

EMPLOYEE SEXUAL HARASSMENT POLICY

The Sebastopol Independent Charter School Board of Directors prohibits sexual harassment of School employees and job applicants. The Board also prohibits retaliatory behavior or action against School employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

Sexual Harassment Defined

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when:

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the School.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a coworker, or a nonemployee, in the work or educational setting include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the

body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

The Executive Director or his/her designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing information to employees in accordance with law and administrative regulation;
2. Publicizing and disseminating the School's sexual harassment policy to staff;
3. Ensuring prompt, thorough, and fair investigation of complaints;
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

All complaints and allegations of sexual harassment shall be kept confidential except to the extent necessary to carry out the investigation or to take other subsequent necessary actions.

Any School employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the Executive Director, or the Executive Director's designee for handling such complaints.

A supervisor or other School administrator who receives a harassment complaint shall promptly notify the Executive Director or his/her designee.

Any School employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a School employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Complaint Procedure

Any complaint by an employee or job applicant alleging sexual harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: Any employee or job applicant who believes he/she has been subjected to prohibited sexual harassment shall promptly inform his/her supervisor or the Executive Director or his/her designee for sexual harassment complaints. An employee may bypass his/her supervisor in filing a complaint if the supervisor is the subject of the complaint. If the Executive Director is the subject of the complaint, the conduct shall be reported to the Executive Director's designee for such complaints. If there is no designee, the conduct shall be reported to any member of the Board of Directors. If the Executive Director's designee is the subject of the complaint, the conduct shall be reported directly to the Executive Director.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of sexual harassment, or has observed such an incident, shall report it to the appropriate person, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The Executive Director, designee, or President of the Board of Directors (if the Executive Director is the subject of the complaint and there is no designee) (“Investigative Coordinator”) shall initiate an impartial investigation of an allegation of discrimination or harassment within five school days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The Investigative Coordinator shall meet with the complainant to describe the School’s complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The Investigative Coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

If the Investigative Coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. The Investigative Coordinator may appoint another person to conduct the investigation. If the Investigative Coordinator is the President of the Board of Directors, he/she shall appoint another person to conduct the investigation. A person who is a member of the Board of Directors may not be appointed to conduct the investigation.

As part of the investigation, the investigator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee or student safety, investigator may discuss the complaint with the Executive Director, the designee, the President of the Board of Directors, the Board of Directors, legal counsel, or the School’s risk manager.

The Investigative Coordinator and/or the investigator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The Investigative Coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Corrective Action: No more than 30 days after receiving the complaint, the investigator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the investigator or Investigative Coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that sexual harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Investigative Coordinator.

4. Appeal to the Board of Directors: The complainant or the person accused may appeal any findings to the Board within 10 working days of receiving the written report of the investigator's findings. The Investigative Coordinator or investigator shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a School employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days of the date of the hearing.

Other Remedies

In addition to filing a sexual harassment complaint with the School, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists under Government Code 12960;
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s);
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier.

Notifications

The Executive Director or designee shall ensure that all employees receive information regarding the School's sexual harassment policies when hired. The information shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the School's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

A copy of this Board policy shall:

1. Be displayed in a prominent location in the main administrative building or other area of the School where notices of School rules, regulations, procedures, and standards of conduct are posted;
2. Be provided to every School employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired;
3. Appear in any School publication that sets forth the School's comprehensive rules, regulations, procedures, and standards of conduct.

All employees shall receive either a copy of information sheets prepared by the California Department

of Fair Employment and Housing (DFEH) or a copy of School information sheets that contain, at a minimum, components on:

1. The illegality of sexual harassment;
2. The definition of sexual harassment under applicable state and federal law;
3. A description of sexual harassment, with examples;
4. The School's complaint process available to the employee;
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission;
6. Directions on how to contact DFEH and the EEOC;
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC.

In addition, the School shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment.

Adopted: April 9, 2018

Amended: