

## NON-DISCRIMINATION POLICY

Westinghouse Arts Academy Charter School provides equal opportunities for all students regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability to achieve their maximum potential through the programs offered in the school.

Westinghouse Arts Academy Charter School shall provide to all students, without discrimination, course offerings, counseling, assistance, athletics and extracurricular activities. Westinghouse Arts Academy Charter School shall make reasonable accommodations for identified impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

Westinghouse Arts Academy Charter School encourages students and others (who are not students or Westinghouse Arts Academy Charter School employees) who have been subject to discrimination to promptly report such incidents to designated employees as listed in this policy. Employee complaints of discrimination are covered in the employee handbook.

All complaints of discrimination shall be investigated promptly, and corrective action shall be taken when allegations are substantiated. Confidentiality of all parties shall be maintained to the extent possible, consistent with Westinghouse Arts Academy Charter School's legal and investigative obligations.

No reprisals or retaliations shall occur as a result of good faith charges of discrimination.

Westinghouse Arts Academy Charter School's Principal or his/her designee is Westinghouse Arts Academy Charter School's Compliance Officer for purposes of this nondiscrimination policy.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Such communications to students, parents/guardians and the public shall include the position, office address and telephone number of the Compliance Officer. This policy, its complaint procedures and the Compliance Officer's contact information shall be available on the school website and in the main office.

Contact information for the Compliance Officer appears in Attachment A.

### Procedures

Examples of discrimination, harassment and retaliation when such actions (or any other actions) are based on the target's race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability, prohibited by this policy include but are not limited to:

- Name calling or insults
- Inappropriate jokes
- Inappropriate pictures, cartoons, drawings or other depictions
- Isolation or exclusion

- Bullying
- Intimidation

The list above is not all inclusive. Any behavior that marginalizes, isolates or harasses a student due to his/her race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability is prohibited by this policy.

This policy also prohibits (a) retaliation against anyone who in good faith reports behavior prohibited by this policy; and (b) intimidation of any witness or party who participates in an investigation.

This policy applies to students, employees and third-parties (such as vendors, independent contractors and members of the general public) and covers incidents that cause a hostile environment for Westinghouse Arts Academy Charter School students in the school regardless of whether the incidents themselves occur on school property.

The Compliance Officer is responsible for monitoring nondiscrimination procedures in the following areas:

- Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
- Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
- Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
- Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment and related matters.
- Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The Principal or his/her designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the complaining party of the right to file a complaint and the complaint procedure.
2. Inform the complaining party if s/he is a student that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complaining party and the accused of the progress at appropriate stages of the procedure.
4. Refer the complaining party to the Associate Principal if the Principal is the subject of the complaint.

## **Complaint Procedure**

### **Step 1 - Reporting**

Anyone who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Principal.

A school employee who suspects or is notified that a student has been subject to conduct

that constitutes a violation of this policy shall immediately report the incident to the Principal. Within two (2) school days, the Principal will follow up with the student reported to be the subject of such conduct.

If the Principal is the subject of a complaint, the complaining party or the reporting employee shall report the incident directly to the Associate Principal.

The complaining party or reporting employee is encouraged to submit a written report, but oral complaints shall be acceptable.

In cases in which the alleged victim may be in danger or his/her ability to participate fully in the educational process may be seriously impaired, the Principal or his/her designee may take interim action (consistent with state and federal law) to keep the alleged victim from his/her alleged harasser. Such action may include parent contact, removal from class, loss of privileges, detention, or suspension of the alleged harasser.

**REPORTS OF ALLEGED INCIDENTS MUST BE MADE NO LATER THAN NINETY (90) DAYS AFTER THE ALLEGED INCIDENT OCCURRED.**

## Step 2 - Investigation

Incidents of discrimination, intimidation, harassment and retaliation, including discrimination, harassment, intimidation and retaliation on the basis of disability, prohibited by this policy will be promptly and equitably investigated.

Upon receiving a complaint of discrimination, the Principal shall investigate the complaint, unless the Principal is the subject of the complaint or is unable to complete the investigation. If the Principal is unable to conduct the investigation, the Associate Principal shall authorize another appropriate person.

The investigation may consist of individual interviews with the complaining party, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. Both the alleged victim and the alleged harasser will be given the opportunity to present witnesses and other evidence. The investigator will use the preponderance of evidence standard to determine whether this policy has been violated. That is, a violation will be found if the complainant or victim presents evidence establishing it is more likely than not that the prohibited conduct occurred.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

All complaints will be investigated within three (3) school days of a complaint being filed. Any reasonable delays (e.g., the unavailability of witnesses or parties due to illness) will be noted in the file, and the investigation will be completed as soon as possible following the delay.

## Step 3 - Investigative Report

The person conducting the investigation shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. Any reason for additional time in which to complete the report will be noted in the investigative file. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided in writing within five (5) school days to the complaining party, the accused and the Compliance Officer.

#### Step 4 - Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, Westinghouse Arts Academy Charter School shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Victims of substantiated harassment or discrimination claims will be offered counseling and other resources consistent with the circumstances of their charges.

Disciplinary action shall be consistent with the employee handbook, Student Code of Conduct, Board policies, Westinghouse Arts Academy Charter School procedures, applicable employment agreements, and applicable law. Employees will be disciplined consistent with the findings and such discipline may include termination. Independent contractors found to be in violation of this policy may have their agreements terminated or may be debarred from transacting business with Westinghouse Arts Academy Charter School. Other third-party actors may be prohibited from participating in Westinghouse Arts Academy Charter School activities.

Examples of student discipline are as follows:

Oral harassment of others may result in:

- Verbal or written reprimand
- Parent contact
- Removal from class
- Written agreement/contract
- Loss of Privileges
- Detention

Students who continue to harass after being disciplined or students who:

- Use abusive, obscene, or disrespectful oral or written language or gestures, swearing; or
- Harass/bully/threaten

May receive:

- Verbal or written reprimand
- Parent contact
- Removal from class
- Written agreement/contract

- Loss of Privileges
- Detention
- Bus Suspension
- Suspension
- Referral to police or District Magistrate
- Expulsion

Students whose discriminating or harassing behavior is so serious or frequent that it tends to disrupt the learning climate of the school such as:

- Continuation of behaviors listed above
- Assault
- Vandalism
- Physical aggression
- Fighting
- Verbal or physical threats
- Continuation of or extreme harassment/bullying/threats
- Discriminatory slurs or intimidation

May receive:

- Loss of privileges
- Out of school suspension
- Loss of transportation privileges
- Requirement for restitution of property or payment of damage
- Referral to police or District Magistrate
- Expulsion

The above lists of prohibited behavior and possible discipline are illustrative only. Consistent with state and federal law, Westinghouse Arts Academy Charter School will take appropriate action to provide equal opportunities for all students regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability to achieve their maximum potential through the programs offered in the school.

### **Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Associate Principal within fifteen (15) days.
2. The Associate Principal shall review the investigation and the investigative report and may also conduct an additional reasonable investigation.
3. The Associate Principal shall prepare a written response to the appeal within fifteen (15) days of receipt. Copies of the response shall be provided to the complainant, the accused and the person who conducted the initial investigation.