

Learning Lodge Academy Board Policy

Section: 3000 Instructional

Policy Title: Nondiscrimination and Equal Employment Opportunity - Instructional Personnel

Policy Number: _____

Adopted: September 17, 2024

Nondiscrimination and Equal Employment Opportunity Instructional Personnel

I. General Statement

The Learning Lodge Academy governing board ("LLA Board") does not discriminate on the basis of race (including anti-Semitism), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

The LLA Board does not, as a condition of employment, subject individuals to training, instruction, or other required activities that is prohibited under F.S. 760.10 ("Unlawful Employment Practices") and F.S. 1000.05, the "Florida Educational Equity Act." Prohibited discrimination also occurs when any employee or student is subjected to training or instruction that is unlawful under F.S. 1000.05.

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School community means students and LLA Board employees (i.e., administrators, and professional and classified staff), as well as LLA Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the LLA Board.

Third Parties include, but are not limited to, guests and/or visitors on School property, vendors doing business with or seeking to do business with the School, and other individuals who come in contact with members of the School community at school-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means school day(s) (i.e., a day(s) that the School office is open for normal operating hours, Monday – Friday, excluding recognized holidays, dates posted on the School calendar, and closures due to emergency situations).

III. **Learning Lodge Academy School Compliance Officer**

The LLA Board or principal will appoint a compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law.

The LLA Board will also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public.

The following person has been designated to serve in the role of the LLA Compliance Officer, Anti-Harassment Compliance Officer, Equity Officer, ADA Coordinator, Section 504 Compliance Officer, and Title IX Coordinator.

Janet Blossfield
Compliance Officer
Learning Lodge Academy
10534 Little Road
New Port Richey, FL 34654
(727) 868-0067
jblossfield@learninglodgeacademy.com

The name, title, and contact information of this individual will be published annually on the School's website. The person presently serving as Compliance Officer may change from time to time, and such changes shall be deemed technical corrections.

Should it be determined that additional individuals are necessary to ensure compliance with Federal and State regulations, the LLA Board will authorize the principal to appoint one or more qualified persons to serve in any of these capacities.

IV. Complaint Procedures

Except for sex discrimination and/or Sexual Harassment that is covered by *Nondiscrimination on the Basis of Sex in Education Programs or Activities*, any employee of Learning Lodge Academy employed in an instructional capacity, who alleges to have been subjected to unlawful discrimination may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter. Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the OCR, FCHR, or the EEOC.

Internal complaints must be in writing and identify the specific circumstances or areas of dispute that have given rise to the complaint and offer possible solutions to the dispute. The complaint must be filed with the school's compliance officer within the time limits specified below. The school's compliance officer is available to assist individuals in filing a complaint.

V. Internal Complaint Procedure

The following internal complaint procedure is available to a Learning Lodge Academy employee employed in an instructional capacity for the prompt and equitable resolution of complaints alleging discrimination that is prohibited in this policy. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR, FCH, or EEOC.

This complaint procedure is not available to unsuccessful applicants.

Step A: An employee with a complaint based on alleged discrimination should first discuss the problem with the School Compliance Officer.

Step B: If the informal discussion does not resolve the matter, or if the employee elects to skip Step A, the individual may file a formal written complaint with the School Compliance Officer using the School's formal complaint form. The formal complaint form is incorporated by reference.

The written complaint must contain the name and address of the individual or representative filing the complaint, describe the alleged discriminatory action in sufficient detail to inform the School Compliance Officer of the nature and date of the alleged violation, propose a resolution, and be signed by the complainant. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the School Compliance Officer for good cause.

Step C: The School Compliance Officer will conduct an independent investigation of the matter, which may or may not include a hearing. The complaint procedure will contemplate informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The School Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the principal or designee.

Step D: The principal or designee will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint and will render a decision within ten (10) school days of the hearing.

The employee may be represented, at his own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint will not be impaired by the person's pursuit of other remedies. Use of the internal complaint procedure is not a prerequisite to pursue other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the School Compliance Officer will identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age appropriate, and effective and tailored to the specific situation.

VI. Filing a Complaint with OCR/FCHR/EEOC

At any time, if an employee of Learning Lodge Academy employed in an instructional position, believes s/he has been subjected to unlawful discrimination, the individual may file a complaint with the OCR, FCHR, or EEOC. (See information below.)

VII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

VIII. Employee Training

The School Compliance Officer will oversee the training of the employees to ensure they understand their rights and responsibilities under Federal and State law and are informed of the LLA Board's policies and practices.

IX. Notice of Non-Discrimination in Employment Practices

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Compliance Officer will be posted on the School's website, the Employee Handbook, and employment posters.

X. Retention of Investigatory Records and Materials

The School Compliance Officer is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under

this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media created and received as part of an investigation.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media created or received as part of an investigation will be retained for not less than three (3) years or in accordance with the State of Florida records retention schedule, whichever is longer.

Legal Reference

F.S. 110.1221

F.S. 250.481

F.S. 760.01

F.S. 760.10 - Unlawful employment practices

F.S. 1000.05 - "Florida Educational Equity Act" – Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required

20 U.S.C. 1681 et seq., Title IX

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 701 et seq., Rehabilitation Act of 1973

42 U.S.C. 2000e, et seq., Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12112, Americans with Disabilities Act of 1990

29 C.F.R. Part 1635

38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act

Office for Civil Rights, U. S. Department of Education

Atlanta Office

61 Forsyth St. S.W., Suite 19T70

Atlanta, GA 30303-3104

Phone: 1-800-421-3481

Fax: 404-562-6455

E-mail: OCR.Atlanta@ed.gov

Employment

U.S. Equal Employment Opportunity Commission

Tampa Field Office

501 East Polk Street, Suite 1000

Tampa, FL 33602

Phone: 813-710-9340

Fax: 813-228-2841

Website: <https://www.eeoc.gov/filing-charge-discrimination>

Tampa Field Office: <https://www.eeoc.gov/field-office/tampa/location>

Florida Commission on Human Relations

2009 Apalachee Parkway, Oakland Building, Suite 100

Tallahassee, FL 32301-4857

Phone: 850-488-7082

Fax: 850-488-5291

Website: <http://fchr.state.fl.us>

E-mail: fchrinfo@fchr.myflorida.com

Complaints concerning retaliation may be filed with the Florida Commission on Human Relations (FCHR)

Learning Lodge Academy Equity Policy

Section: 3000 – Instructional

Title: Anti-Harassment

Policy Number: _____

Adopted: September 17, 2024

Anti-Harassment

Instructional Personnel

I. General Policy Statement

It is the policy of the Learning Lodge Academy Board (“LLA Board”) to maintain an educational and work environment that is free from all forms of unlawful harassment, including bullying and sexual harassment. This commitment applies to all Learning Lodge Academy (School) operations, programs, and activities. All students, administrators, and school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the LLA Board.

The LLA Board and principal will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes"; hereinafter referred to as unlawful harassment), and encourages those within the School community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The principal or designee will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

Nothing in this policy will be construed to abridge the rights of Instructional Personnel that are protected by the First Amendment to the Constitution of the United States.

II. Other Violations of the Anti-Harassment Policy

The LLA Board and principal will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts.

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.
- D. **Bullying.** Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:
 - 1. teasing;
 - 2. threats;
 - 3. intimidation;
 - 4. stalking;
 - 5. cyberstalking;
 - 6. cyberbullying;
 - 7. physical violence;
 - 8. theft;
 - 9. sexual, religious, or racial harassment;
 - 10. public humiliation; or
 - 11. destruction of property.
- E. **Harassment** means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

F. Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered under the LLA Board's policy, *Nondiscrimination on the Basis of Sex in Education Programs or Activities*, is not included in this policy. Allegations of such conduct must be addressed solely by this policy.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

2. Unwanted physical and/or sexual contact.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment, that may reasonably embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. Asking about, or talking about, sexual fantasies, sexual preferences, or sexual activities.
8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.
10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
11. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
12. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
13. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
14. Inappropriate boundary invasions by a School employee or other adult member of the School community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

G. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

H. Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

I. Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the

purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

J. National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

K. Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments, or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

L. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

III. Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School community means students and LLA Board employees (i.e., administrators, professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the LLA Board.

Third Parties include, but are not limited to, guests and/or visitors on School property (e.g., parents and visiting speakers), vendors doing business with or seeking to do business with the School, and other individuals who come in contact with members of the School community at school-related events/activities (whether on or off School property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means school day(s) (i.e., a day(s) the School office is open for normal operating hours, Monday – Friday, excluding recognized holidays, dates as posted on the School calendar, and closures due to emergency situations).

IV. Reports and Complaints of Harassing Conduct

School employees, including Instructional personnel, must report incidents of unlawful harassment immediately to the administration or School Anti-Harassment Compliance Officer so the behavior can be addressed before it becomes severe, pervasive, or persistent.

Members of the School community and third parties are encouraged to promptly report incidents of unlawful harassing conduct to an administrator or the Anti-Harassment Compliance Officer promptly.

Any Instructional personnel who believe s/he has been unlawfully harassed is entitled to utilize the LLA Board's complaint process as set forth below. Instructional personnel should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known, and potential witnesses are available.

Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment status unless the individual makes the complaint maliciously or with the knowledge that it is false.

While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation or reported act of harassment and/or bullying in accordance with the LLA Board policies, the principal or designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or designee will report the act of harassment and/or bullying to the Anti-Harassment Compliance Officer who will investigate the allegation in accordance with this policy.

If the alleged harassment involves Sexual Harassment as defined in the policy, *Nondiscrimination on the Basis of Sex in Education Programs and Activities*, the matter will be handled in accordance with the grievance process and procedures outlined in that policy.

A. School Anti-Harassment Compliance Officer

The following person is designated as the School Anti-Harassment Compliance Officer:

Janet Blossfield
Anti-Harassment Compliance Officer
Learning Lodge Academy
10534 Little Road
New Port Richey, FL 34654
(727) 868-0067
jblossfield@learninglodgeacademy.com

The School Anti-Harassment Compliance Officer is also designated as the Compliance Officer, Equity Officer, ADA Coordinator, Title IX Coordinator, and Section 504 Compliance Officer. Should it be determined that additional individuals are necessary to ensure compliance with Federal and State regulations, the LLA Board will authorize the principal to appoint one or more qualified individuals to serve in any of these capacities.

The Anti-Harassment Compliance Officer will be responsible for compliance with Federal and State regulations and ensure that any inquiries or complaints are dealt with promptly in accordance with law.

The name, title, and contact information of the Anti-Harassment Compliance Officer will be published annually on the School's website. The individual presently serving as the Anti-Harassment Officer may change from time to time, and such changes will be deemed technical corrections.

B. Duties and Responsibilities of the Anti-Harassment Compliance Officer

The Anti-Harassment Compliance Officer will be available during regular school hours to discuss concerns related to unlawful harassment, to assist School employees, students, other members of the School community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any member of the School community who learns of an incident of unlawful harassment should notify the Anti-Harassment Compliance Officer without delay.

The Anti-Harassment Compliance Officer will accept complaints of unlawful harassment directly a member of the School's Instructional staff, non-instructional staff, a School employee, student, other member of the School community, or third party. Upon receipt of a complaint, the Anti-Harassment Compliance Officer will begin either an informal or formal process (depending on the request of the individual alleging harassment or the nature of the alleged harassment) or designate a specific individual to conduct such a process.

The Anti-Harassment Compliance Officer or designee must contact the Complainant within two (2) days to advise that an investigation regarding the alleged misconduct will be conducted in accordance with the appropriate procedures.

In the case of a formal complaint, the Anti-Harassment Compliance Officer or designee will prepare recommendations for the principal or designee and may consult with legal counsel, as necessary.

V. Investigation and Complaint Procedure

Except for Sexual Harassment, which is covered by the policy, *Nondiscrimination on the Basis of Sex in Education Program or Activities*, any Instructional personnel employed by the School, a student, other member of the School community or third party who believes they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of

harassment or retaliation and is the process for rendering a decision regarding whether the allegations are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines can be flexible for initiating the complaint process. However, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner or generally, within fifteen (15) days of the complaint being received.

The procedures set forth below are not intended to interfere with the rights of Instructional personnel to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights, the Florida Civil Rights Commission, and/or the Equal Employment Opportunity Commission.

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, whenever possible. The informal complaint procedure is provided as a less formal option for Instructional personnel, other School employees, students, other member of the School community, or a third party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Instructional personnel, other school employees, students, other members of the School community, or third parties who believe they have been unlawfully harassed or retaliated against may initiate their complaint through this informal complaint procedure, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a School employee, any other adult member of the School community, or a third party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Anti-Harassment Compliance

Officer is available to support individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Anti-Harassment Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing to a teacher, another School employee, the principal, or directly to the Anti-Harassment Compliance Officer.

All informal complaints must be reported to the Anti-Harassment Compliance Officer who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

Learning Lodge Academy's informal complaint procedure is designed to provide employees, students, other members of the School community, or third parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, an informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
2. Distributing a copy of this policy as a reminder of the LLA Board's expectations of conduct and State and Federal law.
3. If both parties agree, the Anti-Harassment Compliance Officer may facilitate a meeting or mediation between the Complainant and Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the School Anti-Harassment Compliance Officer or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. As stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the School Anti-Harassment Compliance Officer determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below will be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, student, other member of the School community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

If a Complainant informs a teacher, principal, other school employee, or the School Anti-Harassment Compliance Officer, either orally or in writing, about any complaint of harassment, that employee must report such information to the Anti-Harassment Compliance Officer within two (2) days.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal, other school employee, or the School Anti-Harassment Compliance Officer. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known, and potential witnesses are available.

Throughout the course of the process as described herein, the School Anti-Harassment Compliance Officer will keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known:

- The identity of the Respondent;
- A detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred);
- A list of potential witnesses; and
- The resolution sought by the complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the School Anti-Harassment Compliance Officer will request an oral interview. Thereafter the School Anti-Harassment Compliance Officer will prepare a

written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the School Anti-Harassment Compliance Officer will consider whether an action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination the School Anti-Harassment Compliance Officer should consult the Complainant to assess his/her agreement to an action deemed appropriate. If the Complainant is unwilling to consent to any change that is deemed appropriate by the School Anti-Harassment Compliance Officer, the compliance officer, in consultation with the principal and legal counsel, may take whatever actions that are deemed appropriate and are in the best interest of the Complainant.

Within two (2) days of receiving a formal complaint, the School Anti-Harassment Compliance Officer or designee will initiate a formal investigation to determine whether the complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the School Anti-Harassment Compliance Officer will inform the Respondent (and his/her parent/guardian if the Respondent is a student) that a formal complaint has been received. The Respondent (and his/her parent/guardian if the Respondent is a student) will be informed about the nature of the allegations and provided a copy of the complaint, the anti-harassment policy and administrative procedures. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) days.

Although certain cases may require additional time, the Anti-Harassment Compliance Officer or designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) days of receiving the formal complaint.

The investigation will include:

1. Interviews with the Complainant.
2. Interviews with the Respondent.
3. Interviews with witnesses who may reasonably be expected to have information relevant to the allegations.

4. Consideration of any documentation or other evidence presented by the Complainant, Respondent, or witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, and after consultation with legal counsel, as necessary, the School Anti-Harassment Compliance Officer or designee will prepare and deliver a written report to the principal or designee. The written report will summarize the evidence gathered during the investigation and provide recommendations based on the evidence and the definition of unlawful harassment as defined in this policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The recommendation must be based on the totality of the circumstances.

Absent extenuating circumstances, within five (5) days of receiving the School Anti-Harassment Compliance Officer's report, the principal or designee will issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the principal's or designee's final decision will be delivered to both the complainant and the respondent.

If the principal or designee requests a further investigation, s/he must specify the additional information to be gathered, and such additional investigation must be completed within five (5) days, absent extenuating circumstances. At the conclusion of the additional investigation, the principal or designee must issue a final written decision as described above. The decision of the principal will be final.

The principal reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the Instructional personnel, other employees, other members of the School community, or third parties alleging the unlawful harassment pursue the complaint. The LLA Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or such other manner as deemed appropriate.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint will not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the Florida Civil Rights Commission, the Equal Employment Opportunity Commission, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

VI. Privacy/Confidentiality

Learning Lodge Academy will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses to the extent possible, consistent with the LLA Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures will be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Anti-Harassment Officer or designee will instruct all members of the School community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

All records created as a part of an investigation of a complaint of harassment will be maintained by the Anti-Harassment Compliance Officer in accordance with the LLA Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

VII. Sanctions and Monitoring

The LLA Board and principal will vigorously enforce the prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment/retaliation and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the principal shall consider the totality of the circumstances involved in the matter. In those cases where unlawful harassment is not substantiated, the principal may consider whether the alleged conduct nevertheless warrants discipline in accordance with other LLA Board policies.

Where the principal becomes aware that a prior remedial action has been taken against a member of the School community, all subsequent sanctions imposed by the LLA Board and/or principal will be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

VIII. Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/ retaliation or participates as a witness in an investigation is prohibited. Neither the LLA Board, principal, or any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the Internal Complaint Procedure set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

IX. Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher, administrator, or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the School Anti-Harassment Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of a complainant, a report of such knowledge must be made in accordance with State law.

If the School Anti-Harassment Compliance Officer or designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge will be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement will not terminate the School Anti-Harassment Compliance Officer's obligation and responsibility to continue to investigate a complaint of harassment. While the compliance officer or designee may work cooperatively with outside agencies to conduct concurrent investigations, the

involvement of outside agencies will not inhibit the harassment investigation without good cause and after consultation with legal counsel.

X. Mandatory Reporting of Misconduct by Certificated Employees

The principal is required by State law to report alleged misconduct by certificated personnel of Learning Lodge Academy that affects the health, safety, or welfare of a student. The principal will investigate each allegation of such conduct and, if confirmed, will report such misconduct to the Office of Professional Practices.

XI. Education and Training

In support of this policy, the LLA Board promotes preventative educational measures to create greater awareness of unlawful discriminatory and harassment practices. The principal, School Anti-Harassment Compliance Officer, or designee will provide information and training to School staff and the implementation of this policy to students and the School community, ensuring it is age and content appropriate.

VI. Retention of Investigatory Records and Materials

The School Anti-Harassment Compliance Officer is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy will retain all information, documents, electronically stored information ("ESI"), and electronic media created and received as part of an investigation.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal and/or State law.

The information, documents, ESI, and electronic media created or received as part of an investigation will be retained for not less than three (3) years, or in accordance with the State of Florida records retention schedule, whichever is longer.

Legal reference:

F.S. 110.1221
F.S. 250.481
F.S. 760.01
F.S. 760.10
F.S. 784.049
F.S. 1000.05
F.S. 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
29 C.F.R. Part 1635
29 U.S.C. 6101, The Age Discrimination Act of 1975
38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination

Learning Lodge Academy Equity Policy

Section: 3000 – Instructional

Title: Instructional Complaints and Grievances

Policy Number: _____

Adopted: September 17, 2024

INSTRUCTIONAL COMPLAINTS AND GRIEVANCES

The Learning Lodge Academy Board encourages the prompt and fair handling of problems before they become formal grievances. The grievance procedure shall be followed objectively so that no individual should fear retribution for seeking full satisfaction of the problem.

Learning Lodge Academy Board Policy

Section: 3000 Instructional

Policy Title: Nondiscrimination Based on Genetic Information of the Employee

Policy Number: _____

Adopted: September 17, 2024

**NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
(Instructional)**

The Learning Lodge Academy Board (LLA Board) does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

As required by Federal law and regulation, the Board will direct its employees not to provide any genetic information in response to requests for medical information, including but not limited to FMLA medical certification or recertification. The Board shall also direct applicants for employment not to provide any genetic information in response to requests for medical information as part of LLA's application process. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. As required by Federal law, if the School inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record.

The School Equity Officer's responsibility will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law and will also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

Legal Reference

- 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
- 29 C.F.R. Part 1635
- 20 U.S.C. 1232g
- 42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as Amended