



## **SEXUAL HARASSMENT and SEXUAL VIOLENCE Policy**

Scholarship Prep is committed to maintaining an educational environment and workplace that is free from harassment and discrimination. Scholarship Prep prohibits sexual harassment of and sexual violence against students, employees, or job applicants by other students, employees, or other persons, at school or at school-sponsored or school-related activities. Scholarship Prep also prohibits retaliatory behavior or action against any person who complains, testifies, assists, or otherwise participates in the complaint process.

### **Prohibited Conduct**

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 workplace or education setting, when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, or of a student's academic status or progress.
2. Submission to or rejection of the conduct by the individual is used as the basis for an employment decision or academic decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on an individual's work or a student's academic performance, or has the purpose or effect of creating an intimidating, hostile, or offensive work or educational 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 a student's ability to participate in or benefit from an educational program or activity.
4. Submission to or rejection of the conduct by an employee or student is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through any Scholarship Prep program or activity.

Examples of the types of conduct which are prohibited at Scholarship Prep and which may constitute sexual harassment whether committed by a supervisor, a coworker, a student, or a non-employee include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Pressure to engage in sexual activity.
3. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, innuendoes, or sexually degrading descriptions.
4. Graphic verbal comments about an individual's body.
5. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, graffiti, or computer-generated images of a sexual nature.
6. Spreading sexual rumors.
7. Teasing or making sexual remarks about students enrolled in a predominantly single-sex class.

8. Unwelcome physical contact such as massaging, grabbing, fondling, stroking, or brushing the body.
9. Touching an individual's body or clothes in a sexual way.
10. Cornering, leaning over, impeding, or blocking normal movements or any other physical interference with school activities when directed at an individual on the basis of sex.
11. Displaying sexually suggestive objects.

Prohibited sexual violence includes rape, sexual assault, sexual battery, and sexual coercion as defined in California's Penal Code sections 243.4 and 261 *et seq.*

### **Complaint Procedures and Title IX Coordinator**

Complaints of sexual harassment or sexual violence shall be reported and investigated in accordance with law, and with Scholarship Prep's Uniform Complaint Procedures policy and regulations, available here: [UCP Policy](#). An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Scholarship Prep's Executive Director shall serve as Scholarship Prep's Title IX Coordinator. Students, parents, guardians, or employees may contact the Title IX Coordinator at any time to file a complaint directly with Scholarship Prep at:

Gloria Romero  
Executive Director  
Scholarship Prep Charter School  
1010 West 17<sup>th</sup> Street  
Santa Ana, CA 92706  
[gromero@scholarshipschools.org](mailto:gromero@scholarshipschools.org)  
(714) 795-3498

### **Confidentiality and Record-Keeping**

All complaints and allegations of sexual harassment or sexual violence shall be kept confidential except as necessary to carry out the investigation, to take action to address and remedy instances of sexual harassment, or to comply with every Scholarship Prep employee's legal responsibility to report suspected child neglect or abuse. The Office Manager or his/her designee shall maintain a record of all reported cases of sexual harassment to monitor, address, and prevent repetitive harassing behavior.

### **Notifications**

A copy of this Policy shall:

1. Be prominently displayed in the main office of every Scholarship Prep campus and administrative building, or other locations where notices of rules, regulations, procedures, and standards of conduct are posted.
2. Be provided to every employee when hired and at the beginning of each school year.

3. Be included in any publication that sets forth Scholarship Prep's comprehensive rules, regulations, procedures, and standards of conduct, including the annual notice provided to students at the start of each school year.
4. Be included in the Parent-Student Handbook

All employees shall receive a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) that contains, at a minimum, information 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 complaint process available to employees.
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC).
6. Directions on how to contact DFEH and the EEOC.
7. The protection against retaliation for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH or the EEOC.

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

### **Student-Specific Regulations on Sexual Harassment and Sexual Violence**

#### **Student Instruction**

Scholarship Prep shall ensure that all students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment or sexual violence, including the fact that sexual harassment can occur between people of the same sex.
2. A clear message that sexual harassment and sexual violence are unacceptable and that students do not have to tolerate such behavior.
3. Encouragement to report instances of sexual harassment and sexual violence, even when the victim of the harassment/violence has not complained.
4. The person(s) to whom complaints of sexual harassment and sexual violence should be made.
5. Information about Scholarship Prep's process for investigating complaints.

Any student who feels that he/she is being or has been sexually harassed or a victim of sexual violence perpetrated by a school employee, another student, or a non-employee on school grounds or at a school-related activity should immediately contact his/her teacher or any other Scholarship Prep employee. An employee who receives such a complaint shall report it in accordance with Scholarship Prep's Uniform Complaint Procedures ("UCP") policy and regulations. Scholarship Prep shall ensure that any complaints regarding sexual harassment and sexual violence are immediately investigated in accordance with Scholarship Prep's UCP policy and regulations. When Scholarship Prep has determined that harassment or violence has occurred, it shall take prompt, appropriate action to end the harassment or violence and to address its effects on the victim.

## **Student Disciplinary Actions**

Any student who engages in sexual harassment of or sexual violence against 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 students in grades 4-12, disciplinary action may include suspension and/or expulsion.

## **Employee-Specific Regulations on Sexual Harassment and Sexual Violence**

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

1. Providing training to employees in accordance with law and this Policy.
2. Publicizing and disseminating Scholarship Prep's Sexual Harassment and Sexual Violence policy to staff.
3. Ensuring prompt, thorough, and fair investigation of complaints.
4. Taking timely and appropriate corrective action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of behavior.

Any employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment or sexual violence by or against another employee, a job applicant, or a student, shall immediately report the incident to his/her supervisor, the Principal, or the Executive Director.

A supervisor, Principal or other administrator who receives a complaint of sexual harassment or sexual violence shall promptly notify the Executive Director or designee.

## **Training**

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

Every two years, the Executive Director or designee shall ensure that supervisory employees receive at least two hours of classroom or other interactive training regarding sexual harassment. Newly hired or promoted supervisory employees shall receive training within six months of their assumption of the new position. A supervisory employee is any employee with the authority to hire, terminate, discipline, assign, transfer, suspend, lay-off, promote, or otherwise reward other employees. A supervisory employee is also anyone with the authority to effectively recommend (but not take) these actions, if exercising that authority requires the use of independent judgment.

Sexual harassment training shall include:

1. The definition of sexual harassment under the Fair Employment and Housing Act and Title VII of the federal Civil Rights Act of 1964.
2. The statutes and case-law on prohibiting and preventing sexual harassment.
3. The types of conduct that can be sexual harassment.
4. The remedies available for victims of sexual harassment.
5. Strategies to prevent sexual harassment.
6. Supervisors' obligation to report harassment.
7. Practical examples of harassment.
8. The limited confidentiality of the complaint process.
9. Resources for victims of sexual harassment, including to whom they should report it.
10. How employers must correct harassing behavior.
11. For supervisors, what to do if the supervisor is personally accused of harassment.
12. The elements of an effective anti-harassment policy and how to use it.
13. "Abusive conduct" under Government Code section 12950.1, subdivision (g)(2).

The Executive Director shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider.

### **Employee Disciplinary Actions**

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