

## Sample Policy

### \_\_\_\_\_ Charter School Sexual Harassment Policy

#### Policy Statement

The \_\_\_\_\_ Charter School is committed to providing and continuing to provide a cooperative and comfortable work environment free of sexual harassment of any kind. This policy is intended to be consistent with, and intended to be, enforced in conformance with the California Fair Employment and Housing Act as well as Title VII of the Civil Rights Act of 1964, which proscribes harassment in the workplace.

The policy of the \_\_\_\_\_ Charter School forbids discrimination against any employee, applicant for employment, or student, on the basis of sex. The school will not tolerate sexual harassment activity by any of its employees. This policy similarly applies to non-employee volunteers or any other persons who work subject to the control of school authorities.

#### A. Definitions

1. **Conduct of a Sexual Nature** - Conduct of a sexual nature may include, but is not limited to, verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; sexually-oriented "kidding," "teasing," double-entendres, and jokes, and any harassing conduct to which an employee would not be subjected by for such employee's sex.

2. **Unwelcome Conduct of a Sexual Nature**

(a) Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.

(b) An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

(c) The \_\_\_\_\_ Charter School prohibits any conduct of a sexual nature directed toward students by teachers or others to whom this policy applies, and shall presume that any such conduct is unwelcome.

#### B. Sexual Harassment Prohibited

1. For the purposes of this policy, unwelcome sexual advances or requests for sexual favors, and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:

(a) submission to the conduct is made either an explicit or implicit condition of employment (as an illustration, and not as a limitation, where a person's continued employment is conditioned upon or impacted by prohibited sexual-based factors);

(b) submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; and

(c) the conduct substantially interferes with an employee's student's performance, or creates an intimidating, hostile, or offensive work or school environment, regardless of whether the employee's continued employment or compensation is affected).

2. Specific Prohibitions

a. Administrators and Supervisors

(1) It is sexual harassment for a manager or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.

(2) Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

b. **Non-managerial and Non-supervisory Employees** - It is sexual harassment for a non-administrative and nonsupervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

c. **Employees and Students** - It is sexual harassment for an employee to subject a student to any conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions.

### C. Reporting, Investigation, and Sanctions

1. It is the express policy of the \_\_\_\_\_ Charter School to encourage victims of sexual harassment to report such claims. This may be done through the employee grievance resolution procedure or by reporting such matters to the Superintendent or Assistant Superintendent for Personnel.

(a) Employees who feel that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of authority.

(b) Employees are also urged to report any unwelcome conduct of a sexual nature by superiors or fellow employees if such conduct interferes with the individual's work performance, or creates a hostile or offensive working environment.

(c) Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the goodfaith reporting of charges of sexual harassment.

(d) Students are urged to report any conduct of a sexual nature by school employees or others to whom this policy applies to a school counselor or administrator.

2. In determining whether alleged conduct constitutes sexual harassment the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred have to be investigated. The Superintendent or the Board has a responsibility to investigate and resolve complaints of sexual harassment.

3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements. Conduct of a sexual nature directed toward students shall be reported as child abuse for investigation by appropriate authorities.