

COMMUNITY LEARNING CENTER SCHOOLS POLICY AGAINST SEXUAL HARASSMENT AND SEXUAL VIOLENCE

Community Learning Center Schools, Inc., and any charter schools operating thereunder are committed to providing a work and educational atmosphere that is free of unlawful harassment. Hereafter, Community Learning Center Schools, Inc. charter schools shall be referred to as “CLC Schools”. CLC Schools’ policy prohibits sexual harassment and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, creed, color, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. CLC Schools will not condone or tolerate harassment of any type by any employee, independent contractor or other person with which CLC Schools does business, or any other individual, learner, or volunteer. This policy applies to all employee, learner, or volunteer actions and relationships, regardless of position or gender. CLC Schools will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

Prohibited Unlawful Harassment

- Verbal conduct such as epithets, derogatory jokes or comments or slurs;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Retaliation for reporting or threatening to report harassment
- Deferential or preferential treatment based on any of the protected classes above.

Prohibited Unlawful Sexual Harassment

In accordance with existing policy, discrimination on the basis of gender in education institutions is prohibited. All persons, regardless of gender, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by CLC Schools.

CLC Schools are committed to provide a workplace and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee, and disciplinary action up to and including suspension and/or expulsion for learners.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (c) 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; and regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is so severe, pervasive, and objectively offensive that it denies equal educational access; and/or (d)

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.

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against him/her or against another individual. All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

Each employee, volunteer, and learner has the responsibility to maintain a workplace and educational environment 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 learners 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 or learner who believes they have been harassed or has witnessed harassment is encouraged to immediately report such harassment to their supervisor or the Lead Facilitator. See Attachment B for the "Harassment Complaint Form."

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
 - Rape, sexual assault, sexual battery, molestation, and sexual coercion as defined in California's Penal Code Section 243.4 and 261 *et seq.*, or attempts to commit these assaults and
 - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
 - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
 - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
 - Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex.
- Sexual or discriminatory displays or publications anywhere in the workplace or educational environment, such as:
 - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view at work or the educational environment.

- o Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
- o Displaying signs or other materials purporting to segregate an individual by gender in an area of the workplace or educational environment (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this policy.

Complainants and witnesses under these policies will be protected from further harassment and will not be retaliated against in any aspect of their employment, academic status, or progress due to their participation in or filing of a complaint or reporting sexual harassment.

CLC Schools will investigate complaints promptly and provide a written report of the investigation and decision as soon as practicable. A hard copy of the written report will be provided to the complainant(s) either in person and/or via USPS or FedEx, with signature required at time of delivery. 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.

Complaint Procedures and Title IX Coordinator

Complaints of sexual harassment or sexual violence shall be reported and investigated in accordance with law, and with CLCS Schools' Uniform Complaint Procedures policy and regulations, available here: https://bit.ly/CLCS_UCP. An employee may bypass their supervisor in filing a complaint where the supervisor is the subject of the complaint.

The Executive Director shall designate a Title IX Coordinator for both Nea and ACLC (contact information can be found on the [CLCS Title IX webpage](#)). Learners, parents, guardians, or employees may contact the Title IX Coordinator at any time to file a complaint directly with Nea, ACLC, or CLCS Schools at:

Community Learning Center Schools
1900 Third Street
Alameda, CA 94501
(510) 263-9266

The Executive Director may designate another employee, third-party investigator, or legal counsel to investigate complaints. The Executive Director shall ensure that individuals

designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

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 CLCS Schools employee's legal responsibility to report suspected child neglect or abuse. The CLCS Schools' Title IX Coordinator or their 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 CLCS Schools 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 the CLCS Schools' comprehensive rules, regulations, procedures, and standards of conduct, including the annual notice provided to learners at the start of each school year.

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, CLCS Schools shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment.

Learner-Specific Regulations on Sexual Harassment and Sexual Violence

Learner Instruction

CLCS Schools shall ensure that all learners 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 learners 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 CLCS Schools' process for investigating complaints.

Any learner who feels that they are being or has been sexually harassed or a victim of sexual violence perpetrated by a school employee, another learner, or a non-employee, in the school's educational program or activity, should immediately contact their teacher or any other CLCS Schools employee. An employee who receives such a complaint shall report it in accordance with CLCS Schools' Uniform Complaint Procedures ("UCP") policy. CLCS Schools' Title IX Coordinator shall ensure that any complaints regarding sexual harassment and sexual violence are immediately investigated in accordance with CLCS Schools' UCP policy. When CLCS Schools' Title IX Coordinator has determined that harassment or violence has occurred, the Coordinator shall take prompt, appropriate action to end the harassment or violence and to address its effects on the victim.

Learner Disciplinary Actions

Any learner who engages in sexual harassment 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 learners in grades 4-12, disciplinary action may include suspension and/or expulsion.

Employee-Specific Regulations on Sexual Harassment and Sexual Violence

The Executive Director or their 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 CLCS Schools' 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 or 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 learner, shall immediately report the incident to his or her supervisor, the site's Lead Facilitator, or the Executive Director.

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

Training

CLCS Schools' 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 or filing complaints involving an employee, employees' duty to use the complaint procedures, and employee obligations when a sexual harassment report involving a learner 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 § 12950.1 (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 learner is in violation of this Policy and is subject to disciplinary action, up to and including dismissal.

Prominent and Conspicuous Posting on CLCS Schools' Website

CLCS Schools shall post the following information in a prominent and conspicuous location on its website, and on the websites for each of its schools, Alameda Community Learning Center and Nea.:

1. The Title IX Coordinator's name, title, phone number, and email address.
2. The rights of learners and members of the public, and the responsibilities of CLCS Schools, under Title IX of the Education Amendments of 1972, which shall include, but shall not be limited to:

- a. Internet web links to information about those rights and responsibilities located on the websites of the California Department of Education's Office for Equal Opportunity and the United States Department of Education's Office of Civil Rights; and
 - b. The list of rights specified in Education Code Section 221.8.
3. A description of how to file a complaint under Title IX, which shall include all of the following:
 - a. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.
 - b. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, internet web links to this information on the United States Department of Education's Office for Civil Rights' website.
 - c. An internet web link to the United States Department of Education's Office for Civil Rights complaint form, and the contact information for the office, which shall include the phone number and email address for the office.

Policy Approved: April 2022