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**STUDENT AND EMPLOYEE**

**ANTI-HARASSMENT AND DISCRIMINATION POLICY**

Coba Academy is committed to providing a work and school environment free of unlawful harassment or discrimination. In furtherance of this commitment, all students are required to take our mandatory Sexual Harassment and Prevention Training upon starting in school. Employees are required to take the training on an annual basis. School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, Coba Academy ­­prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and Coba Academy has jurisdiction over Title IX complaints.

Coba Academy’s anti-harassment policy applies to all persons involved in the operation of Coba Academy and prohibits unlawful harassment by any employee of Coba Academy, as well as students, customers, third parties, vendors or anyone who does business with Coba Academy. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action, up to and including termination. To the extent a customer, vendor or other person with whom Coba Academy does business engages in unlawful harassment or discrimination, Coba Academy will take appropriate corrective action. The grievance procedure will provide that complaints may be filed about discrimination in any academic, educational, extracurricular, athletic or other programs operated or sponsored by, or related to, Coba Academy, whether the programs take place on the campus of a school, during a school-sponsored field trip, or other off-campus events.

As part of Coba Academy’s commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to Coba Academy community through publications, Coba Academy’s website, new employee orientations, student orientations, and other appropriate channels of communication. Coba Academy will provide training to key staff members to enable Coba Academy to handle any allegations of discrimination and harassment, including sexual harassment or sexual violence, promptly and effectively. Coba Academy will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

**Definitions**

***Discrimination*** is defined as treating individuals differently in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

***Harassment*** is defined as any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, student, or any person within Coba Academy. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

* Verbal harassment includes comments that are offensive or unwelcome regarding a person’s national origin, race, color, religion, gender, sexual orientation, age, disability or appearance, including slurs and negative stereotyping.
* Nonverbal harassment includes distribution or display of any written or graphic material that ridicules, denigrates, or shows hostility towards an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, disability or appearance, sexual identity, marital status or other protected status.

***Sexual Harassment*** is defined by the Equal Employment Opportunity Commission (“EEOC”) as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when…submission to or rejection of such conduct is used as the basis for employment decisions…or such conduct has the purpose of…creating an intimidating, hostile or offensive working environment.”

Sexual harassment may take many forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

* Verbal sexual harassment includes innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats, or requests for any type of sexual favor.
* Nonverbal sexual harassment includes the distribution or display of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds, staring, whistling, obscene gestures, content in letters, notes, facsimiles, e-mails, photos, text messages, Internet postings, or other forms of communication that are sexual in nature and offensive.
* Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees or students that are appropriate, acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

**Complaint/Grievance Procedure**

The following grievance procedures shall be used to address complaints filed by students/employees or complaints filed on their behalf against employees, other students, or third parties.

If you believe that you have experienced or witnessed harassment or discrimination, **you must** notify your instructor, supervisor, Coba Academy Owner, or the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with Coba Academy is exempt from the prohibitions in this policy. Supervisors will refer all complaints to the Title IX Coordinator for student-related complaints and to Coba Academy Owner if the complaint involves an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. A sex discrimination complaint should be filed within 180 days from the date of the alleged discriminatory incident. Upon receiving any report of discrimination, including harassment, regardless of the filing date or when the school receives notice, the school will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the student, and on others, if appropriate. All documentation pertaining to the complaint/grievance will be confidential. The complaint/grievance once received will be maintained in the student’s and/or employee’s permanent file, which has limited staff access, this includes verbal complaints.

All complaints involving a student will be referred to the campus’s Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

The Grievant/Complainant may, but is not required to, use the Title IX Grievance Form to file a Title IX discrimination complaint.

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| **Title IX Coordinator:**  Alan Gaxiola  663 N. Euclid Street  Anaheim, CA 92801  alan@coba.deu  714-497-9736 | **School Owner*: (for complaints involving employees)*** Carol Malkasian  663 N. Euclid Street  Anaheim, CA 92801  info@coba.edu  714-533-1400 |

Coba Academy ensures that its employee(s) designated to serve as Title IX Coordinator(s) and School Owner have adequate training on what constitutes sexual harassment, including sexual violence, confidentiality requirements and that they understand how Coba Academy’s grievance procedures operate.

**Investigation of Complaints**

In response to all complaints, Coba Academy promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. If a complainant requests confidentiality, Coba Academy will take all reasonable steps to investigate and respond to the complaint consistent with the request. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, Coba Academy will inform the complainant that its ability to respond may be limited. If necessary, the complainant and respondent will be separated during the course of the investigation, either through internal transfer, administrative leave or any means available to Coba Academy.

Both parties will receive written notice of the outcome of the complaint within 60 days of receipt of complaint. Written notice will include:

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

If Coba Academy determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and Coba Academy will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by Coba Academy to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination.

Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion.

In serious cases such as sexual assault or violence, please report the incident to the police and inform an instructor, supervisor, Coba Academy Owner, or the Title IX Coordinator. If an incident of sexual assault or violence is reported to the police, Coba Academy will provide any possible support until the matter is resolved.

**Retaliation Prohibited**

Coba Academy prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination. Any individual who believes he/she has been subjected to retaliation may file a separate complaint under this procedure.

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