

## **Anti-Harassment**

The School affirms its commitment to provide a work environment free from intimidation and harassment. Abuse of the dignity of anyone through ethnic, racist or sexist slurs or through other derogatory or objectionable conduct is offensive employee behavior. If you harass another employee of the School or applicant to the School because of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or any other protected classification, in accordance with applicable federal, state, and local laws, you will be subject to disciplinary action, including termination. Likewise, if you feel you have been the object of harassment or intimidation based upon the aforementioned, you are to advise your supervisor, follow the normal open-door policy or, in the event of sexual harassment, institute the procedure indicated below.

Sexual harassment is a form of sex discrimination, which includes gender-based harassment of a person of the same sex as the harasser. It is the express policy of the School that sexual harassment of employees or applicants, by you or agents of the School, is unacceptable and will not be tolerated. Unwelcome or unwanted sexual advances, requests for favors or other visual, verbal or physical conduct will be deemed sexual harassment when:

- (1) Submission to such conduct is explicitly or implicitly a condition of employment;
- (2) Submission to or rejection of such conduct is used as the basis of employment decisions; and
- (3) Such behavior has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination. The School further recognizes that allegations of this type of discrimination may have serious effects on innocent women and men. Therefore, the School has devised two procedures to process a sexual harassment complaint. First, the normal complaint procedure as set forth herein may be utilized.

Second, if the employee desires confidentiality, the following procedure may be requested:

- (1) Any employee who believes he or she has been the subject of sexual harassment should report the alleged act(s) promptly (within two working days) to a member of management or designee, giving details as related to the complaint.
- (2) Management or designee, upon receipt of the complaint, shall take immediate and appropriate steps to investigate the complaint. Confidentiality is mandatory to the maximum extent possible.
- (3) Following the investigation of the complaint, management or designee shall weigh the facts and determine the validity of the charge. If the complaint is determined to be valid, the offender(s) shall face immediate and appropriate disciplinary action based upon the severity of the charge. This may include written warning and / or suspension, and / or discharge. If the offender is a supervisor he / she may be demoted. If the complaint is found invalid, the complaining party may request Step 2 of the normal complaint procedure.

## **Complaint Procedure**

The School subscribes to the open door policy. You may bring a particular complaint to your supervisor for resolution. When matters cannot be handled on an informal basis, the School has established a formal procedure for a fair review of any work related controversy, dispute or misunderstanding. A complaint may be brought by one or more employees concerning any work-related problem where the complaint has not been satisfactorily resolved in an informal manner.

**Step 1** - The complaint must be submitted in writing to management or designee within three (3) working days of the incident. A written request for a meeting must be submitted simultaneously. Generally, a meeting will be held within three (3) working days of the employee's request depending upon scheduling availability. Witnesses will be allowed as necessary. If the problem is not resolved during this meeting management or designee will give the employee a written resolution within three (3) working days. If the employee is not satisfied, the employee may proceed to Step 2.

**Step 2** - If the employee is not satisfied after Step 1, the employee may submit a written request for review of the complaint and Step 2 solution to the Executive Director or his designee. Such a request must be made within three (3) working days following the receipt of the Step 1 resolution. The Executive Director or appointed representative will review the complaint and proposed solution and may call a further meeting to explore the problem. This meeting is to be attended by the employee concerned, the employee's immediate supervisor, and any other employee of the School whom the aggrieved employee chooses. The Executive Director or appointed representative will render the final decision within ten (10) working days after receiving the Step 2 request, assuming scheduling availability. The decision will be given to the employee in writing and will become part of the employee's personnel file.

### **Corrective Action**

A high level of job performance is expected of you. In the event that your job performance does not meet the standards established for your position, you should seek assistance from your supervisor to attain an acceptable level of performance. If you fail to respond to or fail to make positive efforts toward improvement, corrective action may ensue, up to and including termination of employment.

It is the policy of the School to regard discipline as an instrument for developing total job performance rather than as punishment. Corrective action is one tool the School may select to enhance job performance. The School is not required to take any disciplinary action before making an adverse employment decision. Corrective action may be in the form of a written or oral reprimand, notice(s) of inadequate job performance, suspension, termination or in any combination of the above, if the School so elects. The School reserves the right to discipline at its sole discretion.

If you violate established School procedures, guidelines, or exhibit behavior that violates commonly accepted standards of honesty and integrity or creates an appearance of impropriety, the School may elect to administer disciplinary action.

## **Sexual Harassment**

Alta Public Schools will not tolerate sexual harassment by anyone participating in any Alta Public Schools program or activity. This includes student-to-student or peer sexual harassment as well as harassment between a student and any Alta Public Schools participant. Alta Public Schools shall take all complaints of sexual harassment seriously, investigate and address identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, take reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment. To the extent possible, complaints shall be kept confidential. For situations of harassment or suspected harassment involving Alta Public Schools staff, Superintendent Policy on Personnel is applicable.

## **Notice of Alta Public Schools Policy**

1. Each Alta Public Schools site will inform Alta Public Schools Participants of this Sexual Harassment Policy along with the name, title, address and phone number of the Principal or designee
2. This Notice will include a statement of policy, definitions, how to file a complaint, confidentiality of any investigations into complaints, Alta Public School's policy against retaliation for complaints, and the disciplinary consequences of substantiated claims of harassment and false claims
3. Notices of the Sexual Harassment Policy will be included in the Annual Notice to all students and parents, which students and parents shall receive at the beginning of the year or upon enrollment.

## **Complaint Procedure for Victims of Sexual Harassment**

1. Alta Public Schools encourages any student who believes s/he is the target of sexual harassment or who believes s/he has witnessed sexual harassment while participating in any Alta Public Schools program or activity to report the incident as soon as possible to a Principal or designee.
2. The staff member will then contact the Principal or designee regarding the reported incident immediately or as soon as practicably possible, no later than 48 hours after the student's report and make a written note that the report was forwarded to the Principal or designee.
3. Confidentiality
  - a. All complaints and investigations regarding sexual harassment will be held confidential to the extent possible.
  - b. Retaliation for complaints of harassment by complainants or witnesses is prohibited.

## **Investigations of Complaints of Sexual Harassment**

1. Alta Public Schools will treat complaints of sexual harassment seriously. Upon receiving a complaint of sexual harassment, the Alta Public Schools staff person shall provide the student with a copy of this policy and the regulations implementing this policy. The school Principal or other administrator shall conduct an investigation of the allegations.

2. The investigator will notify the parents of the complainants and the Alleged Harasser, if they are students, of the reported incident, the school's intent to investigate and the potential consequences if the complaint is substantiated.
3. The investigator will conduct a private, confidential interview with the Alleged Harasser to get the Alleged Harasser's response to the allegations.
4. The investigator will notify the complainant and his/her parent or legal guardian of the investigation's progress.
5. No more than 30 school days after receiving the complaint, the Principal or other administrator 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 Principal shall notify the student who complained and explain the reasons for the extension. The Principal or designee will write a report for each complaint, to be completed within three days of the completion of the investigation. This report will include:
  - a. A description of the incident
  - b. The claims
  - c. The Alleged Harasser's response
  - d. The results of the investigation fact-finding
  - e. Conclusions based on the factual findings
- f. Recommendations for disciplinary action or other reasonable, age-appropriate, specific corrective actions to end the harassment, eliminate the hostile environment, or future harassment (see Part V below)
6. Alta Public Schools will maintain records of all sexual harassment investigations. These records shall be kept confidential and may be used for tracking purposes or to substantiate claims of repeated harassment or retaliation.

### **Consequences**

If a complaint of sexual harassment is substantiated, the site administrator or designee shall determine reasonable, age-appropriate, specific corrective actions to end the harassment, eliminate the hostile environment, or eliminate future harassment. If a student, the Harasser may be suspended up to five days or expelled involuntarily release to the student's district of residence. Retaliation for reporting harassment is also grounds for suspension or involuntary release to the student's district of residence.

1. Appeal of determination of harassment. The student charged with harassment may appeal the decision of a suspension or involuntary release to the student's district of residence in accordance with Board policy 7430, Suspensions & Expulsions. For lesser corrective actions, the student may request a conference between the student, his/her parent or guardian, and the site Principal.
2. Unsubstantiated complaints
  - a. If an investigation does not support the complaint, the complainant and the Alleged Harasser will be notified. No disciplinary action may be taken but counseling may be offered to both parties.

- b. If an investigation determines that the sexual harassment claim was false and the complainant made the claim knowing it was false, the complainant is subject to discipline, including suspension or involuntary release to student's district of residence
- c. If the complainant is dissatisfied with the determination of unsubstantiation, he or she complainant may invoke an appeal of this determination by following the District Board Policy, at whichever step the complainant feels appropriate.

The District Board is committed to maintaining an educational environment that is free from harassment and discrimination. The District Board prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school related activities. The District Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in Alta Public Schools complaint processes.

### **Instruction/Information**

The District Superintendent or designee will ensure that all Alta Public Schools students receive age appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about Alta Public School's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

Any Student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it to the school Principal or designee.

The District Superintendent or designee will ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the District Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

### **Disciplinary Actions**

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For Alta Public Schools, disciplinary action may include suspension and/or involuntary release to student's district of residence, provided that, in imposing

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The District Superintendent or designee will maintain a record of all reported cases of sexual harassment to enable Alta Public Schools to monitor, address, and prevent repetitive harassing behavior in the schools.

### **Definitions**

1. Complainant: the person(s) subject to sexual harassment.
2. Alleged Harasser: person(s) identified as sexually harassing the Target.
3. Alta Public Schools Participant: includes students, employees of Alta Public Schools, guests and other individuals involved in Alta Public Schools programs and activities.
4. Unwelcome: unwanted and inappropriate.
5. Program: any program sponsored by Alta Public Schools.
6. Activity: any activity sponsored by Alta Public Schools.
7. Sexual harassment: unwelcome attention of a sexual nature that interferes with the educational performance, learning environment and/or full participation in a Alta Public Schools program or activity by any individual. Sexual harassment may, for example, come in physical (including but not limited to pinching, touching, patting, or blocking movements), visual (including but not limited to posters, cartoons, sketches, gestures or other visual displays of a clearly sexual nature), or verbal (including but not limited to spoken or written comments of a clearly sexual nature) forms and may be used to intimidate or to coerce. 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 educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any Alta Public Schools program or activity

Examples of types of conduct that are prohibited at the Alta Public Schools and that may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual Assault, sexual battery, or sexual coercion

### **School-Level Complaint Process/Grievance Procedure**

1. Notice and Receipt of Complaint: Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the Principal or designee. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to Labor Relations.

2. Initiation of Investigation: The Principal or other administrator shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. Alta Public Schools shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Principal shall describe Alta Public School's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit Alta Public School's ability to investigate.

4. Investigation Process: The Principal or other administrator shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Principal or other administrator shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Principal or other administrator also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and Alta Public Schools legal counsel or Alta Public School's Risk Management Office.

5. Interim Measures: The Principal or other administrator shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-to-student harassment, when the student who complained and the alleged harasser agree, the Principal or other administrator may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Principal may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of any past instances of harassment by the alleged harasser
- d. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Principal may take into consideration:

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
  - d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
  - e. Other incidents at the school involving different students
8. Written Report on Findings and Follow-Up: No more than 30 school days after receiving the complaint, the Principal or other administrator 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 Principal shall notify the student who complained 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 sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. A summary report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the District Superintendent or designee.

In addition, the Principal or designee shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Principal shall also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

### **Enforcement of Alta Public Schools Policy**

The District Superintendent or designee will take appropriate actions to reinforce Alta Public School's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
3. Disseminating and/or summarizing Alta Public School's policy and regulation regarding sexual harassment
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
5. Taking appropriate disciplinary action.

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

### **Notifications**

A copy of Alta Public School's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)