on membership in a protected class, also violates school policy.

Discrimination and harassment compromise the integrity of the school and unfairly interfere with the opportunity for all persons to fully participate in the academic, work, and creative environment at VH Academy. The school recognizes the human dignity of each member of the VH Academy community and believes that each member has a responsibility to promote respect and dignity for others so that all employees and students are free to pursue their educational and work goals in an open environment, participate in the free exchange of ideas, and to share equally in the school's employment and educational opportunities. To achieve this end, the school strives to foster an academic, work, and living environment that is free from discrimination and harassment on the basis of membership in the protected classes referenced above.

At the same time, the school is committed to the principles of academic freedom and believes that vigorous discussion and debate, as well as free inquiry and free expression, are an integral part of the school community.

## II. SCOPE

This policy applies to all areas of school operations and programs, including the conduct of all school employees and students, as well as to the conduct of all interns, volunteers, vendors, contractors, subcontractors, and others who do business with the school.

- **Jurisdiction:** VH Academy may investigate any reported violations of this policy that occur in the context of a program or activity or that otherwise affect VH Academy's working or learning environments, regardless of whether the reported conduct occurred on or off campus. For every report, the VH Academy Administrator will review the circumstances of the reported conduct to determine whether jurisdiction over the parties involved and take steps within its control to eliminate, prevent, and address the reported conduct. If the respondent is not a member of the VH Academy community or is no longer affiliated at the time of the report or at the time the Complaint Resolution Process is initiated (including when the respondent has graduated or left the VH Academy), the VH Academy typically is unable to take disciplinary action or conduct an investigation.

## III. DEFINITIONS

A. Discrimination is defined as an intentional or unintentional act which adversely affects employment or educational opportunities on the basis of membership in one or more protected classes. VH Academy provides equal employment opportunity to all its employees and applicants for employment regardless of their race, religion, color, national origin, ancestry, age, sex, sexual orientation, pregnancy, gender identity and expression, disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, veteran status, and any other category protected by law. VH Academy considers as a basis for selection in employment only those characteristics which are demonstrably related to job performance or requirements.

B. Harassment is conduct directed toward an individual or group based on membership in one or more protected classes. Such conduct must be sufficiently severe or pervasive to alter an individual's employment conditions, or a student's educational opportunities which, in turn, creates an intimidating, offensive, or hostile environment for employment, education, or participation in school activities.

1. A person does not have to be the direct and immediate target of harassment to complain about it. Harassing behavior toward others may be so offensive, demeaning, or disruptive as to constitute a hostile work or academic environment, though not specifically directed at the observer or individual lodging the complaint. Conduct alleged to constitute harassment will be evaluated according to the objective standard of a reasonable person.

2. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical conduct of a sexual nature when:

- submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's education, employment, or participation in a school activity;

- submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting that individual's academic standing, employment status, or participation in a school activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, or participation in a school activity.
- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined for VAWA purposes

Sexual harassment may occur between members of the same or opposite sex. Further, harassment based on a person's sex is not limited to instances involving sexual behavior. That is, harassment on the basis of sex may occur without sexual advances or sexual overtones when conduct is directed at individuals or groups because of their sex. This often is referred to as sex or gender harassment, and such conduct violates this policy.

3. Examples of conduct that may constitute or support a finding of harassment in violation of this Policy include, but are not limited to, the following types of behavior:

#### PHYSICAL CONDUCT

- Unnecessary or unwanted physical contact
- Blocking someone's path or impeding movement
- Physical interference with work
- Stalking, physical or sexual assault, or coerced or forced sexual activity
- Deliberate destruction of property

#### NON-VERBAL CONDUCT

- Display of offensive material or objects
- Suggestive or insulting gestures, sounds, or whistles

#### VERBAL CONDUCT

- In some instances, innuendo or other suggestive, offensive, or derogatory comments or jokes about sex, or other protected categories listed in Section I above
- Extortion, overt threats, or intimidation
- Obscene or harassing messages sent via computer or left on an answering machine or voice mail

C. Sexual violence, also referred to as sexual assault, is an extreme form of sexual harassment. It involves nonconsensual sexual contact and may involve the use of force or coercion, or sexual contact with a person who is unable to consent due to incapacity or impairment. Sexual violence may occur between members of the same or opposite sex.

D. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school

- Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient

E. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment

F. Consent. No requirement for recipients to adopt a particular definition of consent with respect to sexual assault.

G. Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed

H. Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

#### IV. SEXUAL HARASSMENT AND ROMANTIC RELATIONSHIPS

Sexual relationships that occur in the student-teacher context or in the context of employment supervision or evaluation present special problems. These types of sexual relationships are especially vulnerable to exploitation due to the difference in power and the respect and trust that are often present between a teacher and a student, a supervisor and a subordinate, or a senior and junior colleague in the same unit. As a result of this power differential, a student or a subordinate's "voluntary" participation in a sexual relationship with an individual in a position of power or authority does not alone demonstrate that the conduct was welcome. The attempts of a teacher to show a romantic interest in a student may constitute sexual harassment. Similarly, a supervisor's display of a romantic interest in a subordinate may constitute sexual harassment.

Therefore, the school strongly discourages sexual relationships between individuals where there is an imbalance of power where one individual is in a position to make decisions which may affect the educational opportunities or career of the other. These relationships include student/teacher and supervisor/subordinate sexual relationships, and any other sexual relationship between two individuals wherein one individual has the power to make decisions that may have an impact, either direct or indirect, on the career or educational opportunities of the other. Employees in romantic relationships must recuse themselves from decision making when the decisions at issue may have an impact, either direct or indirect, on the employee with whom they are romantically involved. Those who abuse their power in such circumstances may be found to have violated this Policy.

In light of the above, any individual with supervisory or educational responsibility for an employee, faculty member or student must inform his or her immediate supervisor of the consensual relationship, so that the school can take action to make changes that eliminate the conflict of interest. If the school is unable to eliminate this conflict of interest, employees will be provided with the opportunity to decide which of the two will resign their employment. Failure to give proper notice to the appropriate supervisor may result in the denial of legal representation and indemnification in the event that a lawsuit based on the relationship is filed. In addition, failure to give proper notice to the appropriate supervisor may result in disciplinary action.

## V. ACADEMIC FREEDOM

The classroom and other instructional settings (e.g., clinic area) present special problems because academic freedom protects the expression of ideas, even when the idea or its expression may be perceived to be offensive, if conduct or statements which are the subject of a complaint are germane to the subject matter taught. The educational process is predicated upon the free exchange of ideas, and this Policy shall not be interpreted to prohibit free expression protected by the First Amendment. If conduct or statements which are the subject of a complaint occurs in an instructional context and are germane to the subject matter being taught, wide latitude is required for professional judgment in determining the appropriate content and presentation of the academic material being taught. Therefore, harassment in violation of this Policy will not be found to exist in an instructional setting unless the conduct or statements which are the subject of a complaint are not germane to the subject matter taught and:

- are directed toward an individual or group based on one or more of the protected classes listed in Section I above;
- are sufficiently severe or pervasive to alter an individual's educational environment;
- creates an objectively hostile learning environment; and
- Are, in fact, perceived as hostile by the complainant.

## VI. COMPLAINT/GRIEVANCE PROCEDURE

The following grievance procedures shall be used to address sex discrimination complaints filed by students/employees or complaints filed on their behalf against employees, other students, or third parties. If you believe that you have experienced or witnessed harassment or sexual violence, notify VH Academy Owner, or the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation.

No employee, contract worker, student, vendor or other person who does business with VH Academy is exempt from the prohibitions in this policy. Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints and to VH Academy Owner if the complaint involves an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. A sex discrimination complaint should be filed within 180 days from the date of the alleged discriminatory incident.

Upon receiving any report of discrimination, including harassment, regardless of the filing date or when the school receives notice, the school will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the student, and on others, if appropriate. All documentation pertaining to the complaint/grievance will be confidential. The complaint/grievance once received will be maintained

in the student's and/or employee's permanent file, which has limited staff access, this includes verbal complaints.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Grievant/Complainant may use the Title IX Grievance Form, but it is not required, to file a Title IX discrimination complaint.

- Title IX Coordinator: Derrick Harris, 1701 Old Minden Rd, Suite 19, Bossier City, LA 71111 [harris\\_corp@bellsouth.net](mailto:harris_corp@bellsouth.net) 318-573-9252
- School Owner: (for complaints involving employees) Vanette Harris 1701 Old Minden Rd, Suite 19, Bossier City, LA 71111 [vhacademy@att.net](mailto:vhacademy@att.net) 318-573-3332.

VH Academy will maintain confidentiality as to discrimination and harassment complaints, and the investigation of those complaints, to the extent possible. Only those who have a need to know will be told the identity of the parties to a complaint. Any manager, supervisor or other employee who violates confidentiality as to a complaint of discrimination and/or harassment will be subject to appropriate sanctions. Please contact the VH Academy Administrator with any questions regarding confidentiality.

## VII. Investigation of Complaints

In response to all complaints, VH Academy promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. If a complainant requests confidentiality, VH Academy will take all reasonable steps to investigate and respond to the complaint consistent with the request. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, VH Academy will inform the complainant that its ability to respond may be limited. The preponderance of the evidence standard will apply to investigations, meaning VH Academy will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint within 60 days of receipt of complaint. Written notice will include:

1. Whether VH Academy found that the alleged conduct occurred, and whether it constituted discrimination.
2. Any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant. The respondent's version will not include individual remedies offered or provided to the complainant unless the remedy directly involves the respondent.
3. Any other steps VH Academy took to eliminate the hostile environment, if VH Academy found one to exist, and prevent recurrence.

During the investigation, VH Academy will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved. Examples of temporary and permanent measures to protect the complainant as necessary are:

- No contact order w Change academic situations as appropriate with minimum burden on the complainant
- Counseling
- Health and mental services
- Escort services
- Academic support
- Retake a program
- withdraw without penalty

If VH Academy determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and VH Academy will take steps to prevent the recurrence of any harassment or discrimination.

Any employee determined by VH Academy to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion.

To initiate a criminal investigation, reports of sexual violence should be made to “911” or local law enforcement. The criminal process is separate from VH Academy’s disciplinary process. To the extent that an employee or contract worker is not satisfied with VH Academy’s handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief. VH Academy should make appropriate referrals to law enforcement. VH Academy will also notify complainants of the right to proceed with a criminal investigation and a Title IX complaint simultaneously. VH Academy will not wait for the criminal investigation or criminal proceeding to be concluded before beginning its own investigation.

## VIII. RETALIATION

The school prohibits retaliation against individuals who, in good faith, assert their rights to bring a complaint of discrimination or harassment as defined in this Policy, participate in a discrimination or harassment investigation, or protest the alleged discrimination, harassment, or retaliation. Retaliation is an offense separate from the original complaint of discrimination, and will be considered independently from the merits of the underlying complaint. Individuals who believe they have been subjected to retaliation should report the conduct to the VH Academy Administrator.

## IX. FALSE ACCUSATIONS

Anyone who knowingly makes a false accusation of discrimination, harassment, or retaliation will be subject to appropriate sanctions which may include, but are not limited to, written warning, demotion, suspension or termination.

## X. Violations of other Rules

VH Academy encourages the reporting of all concerns regarding sexual or gender-based harassment. Sometimes individuals are hesitant to report instances of sexual or gender-based harassment because they fear they may be charged with other policy violations, such as underage alcohol consumption. Because the VH Academy has a paramount interest in protecting the well-being of its community and remedying sexual or gender-based harassment, other policy violations will be considered, if necessary, separately from allegations under this Policy.