



Board Policy: Employee Sexual Harassment

**Reference: BP 4119.11
Board Approved: June 13, 2017**

A. Definition

State and federal laws define sexual harassment as unwanted sexual advances, unwanted requests for sexual favors, or unwanted visual, verbal, or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting, when:

- (1) Submission to the conduct is made expressly or implicitly as a term or condition of the individual's employment;
- (2) Submission to or rejection of the conduct by the individual is used as basis for employment decisions affecting him/her;
- (3) The conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment; or adversely affecting the individual's evaluation, advancement, assigned duties, or any other condition of employment or career development;
- (4) Submission 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 CNCA.

Other examples of sexual harassment, whether committed by a supervisor, an employee, or a non-employee, in the work or educational setting, include but are not limited to:

1. Unwelcomed 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; unwelcomed sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions or the spreading of sexual rumors.
2. Unwelcomed visual conduct such as drawings, pictures, graffiti, gestures or sexually explicit e-mails; displaying sexually suggestive objects

Employee Sexual Harassment Policy

3. Unwelcomed 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

Prohibited sexual harassment includes any act of retaliation against an individual who reports a violation of the CNCA's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

B. General Provisions

1. Sexual Harassment of and/or by Employees

It is the policy of CNCA that all employees, as well as job applicants, must be provided a workplace environment free from unsolicited and unwelcomed sexual overtures or demands, and from other offensive conduct of a sexual nature. Further, it is the policy of CNCA that members of the community should be able to access CNCA facilities and services without fear of such conduct.

2. Sexual or Inappropriate Conduct by Employees Towards Students

It is the policy of CNCA that employees shall not engage in sexual or inappropriate conduct toward students, including those who are adults by age. "Sexual or inappropriate conduct" includes, but is not limited to, boundary invasion, dating, inappropriate sexual comments or innuendos, inappropriate physical contact and display or circulation of inappropriate visual or audio material. In the employee-student context, all such employee conduct is prohibited even if student initiated or consensual. Such conduct may also violate various federal and state statutes, and may require reporting to local child protective agencies under applicable child abuse statutes. For further examples and guidance, please refer to the CNCA Staff/Student Interaction policy in the CNCA Employee Handbook.

CNCA prohibits sexual harassment of CNCA employees and job applicants. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment of a student, harassment by a supervisor, or harassment by nonemployees. It also extends to harassment of or by job applicants, vendors, interns, independent contractors, and others doing business with CNCA. CNCA also prohibits retaliatory behavior or action against CNCA employees or other persons, who complain, testify or otherwise participate in the complaint process.

CNCA shall take all actions necessary to ensure the prevention investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation.
2. Publicizing and disseminating CNCA'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 alleged harasser and subsequent monitoring of developments.

C. Employee's Responsibility

If any employee becomes aware of any sexual harassment of another employee or a job applicant, or sexual or inappropriate conduct by an employee towards students, this information must be communicated, without fear of retaliation, immediately to the Principal or supervisor or, if the employee prefers, the Human Resource Office. If the situation warrants, the employee must make a suspected child abuse report as required by law.

Any CNCA employee or job applicant who feels that he/she has been sexually harassed shall immediately report the incident to the Principal, supervisor or the Human Resources Office. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

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

D. Complaint Procedures

Camino Nuevo Charter Academy's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of unlawful or prohibited harassment and appropriate disciplinary action against one found to have engaged in prohibited harassment.

An employee who believes he or she has been unlawfully harassed or discriminated against on the job, or who is aware of the unlawful harassment of others, shall immediately notify a supervisor with CNCA, the Principal or the Human Resources Department as soon as possible. The complaint must be as detailed as possible, including the names of individuals involved, the times and places of relevant events, the names of any witnesses, direct quotations of relevant language, and any documentary evidence (notes, pictures, cartoons, et cetera).

Retaliation against any employee by another employee or by CNCA for using this complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency is prohibited. CNCA will not knowingly permit retaliation against any employee who complains of prohibited harassment or who participates in an investigation.

Incidents of prohibited harassment that are reported will be promptly investigated. CNCA will immediately undertake or direct an effective, thorough, and objective investigation of the harassment allegations. The determination regarding the reported harassment will be made and communicated to the employee who complained and to the accused harasser(s).

If CNCA determines that prohibited harassment has occurred, CNCA will take effective remedial action commensurate with the circumstances and to deter future harassment. If a complaint of prohibited harassment is substantiated, appropriate disciplinary action, up to and including termination, will be taken.

Liability for Harassment

Any employee of CNCA is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including dismissal. Any employee who engages in prohibited harassment may be held personally liable for monetary damages. Any manager who knew about unlawful harassment and took no action to stop it or failed to report the harassment to the Principal is subject to discipline up to and including dismissal.

Additional Enforcement Information

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of unlawful harassment in employment. Employees who believe that they have been unlawfully harassed may file a complaint with these agencies.