

Walden Academy Policy and Procedure Manual

Chapter 4000, Personnel

Section 500, Sexual Harassment Policy

Date:

Responsible Department: Administration

Source Document: n/a

SEXUAL HARASSMENT

The WA Board of Directors affirms as its policy that sexual harassment of or by any employee shall not be tolerated. The Board considers sexual harassment to be a major offense which may result in disciplinary action up to and including dismissal of the offending employee.

Every employee has a right to a work environment that is free from all types of unlawful discrimination, including sexual harassment. Prompt, appropriate action may help to avoid, or at least minimize, the incidence of sexual harassment. Supervisors are responsible to ensure that unlawful discrimination, including sexual harassment, does not occur in the program(s) for which they are responsible. Therefore, they are responsible to ensure that employees are aware of the Board's policy.

Orientation programs and annual training of employees shall:

1. Communicate that sexual harassment will not be tolerated and that those engaging in such harassment will be subject to disciplinary action, up to and including dismissal.
2. Inform employees of the proper channels for raising complaints or concerns about harassment.
3. Make clear that it is the Board's intent that allegations of sexual harassment be thoroughly investigated, with sensitivity towards the alleged victim and the alleged harasser, and in a manner that protects the right to confidentiality of all persons involved.

Sexual harassment consist of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission of the conduct is either made explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based upon an individual's acceptance or rejection of that conduct; (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct. Employees and students are expected to act in a positive and professional manner and to contribute to a productive School environment that is free from harassing or disruptive activity. Any employee who believes they have been sexually harassed or has witnessed sexual harassment is encouraged to immediately report such harassment to the School Director. See Appendix B for the "Harassment Complaint Form." See Appendix C for the general "Complaint Form."

It is unlawful to retaliate in any way against an employee who has articulated a good faith concern about sexual harassment against him or her against another individual. Complainants and witnesses under these policies will be protected from further harassment and will not be retaliated against in any aspect of their employment due to their participation, filing of a complaint or reporting sexual harassment.

The School will investigate complaints promptly and provide a written report of the investigation and decision as soon as practicable. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation. While in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities.

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**APPENDIX B: SEXUAL HARASSMENT
SEXUAL HARASSMENT COMPLAINT PROCEDURE**

1. Communication of Policy

It is the Board's intent that the Sexual Harassment Policy will be known and understood by all employees and students. This will be accomplished by:

- a. Placing this policy in all WA policy Handbooks.
- b. Providing copies of this policy to all employees.
- c. Providing copies of this policy, with appropriate instruction, to the School Director and supervisors at WA.
- d. Providing notification of this policy to students and parents.
- e. Making information and materials available at all times through the administrator.

This complaint procedure does not preempt the employee's right to seek other civil remedies, including but not limited to injunctions, restraining orders, or other orders.

1. Complaints and Resolutions – Employees or Other Adults

. Step One – Informal Level

Employees or other individuals who feel aggrieved because of conduct they believe constitutes sexual harassment should directly inform the person engaging in such conduct that such conduct is offensive and must stop. If the matter is resolved at this level, the aggrieved individual is not required to proceed to Step Two. If the matter is not resolved or reoccurs, the aggrieved individual must proceed to Step Two.

Step Two – Formal Level

Within five (5) working days of the alleged incident of sexual harassment, the complainant shall report the incident in writing, using the Sexual Harassment Complaint Form, to the administrator, or the offender's immediate supervisor if the complainant is an employee. A Sexual Harassment Complaint Form may be obtained from the School Director or Business Services Administrator and a copy of this Form is attached to this Handbook. If the accused is the School Director, the complainant may proceed immediately to Step Four.

Within ten (10) working days after presentation of the complaint, the School Director or immediate supervisor shall investigate the allegations and take appropriate corrective action. A written report, including findings related to the allegations, will be completed.

. Step Three – The Administrator

If the complaint is not resolved at Step Two above, it shall be stated in writing within five (5) working days of the decision rendered at Step Two, signed by the complainant, and submitted to the administrator as part of this procedure.

The complaint shall minimally provide the following information:

- The name of the individual involved;
- Clearly state the facts causing the complaint;
- Indicate the specific remedy being sought.

Within ten (10) working days after receiving the written complaint, the administrator shall investigate, give a written response to the complainant, and take appropriate action including disciplinary measures.

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. Step Four – WA Board of Directors (Closed Session)

If the complaint is not resolved in Step Three, the complainant may within five (5) working days of receipt of the School Director's written response, appeal to WA Board of Directors by filing the complaint and the School Director's response, along with any written response of the complainant to the response of the School Director, with WA Board. WA Board shall hear the complaint within ten (10) working days after receipt of any written complaint properly filed with WA Board and shall render a decision in writing within ten (10) working days after such hearing.

Both the complainant and the accused shall be afforded a full and fair opportunity to present evidence relevant to the facts and to the issues raised by the complainant and may be represented by counsel at the hearing of a complaint by WA Board.

The complainant shall be furnished a copy of the decision of WA Board.

The decision of WA Board shall be final.

WA, as your employer, must take all reasonable steps to prevent discrimination and unlawful harassment from occurring. Sexual or other unlawful harassment in employment violates WA's policy and prohibited under Title VII of the Civil Rights Act and the California Fair Employment and Housing Act. Your signature on the "Acknowledgement of Receipt of Employee Handbook" page of the Handbook will signify your receipt and review of the Sexual Harassment policy. Should you have any questions, concerns or suggestions on reporting procedures, please contact your supervisor immediately.

Investigations and No Retaliation

It is unlawful to retaliate or take reprisals in any way against an employee who has articulated a good faith concern about sexual harassment or discrimination against him or her or against another individual. Complainants and witnesses under this policy will be protected from further harassment and will not be retaliated against in any aspect of their employment due to their participation in the filing of a complaint, acting as a witness, or the reporting of sexual harassment.

All complaints of sexual harassment will be kept confidential and only those persons with a need to know of information or the identity of a complainant will receive such information. Individuals participating in a sexual harassment investigation will be advised that the matter is confidential and that retaliation in any form is prohibited.

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HARASSMENT COMPLAINT FORM

It is the policy of the School that all of its employees be free from harassment. This form is provided for you to report what you believe to be harassment, so that the School may investigate and take appropriate disciplinary or other action when the facts show that there has been harassment.

If you are an employee of the School, you may file this form with the School Director or Board President.

Please review the School's policies concerning harassment for a definition of harassment and a description of the types of conduct that are considered to be harassment.

The School will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, the School will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, the School will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged harasser.

In signing this form below, you authorize the School to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that the School will be able to address your complaint to your satisfaction.

Charges of harassment are taken very seriously by the School both because of the harm caused to the person harassed, and because of the potential sanctions that may be taken against the harasser. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you believe sexually harassed you or someone else: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I acknowledge that I have read and that I understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

_____ Date: _____
Signature of Complainant

Print Name

Received by: _____ Date: _____