

Sexual Harassment Complaint Procedure

“Sexual Harassment” means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

The above conduct constitutes a violation of LEARN policy whether or not a threat of adverse job consequences is carried out and whether or not the employee actually suffers any tangible adverse job consequences. The conduct must be unwelcome in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive.

Examples of sexual harassment include, but are not limited to:

- Physical contact, including patting, pinching, stroking, kissing, hugging, fondling, brushing against the body, impeding or blocking movement, inappropriate touching
- Giving gifts, leaving objects or sending messages that are sexually suggestive
- Sexual epithets; sexual comments, stories, pranks or jokes; references to sexual conduct; gossip regarding one's sex life; comments about an individual's body; comments or inquiries about an individual's sexual activity, deficiencies, or prowess
- Display of sexually explicit or suggestive materials in the workplace or work-sponsored events
- Making threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment in order to coerce sexual behavior.

What to do if Sexually Harassed

An employee who believes (s)he has been subjected to sexual harassment should, if possible, inform the harasser that the conduct is unwanted and unwelcome. LEARN recognizes that sexual harassment can occur in unequal relationships, i.e. between a supervisor and a subordinate. If the victim is not able to inform the harasser, LEARN will consider consistent failure to respond to the behavior sufficient to communicate that the conduct is unwelcome.

An employee who believes (s)he has been subjected to sexual harassment should immediately report the matter to Human Resources. If the employee is uncomfortable doing so, (s)he may report the sexual harassment to the Associate Executive Director, the Executive Director, or to any other administrator to whom (s)he is comfortable reporting. All reports of sexual harassment will be held in confidence to the extent permitted by applicable state and federal laws and collective bargaining agreements.

Any administrator or supervisor who witnesses, or is made aware of possible sexual harassment must immediately report the matter to Human Resources.

Retaliation

Retaliation against any employee who reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint is prohibited.

The Investigation

Human Resources is the main contact point for questions or concerns about sexual harassment. Human Resources has responsibility for investigating or overseeing investigations of alleged sexual harassment. Human Resources shall ensure that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner.

Remedial Action

If the investigation reveals that sexual harassment and/or retaliation has occurred, appropriate actions shall be taken in a manner consistent with any applicable laws and collective bargaining agreements.

Post Remedial Action

Following a finding of sexual harassment, complainants may be periodically interviewed by the appropriate personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time.

Complaint Records

Complainants and alleged harassers will be informed of the final determination of the complaint and of any corrective actions to be implemented. Complainants will be informed of the right to file a complaint or charge with the appropriate government agencies.

Documentation of the final determination of the complaint shall be filed with the employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

Upon learning of, or having reason to suspect, the occurrence of any sexual harassment, Human Resources will conduct an investigation into the matter and take appropriate action.

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LEARN SEXUAL HARASSMENT PERSONNEL COMPLAINT FORM

Name of complainant: _____ Telephone (work) _____
Home address: _____ Telephone (home) _____

Department/position of employment: _____
Supervisor: _____

Date of incident _____ Time of incident _____ Date reported _____

Location of incident: _____

Complaint filed against (name/position): _____

Details (description) of complaint:

Witnesses:

Name/Position	Address	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signatures (Acknowledgement):

Complainant: _____ Date: _____

Executive Director: _____ Date: _____