

::: HARASSMENT POLICIES :::

It is the Policy of The Bishop's School to maintain a learning and community environment that is free from harassment and discrimination because of a person's actual or perceived sex, race, color, religion, ancestry, national origin, sexual orientation, physical or mental disability, medical condition, marital status, gender identity, gender expression, age (40 and over), military and veteran status, or any other basis protected by federal, state or local law ("Protected Classification(s)"), as applicable, or association with an individual because of that individual's actual or perceived Protected Classification(s). It is also the Policy of The Bishop's School to maintain a working and educational environment that is free of retaliation.

Conduct that violates this Policy is prohibited on School grounds and at School-sponsored events, activities, functions and programs. This conduct is also prohibited on School buses and other vehicles owned, leased or used by the School, and through use of any technology or any electronic device. See *Acceptable Use of Technology Policy*. This may include conduct that occurs off-campus or via social media or other electronic communications. Harassment, discrimination and retaliation which occur at locations and activities that are not School-related or through the use of technology or an electronic device that is not owned by the School is prohibited if the conduct impacts, affects or adversely reflects upon the School community or any member of the School community.

Violations of this Policy will not be tolerated and will result in corrective action, up to and including expulsion from the School. Stricter standards of conduct than those provided by law apply under this Policy. The Bishop's School has the right to take corrective action in a case of a single expression, act or gesture in violation of this Policy. Conduct need not meet the legal definitions of harassment, discrimination or retaliation to violate The Bishop's School's expectations for appropriate behavior or this Policy.

Harassment

This Policy prohibits harassment based on an individual's actual or perceived Protected Classification(s), as applicable, or association with an individual based on that individual's actual or perceived Protected Classification(s). This Policy prohibits both harassment by students and parents toward students and employees, and harassment by others in the community toward students and employees. Harassment violates this Policy and will not be tolerated. Harassing conduct by students and/or parents will result in appropriate corrective action, which includes discipline up to and including suspension or expulsion from School. Harassment of students by employees will result in appropriate corrective action, up to and including termination of employment, and is addressed in a separate Policy in the Employee Handbook. Examples include, but are not limited to:

Examples of Harassment

Harassment can take many forms, and may include verbal, physical or visual conduct.

- Verbal, written and visual harassment includes: making disparaging statements, telling jokes, using epithets, slurs, stereotypes, insults or labels based on an individual's Protected Classification(s), threats of physical harm or statements designed to intimidate, abuse or humiliate another, whether communicated verbally, in writing, electronically or in posters, cartoons, drawings or gestures. This may include comments on appearance including dress or physical features, or dress consistent with gender identification, or stories and jokes, focusing on race, national origin, religion or other Protected Classification(s).
- Physical harassment includes: intimidating conduct, such as touching of a person or a person's property, hazing, assault, grabbing, stalking, or blocking or impeding a person's movement.

Examples of Sexual Harassment

California Education Code section 212.5 defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
- Sexually harassing conduct can occur between students of the same or different sex or gender.

Sexual harassment may include, but is not limited to:

- Unwelcome verbal or written conduct, including by notes, letters, e-mails, text messages, social media postings, such as suggestive comments, derogatory comments, sexual innuendos, slurs, or unwanted sexual advances, invitations or comments, pestering for dates, making threats, spreading rumors about or rating others as to sexual activity or performance.

- Unwelcome visual conduct such as displays of sexually suggestive objects, pictures, posters, written material, cartoons or drawings, graffiti of a sexual nature, or use of obscene gestures or leering.
- Unwelcome physical conduct such as unwanted touching, pinching, kissing, patting, hugging, blocking of normal movement, assault, or interference with work or study directed at an individual because of the individual's sex, sexual orientation, gender, gender identity or gender expression.

Complaint Procedure

Students and parents who believe that they have experienced, witnessed or have relevant information about harassment should immediately report the matter to The Bishop's School, either orally or in writing. Students and parents may report the matter to the head of school, the head of the middle School, the head of the upper school, the dean of students, the assistant head of school/chief advancement officer or their teacher. Alternatively, students and parents may choose to report harassment to any other employee of the School with whom they are comfortable, such as a counselor or coach, all of whom must report the matter to the head of school under this Policy. While The Bishop's School does not limit the time frame for reporting, immediate reporting is important as the School may not be able to investigate as thoroughly or consider as wide-range of corrective actions the longer the time that has passed between the alleged misconduct and the report.

Interim Measures

The Bishop's School may provide appropriate interim support and reasonable protective measures, if and as needed based on the particular applicable circumstances, to protect against further acts of harassment, to provide a safe educational environment and/or to protect the integrity of an investigation. The Bishop's School will, in its sole judgment and discretion, determine the necessity and scope of any interim support and/or measures.

Investigation Process

Upon receipt of a report of alleged harassment, The Bishop's School may request clarification and/or conduct an initial inquiry to determine whether the oral report or written complaint alleges a potential violation of this Policy. To request clarification and/or conduct an initial inquiry, the head of school, or his or her designee, may meet with the individual(s) who made the report and/or who was reportedly subjected to conduct that violates this Policy.

If The Bishop's School determines that the report pertains to conduct that may be in violation of this Policy, the School will undertake an investigation related to the reported conduct. Any investigation may be conducted by designated School personnel or by an outside investigator, in The Bishop's School's sole discretion.

Students and parents are expected to fully cooperate in any investigation as needed. The withholding of material information in an investigation by the individual(s) who made the report and/or who was reportedly subjected to conduct that violates this Policy, the witnesses, or the individual accused of engaging in conduct that violates this Policy, is prohibited. Any individual who fails to fully cooperate with the investigation or abuses the process by withholding material information or providing false information may be subject to appropriate corrective, disciplinary or other action, up to and including expulsion from School.

Confidentiality

Reports of harassment will be kept confidential, except as needed to conduct an investigation, to take interim measures, to protect and safeguard students and employees, to take disciplinary, corrective or other action, to conduct ongoing monitoring, if already known to multiple students, employees, or other community members, as needed in relation to any administrative or legal proceedings, or as otherwise required by law.

Discrimination

Discrimination is treating an individual differently because of the individual's actual or perceived membership in a Protected Classification(s) as defined in this Policy, by taking an adverse action against or denying a benefit to that individual. Students or parents who believe they have experienced, witnessed or are otherwise aware of discrimination by The Bishop's School, should immediately report the matter using the same complaint procedure provided for in this Policy under the above section on harassment. The above sections on interim measures, investigation and confidentiality for harassment reports also apply to reports of discrimination.

No Retaliation

The Bishop's School prohibits retaliatory behavior against anyone who complains in good faith or participates in the complaint and/or investigation process pursuant to this Policy, regardless of the outcome of the investigation. Retaliation constitutes a violation of this Policy and may result in disciplinary, corrective or other action. Retaliation includes, but is not limited to, taking sides against an individual, spreading rumors about, shunning or avoiding an individual, making real or implied threats of intimidation toward an individual, or taking adverse actions against an individual because that individual reported harassment or discrimination or participated in an investigation related to a report of harassment or discrimination. Students or parents who believe they have experienced, witnessed or are otherwise aware of retaliation by The Bishop's School, should immediately report the matter using the same complaint procedure provided for in this Policy under the above section on harassment. The above sections on interim measures, investigation and confidentiality for harassment reports also apply to reports of retaliation.

Remedial and Disciplinary Action

The Bishop's School will determine if the conduct violates School Policy and if so, the appropriate disciplinary, corrective or other action. Any student determined to have violated this Policy will be subject to disciplinary, corrective or other action, up to and including expulsion.

Anonymous Reports

Members of the faculty and staff may not make reports under this policy anonymously. Students and parents may make reports anonymously, but generally no disciplinary action will be taken based solely on an anonymous report. Although there are circumstances in which an anonymous report can be better than none at all, it is far more difficult to determine the facts of what occurred if complaints are made anonymously.

False Complaints/Abuses of Process

Because allegations of discrimination, harassment, hazing or bullying are serious and can be damaging to accused persons' reputations, any person who knowingly, maliciously or recklessly makes a false complaint will be subject to severe discipline. In addition, because candor and honesty are essential to the investigation and remediation process, they are required of all participants, including third-party witnesses.

The withholding of material information in an investigation by complainants, witnesses and/or the accused party is prohibited. All members of the community are expected to cooperate fully in an investigation conducted by the School; failure to demonstrate such cooperation will lead to disciplinary action. Abuse of the process, including falsifying information, will result in discipline being imposed, up to and including dismissal from school or termination of employment.