

# **PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION POLICY**

## **Section 1      General Rule**

**Section 1.1**    Hawthorn Leadership School for Girls is committed to maintaining a workplace and educational environment that is free from discrimination and harassment in admission or access to, or treatment or employment in, its programs, services, activities and facilities. In accordance with law, the school strictly prohibits discrimination and harassment against employees, students or others on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, familial status, disability, age, veteran status, genetic information or any other characteristic protected by law. Hawthorn is a single-school local educational agency operating as a single-sex charter school as permitted by law. Hawthorn is an equal opportunity employer.

**Section 1.2**    Hawthorn’s Board of Directors (“Board”) also prohibits:

1. Retaliatory actions including, but not limited to, acts of intimidation, threats, coercion or discrimination against those who:
  - a)     Make complaints of prohibited discrimination or harassment.
  - b)     Report prohibited discrimination or harassment.
  - c)     Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the school, concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination, harassment or retaliatory actions.
3. Discrimination, harassment or retaliation against any person because of such person’s association with a person protected from discrimination or harassment in accordance with this policy.

**Section 1.3**    All employees, students and visitors must promptly report to the Head of School for investigation any incident or behavior that could constitute discrimination, harassment or retaliation in accordance with this policy. If discrimination, harassment or retaliation that occurs off school property and that is unrelated to the school's activities negatively impacts the school environment, Hawthorn will investigate and address the behavior in accordance with this policy, as allowed by law.

## **Section 2      Boy Scouts of America Equal Access Act**

**Section 2.1**    As required by law, Hawthorn will provide equal access to school facilities and related benefits and services and will not discriminate against any group officially affiliated with

the Boy Scouts of America, the Girl Scouts of the United States of America or any other youth group designated in applicable federal law.

### **Section 3. School Nutrition Programs**

**Section 3.1** In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs (including the School), are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA. These programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program.

**Section 3.2** Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action with the USDA Office of the Assistant Secretary for Civil Rights or The School's compliance officer identified in this policy. Only the U.S. Secretary of Agriculture may extend the time for filing a complaint. Any person who files a complaint will be advised of confidentiality laws, such as the Privacy Act of 1974.

**Section 3.3** The School staff who receive a complaint alleging illegal discrimination in the school's nutrition program will forward the complaint to the School's compliance officer immediately. The compliance officer will transcribe the complaint if it is not provided in writing. As required by the USDA, the compliance officer will forward the complaint to the USDA Office of the Assistant Secretary for Civil Rights immediately and will not first attempt to resolve the complaint prior to contacting the USDA. However, once complaint has been directed to the USDA, the School will take action to investigate the concern and make necessary corrections as required by this policy.

### **Section 4 Interim Measures**

**Section 4.1** When a report is made or the school otherwise learns of potential discrimination, harassment or retaliation, Hawthorn will take prompt and appropriate action to protect the alleged victim, including implementing interim measures. For example, the school may alter a class seating arrangement, provide additional supervision for a student or suspend an employee pending an investigation. Hawthorn will take prompt and appropriate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred.

### **Section 5. Consequences and Remedies**

**Section 5.1** If the school determines that discrimination, harassment or retaliation have occurred, the school will take prompt, effective and appropriate action to address the behavior, prevent its recurrence and remedy its effects.

**Section 5.2** Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from school grounds or otherwise restricted while on school grounds. The Head of School or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

**Section 5.3** In accordance with law and Hawthorn policy, any person suspected of abusing or neglecting a child will be reported to the Children’s Division (CD) of the Department of Social Services.

**Section 5.4** Remedies provided by Hawthorn will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class. Hawthorn may provide additional training to students and employees, make periodic assessments to make sure behavior complies with school policy, or perform a climate check to assess the environment in the school.

## **Section 6. Definitions**

**Section 6.1** *Compliance Officer* – The individual responsible for implementing this policy, including the acting compliance officer when he or she is performing duties of the compliance officer.

**Section 6.2** *Discrimination* – Conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, disability, age, veteran status, genetic information or any other characteristic protected by law, or based on a belief that such a characteristic exists.

**Section 6.3** *Grievance* – A verbal or written report (also known as a complaint) of discrimination, harassment or retaliation (as defined in Section 1.2 of this policy) made to the compliance officer. Formal complaints under Title IX will be handled in accordance with the School’s Title IX Sexual Harassment policy.

**Section 6.4** *Harassment* – Harassment is unwelcome conduct that is based on race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, disability, age, veteran status, genetic information or any other characteristic protected by law. Behaviors that could constitute harassment include, but are not limited to, the following acts: graffiti; display of written material, pictures or electronic images, including text messages; name calling, teasing or taunting; insults, derogatory remarks or slurs; jokes; gestures; threatening, intimidating or hostile acts; physical acts of aggression, assault or violence; theft; or damage to property.

Harassment is unlawful when it is sufficiently severe or pervasive that it denies or limits a student’s ability to participate in educational programs or it creates a work environment that a reasonable person would consider intimidating, hostile, or abusive.

**Section 6.6** *Working Days* – Days on which the school's business offices are open.

**Section 7. Compliance Officer**

**Section 7.1** The Board designates the following individual to act as Hawthorn's compliance officer:

Head of School  
1901 N. Kingshighway Blvd.  
Saint Louis, MO 63113  
314-361-5323

**Section 7.2** In the event the compliance officer is unavailable or is the subject of a report that would otherwise be made to the compliance officer, reports should instead be directed to the acting compliance officer, which shall be the Head of School.

**Section 7.3** The compliance officer or acting compliance officer will:

1. Coordinate school compliance with this policy and the law.
2. Receive all grievances regarding discrimination, harassment and retaliation.
3. Serve as the school's designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.
4. Investigate or assign persons to investigate grievances; monitor the status of grievances to ensure that additional discrimination, harassment and retaliation do not occur; and recommend consequences.
5. Review all evidence brought in disciplinary matters to determine whether additional remedies are available, such as separating students in the school environment.
6. Determine whether school employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.
7. Oversee discrimination, harassment or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the Board.
8. Seek legal advice when necessary to enforce this policy.
9. Report to the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.

10. Make recommendations regarding changing this policy or the implementation of this policy.
11. Coordinate and institute training programs for school staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment and retaliation.
12. Perform other duties as assigned by the Board.

## **Section 8. Public Notice**

**Section 8.1** The Head of School or designee will publicize Hawthorn's policy prohibiting discrimination, harassment and retaliation and disseminate information on how to report discrimination, harassment and retaliation. Notification of the school's policy will be posted in a public area of each building used for instruction or employment or open to the public. Information will also be distributed annually to employees, parents/guardians and students as well as to newly enrolled students and newly hired employees.

**Section 8.2** School bulletins, catalogs, application forms, recruitment material and the school's website will include a statement that the school does not discriminate in its programs, services, activities, facilities or with regard to employment. The school will provide information in alternative formats when necessary to accommodate persons with disabilities.

## **Section 9. Reporting**

**Section 9.1** Students, employees and others may attempt to resolve minor issues by addressing concerns directly to the person alleged to have violated this policy, but they are not expected or required to do so. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the school.

**Section 9.2** Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the compliance officer or acting compliance officer. All school employees will instruct all persons seeking to make a grievance to communicate directly with the compliance officer. Even if the potential victim of discrimination, harassment or retaliation does not file a grievance, school employees are required to report to the compliance officer any observations, rumors or other information regarding actions prohibited by this policy. If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer or acting compliance officer. If a person refuses or is unable to submit a written complaint, the compliance officer will summarize the verbal complaint in writing. A grievance is not needed for the school to take action upon finding a violation of law, school policy or school expectations.

**Section 9.3** Even if a grievance is not directly filed, if the compliance officer otherwise learns about possible discrimination, harassment or retaliation, including violence, the school will conduct a prompt, impartial, adequate, reliable and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.

## **Section 10. Student-on-Student Harassment**

**Section 10.1** The Head of School or designee may discipline a student for prohibited behavior in accordance with the school's discipline policy. If an administrator other than designated compliance officer disciplines the student, that administrator will report any incident of discrimination, harassment and retaliation to the designated compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance.

**Section 10.2** The compliance officer may determine that the incident has been appropriately addressed or recommend additional action. When a grievance is filed, the investigation and complaint process detailed below will be used.

## **Section 11. Investigation**

**Section 11.1** Hawthorn will promptly investigate all grievances. All persons are required to cooperate fully in the investigation. The compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation, but is not required to do so.

**Section 11.2** In determining whether alleged conduct constitutes discrimination, harassment or retaliation, the school will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that discrimination, harassment or other prohibited behavior has occurred, Hawthorn will take prompt and appropriate corrective action.

## **Section 12. Grievance Process Overview**

**Section 12.1** If a person designated to hear a grievance or appeal is the subject of the grievance, the compliance officer may designate an alternative person to hear the grievance, or the next highest step in the grievance process will be used. For example, if the grievance involves the Head of School, the compliance officer may designate someone outside the school to hear the grievance in lieu of the Head of School, or the grievance may be heard directly by the Board.

**Section 12.2** An extension of the investigation and reporting deadlines may be warranted if extenuating circumstances exist as determined by the school's compliance officer. The person filing the complaint will be notified when deadlines are extended. If more than twice the allotted time has expired without a response, an appeal may be taken to the next level.

**Section 12.3** Failure of the person filing the grievance to appeal within the timelines given will be considered acceptance of the findings and remedial action taken.

**Section 12.4** The school will investigate all grievances, even if an outside enforcing agency such as the Office for Civil Rights, law enforcement or the CD is also investigating a complaint arising from the same circumstances.

**Section 12.5** The school will only share information regarding an individually identifiable student or employee with the person filing the grievance or other persons if allowed by law and in accordance with Board policy.

**Section 12.6** Upon receiving a grievance, school administrators or supervisors, after consultation with the compliance officer, will implement interim measures as described in this policy if necessary to prevent further potential discrimination, harassment or retaliation during the pending investigation.

### **Section 13. Grievance Process**

**Section 13.1** *Level I* – A grievance is filed with the school's compliance officer. The compliance officer may, at his or her discretion, assign the Head of School or other appropriate employee or to conduct the investigation when appropriate.

Regardless of who investigates the grievance, an investigation will commence promptly, but no later than five working days after the compliance officer receives the grievance. The compliance officer or designee shall conduct a prompt, impartial, adequate, reliable and thorough investigation, including the opportunity for the person filing the grievance and other parties involved to identify witnesses and provide information and other evidence. The compliance officer or designee will evaluate all relevant information and documentation relating to the grievance.

Within 30 working days of receiving the grievance, the compliance officer will complete a written report that summarizes the facts and makes conclusions on whether the facts constitute a violation of this policy based on the appropriate legal standards. If a violation of this policy is found, the compliance officer will recommend corrective action to the Head of School to address the discrimination, harassment or retaliation; prevent recurrence; and remedy its effects. If someone other than the compliance officer conducts the investigation, the compliance officer or acting compliance officer will review and sign the report. The person who filed the grievance, the alleged victim if someone other than the alleged victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the completion of the report, in accordance with law and school policy, regarding whether the school's compliance officer or designee determined that school policy was violated.

**Section 13.2** *Level II* – Within five working days after receiving the Level I decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the compliance officer's decision to the Head of School by notifying the Head of School in writing. The Head of School may, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate. When the Head of School has acted as the compliance officer, the appeal will be heard directly by the Board as described in Level III.

Within ten working days, the Head of School will complete a written decision on the appeal, stating whether a violation of this policy is found and, if so, stating what corrective actions will be implemented. If someone other than the Head of School conducts the appeal, the Head of School will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the compliance officer or acting compliance officer.

The person who initially filed the grievance, the victim if someone other than the victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the Head of School's decision, regarding whether the Head of School or designee determined that Hawthorn policy was violated.

**Section 13.3** *Level III* – Within five working days after receiving the Level II decision, the person filing the grievance, the alleged victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the Head of School's decision to the Board in writing. The person filing the grievance, the alleged victim if someone other than the victim filed the grievance, and the alleged perpetrator will be allowed to address the Board, and the Board may call for the presence of such other persons deemed necessary. The Board will issue a decision within 30 working days for implementation by the administration. The decision of the Board is final.

#### **Section 14. Confidentiality and Records**

**Section 14.1** To the extent permitted by law and in accordance with Board policy, Hawthorn will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out disciplinary measures. Hawthorn will disclose information to the school's attorney, law enforcement, the CD and others when necessary to enforce this policy or when required by law. In implementing this policy, Hawthorn will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

**Section 14.2** The school will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with the Missouri Secretary of State's retention manuals and as advised by the school's attorney.

#### **Section 15. Training**

**Section 15.1** The school will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment or retaliation. Hawthorn will instruct employees to make all complaints to the designated compliance officer or acting compliance officer and will provide current contact information for these persons. Hawthorn will inform employees of the consequences of violating this policy and the remedies the school may use to rectify policy violations. All employees will have access to Hawthorn's current policy, required notices and grievance forms. Hawthorn will provide additional training to any person responsible for investigating potential discrimination, harassment or retaliation.

Adopted September 27, 2021