

Section: 7004.6 Standards

Subject: Prohibition of Harassment

Effective Date: 9/27/05

Approved By: Board of Directors

Policy:

The Board of Directors is committed to providing a workplace free of sexual harassment, as well as harassment based on such factors as race, religion, creed, color, ethnicity, national origin, ancestry, age, medical condition, marital status, sex, sexual orientation, citizenship status, or disability. The School will not condone or tolerate sexual harassment of any type by any employee. This policy applies to all employee actions and relationships, regardless of position or gender. The School will promptly and thoroughly investigate any complaint of sexual harassment and take appropriate corrective action, if warranted.

Procedure:

The School shall take all reasonable steps to prevent discrimination and unlawful harassment of employees from occurring. Sexual or other unlawful harassment in employment violates school policy and is prohibited under Title VII of the Civil Rights Act and the California Fair Employment and Housing Act.

Definition of Harassment

Harassment includes verbal, physical, or visual conduct that creates an intimidating, offensive or hostile working environment or that unreasonably interferes with job performance or a safe and secure classroom. Harassment may also include unwelcome, offensive racial or ethnic slurs, jokes, or similar conduct.

Definition of Sexual Harassment

Federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually suggestive nature, which constitute sexual harassment when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or (2) Submission to or rejection of such conduct is used as the basis for personnel decisions, including but not limited to appraisals, promotion, salary increases, and termination; or (3) Such behavior has the purpose or effect of interfering with an individual's performance on the job or creating an intimidating, hostile or offensive working environment.

California law defines sexual harassment as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior. The following is a non-exhaustive list:

- Sexual flirtations, touching, advances or propositions;
- Verbal abuse of a sexual nature;
- Graphic or suggestive comments about dress or body;
- Sexually degrading words;

- The display in the workplace of sexually suggestive or offensive objects or pictures.

Preventing Sexual and Other Unlawful Harassment

Each supervisor and manager has the responsibility to maintain a school and/or work place free from any form of sexual harassment. Consequently, should supervisors or managers become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address and remediate such conduct.

Any employee or student who has experienced or is aware of a situation, which is believed to be sexually harassing, has a responsibility to report the situation immediately to his or her supervisor or manager, or to the Human Resources department. A Sexual Harassment Complaint Form may be obtained from the Human Resources department. The Human Resources Director or designee will conduct an immediate investigation into the allegation(s) and determine whether the allegations have merit. A written report, including findings related to the allegations, will be completed. In all cases, when the allegation(s) is determined to be valid, appropriate remedial action will be taken immediately and such action may include disciplinary action up to and including termination.

If the alleged sexual harassment involves the employee's manager or human resource representative, or if the employee is not satisfied with the outcome of the investigation, the employee should bring the matter to the attention of the Executive Director.

Investigations and No Retaliation Policy

All complaints of sexual harassment will be investigated promptly, objectively and as confidentially as possible. Employees are required to cooperate in any investigation. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited and shall be cause for termination.