



<i>The Classical Academy</i>	<i>Policies and Procedures</i>
Policy Name:	Staff Sex Based Harassment Policy
Policy Number:	GBAA-TCA
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Category:	Staff
Cabinet Level Owner:	Director of Human Resources

The Classical Academy is committed to a learning and working environment that is free from sexual harassment. Sexual harassment is recognized as a form of sex discrimination and thus is a violation of the laws which prohibit sex discrimination.

It shall be a violation of this policy for any member of TCA staff to harass another staff member or student through conduct or communications of a sexual nature. Any conduct or communication of a sexual nature directed toward another person to whom this policy applies shall be presumed to be unwelcome. Sexual harassment committed by a staff member of TCA in the course of employment shall be deemed a breach of duty, and as such, shall subject the offending staff member to disciplinary action.

It is also a violation of this policy to intimidate any staff member or to retaliate against anyone who reports sexual or sex-based harassment or participates in a harassment investigation. Concerns regarding unlawful discrimination and harassment should be addressed using administrative policy AC-TCA and administrative procedures AC-TCA-R1 and AC-TCA-R2. Appropriate corrective action, including disciplinary measures when justified, will be taken to remedy all violations of this policy. This policy similarly applies to non-staff volunteers or any persons who work subject to the control of school authorities.

**Sex-Based Harassment
(including Sexual Harassment, Sexual Violence, and Gender-Based Harassment)**

For purposes of this policy, unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature constitutes sexual harassment if, under the totality of the circumstances:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment, advancement, or educational development.
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment, advancement, demotion, or educational decisions affecting an individual.
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment.

The prohibition against sexual harassment applies whether the harassment is between people of the same or different gender.

- Gender-based harassment is unwelcome conduct based on a person's sex, or harassing conduct based on a person's failure to conform to sex stereotypes.

Sexual harassment, as defined above, may include but is not limited to:

- a. Sex-oriented verbal “kidding”, abuse, or harassment.
- b. Pressure for sexual activity.
- c. Repeated remarks to a person with sexual, threatening, or demanding implications.
- d. Unwelcome written material, posters, drawings, letters, notes, or other graphic writing.
- e. Unwelcome touching, such as patting, pinching, hitting, or repeated, intentional brushing against another person's body.
- f. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, employment status, or similar personal concerns.
- g. Sexual violence.

Sexual violence is a form of sexual harassment that may include, but is not limited to:

- a. Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent
- b. Rape
- c. Sexual assault
- d. Sexual battery
- e. Sexual abuse
- f. Sexual coercion

Reporting, Investigation and Sanctions

It is the express desire of TCA to encourage victims of, or witnesses to, sexual harassment to report such claims through TCA’s complaint process (AC-TCA-R).

Staff members who feel that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator or to TCA’s compliance officer.

All reports of sexual harassment received by any TCA staff member shall be promptly forwarded to the compliance officer (AC-TCA-E 1). The compliance officer shall ensure that every complaint is promptly investigated and responded to as set forth in TCA’s complaint and compliance process (AC-TCA-R). No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of sexual harassment or participation in an investigation. Requests for confidentiality shall be honored so long as doing so does not preclude TCA from responding effectively to the harassment and preventing such conduct in the future.

Any staff member found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with administrative policy JLF.

Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect future employment or work assignments. All matters involving sexual harassment complaints shall remain confidential to the extent possible.

Notice of Policy

Notice of this policy shall be circulated to all TCA schools and departments and incorporated in staff handbooks.

This TCA Policy replaces ASD20 Policy GBAA.

Legal References

20 U.S.C. §§ 1681 et seq. (Title IX of the Education Amendments Act of 1972)
42 U.S.C. §§ 2000e et seq. (Title VII of the Civil Rights Act of 1964)
C.R.S. § 24-34-301 et seq. (Colorado Civil Rights Division procedures)
C.R.S. § 24-34-301 et seq. (discrimination or unfair employment practices)

Cross References

AC- TCA Nondiscrimination/Equal Opportunity
AC-TCA-R1 Nondiscrimination/Equal Opportunity Procedure
AC-TCA-R2 Sexual Harassment Procedure
JLF – Reporting Child Abuse/Child Protection
EL 2.0 Global Executive Constraint
EL 2.3 Treatment of Staff

Policy Revision History

Date	Revision Details	Revised By
1/30/2024	Creation of policy	Director of HR