

Community Transition Academy's Sexual Harassment Policy

(EC 212.5; EC 231.5)

Purpose: To maintain an environment free from sexual harassment.

Policy: Community Transition Academy (CTA) is committed to maintaining a working, learning and healing environment that is free from sexual harassment. Sexual harassment of or by employees, students or families is a form of gender discrimination in that it constitutes differential treatment on the basis of sex, sexual orientation, or gender, and for that reason, is a violation of state and federal laws and a violation of this policy.

Include Autism considers sexual harassment to be a major offense, which will result in disciplinary action to the offending employee or the suspension or expulsion of the offending student from the school.

Any student, family member or employee of CTA who believes that she or he has been a victim of sexual harassment shall bring the problem to the attention of the proper authority (whether Lead Educator, Executive Director, or HR) so that appropriate action may be taken to resolve the problem. CTA prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process. Any such complaint is further advised that civil law remedies may also be available to them. Complaints will be promptly investigated in a way that respects the privacy of the parties concerned.

What Is Harassment?

Harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults or contact, or violence. Harassment is not necessarily sexual in nature. It may also take the form of other vocal activity including derogatory statements not directed to the targeted individual but taking place within their hearing. Other prohibited conduct includes written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when such conduct creates an offensive, hostile and intimidating working environment and prevents an individual from effectively performing the duties of their position. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct.

It is important to note that sexual harassment crosses age and gender boundaries and cannot be stereotyped. Among other perceived unconventional situations, sexual harassment may even involve two women or two men.

Sexual harassment may exist on a continuum of behavior. For instance, one example of sexual harassment may be that of an employee showing offensive pictures to another employee.

Generally, two categories of sexual harassment exist. The first, "quid pro quo," ("Do something for me and I will do something for you.") may be defined as an exchange of sexual favors for improvement in your working/educational conditions and/or compensation. The second category, "hostile, intimidating, or offensive working/educational environment," can be described as a situation in which unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when such conduct creates an

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intimidating or offensive environment. Examples of a hostile, intimidating, and offensive working/educational environment includes, but is not limited to, pictures, cartoons, symbols, or apparatus found to be offensive and which exist in the workspace of an employee or student. This behavior does not necessarily link improved working/educational conditions in exchange for sexual favors. It is also against CTA policy to download inappropriate pictures or materials from computer systems.

Sexual Harassment Defined

Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, visual, verbal, or physical conduct of a sexual nature when:

- submission to the conduct is made a term or condition of employment/education; or
- submission to or rejection of the conduct is used as basis for employment/educational decisions affecting the individual; or
- the conduct has the purpose or effect of unreasonably interfering with the employee or student's work performance or creating an intimidating, hostile, or offensive working/educational environment.

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

Sexual harassment may include, but is not limited to:

- Unwelcome verbal conduct such as suggestive, derogatory comments, sexual innuendos, slurs, or unwanted sexual advances, invitations, or comments; or 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.
- 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 gender.
- Threats and demands or pressure to submit to sexual requests in order to keep a job or academic standing or to avoid other loss, and offers of benefits in return for sexual favors.

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 or in school is unlawful whether it involves coworker/student harassment, harassment by a manager/teacher, or harassment by or of persons doing business with or for CTA.

Other Types of Harassment

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Prohibited harassment on the basis of race, color, national origin, ancestry, religion, physical or mental disability, marital status, medical condition, sexual preference, age, or any other protected basis, includes behavior similar to sexual harassment, such as:

- Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- Physical conduct such as assault, unwanted touching, or blocking normal movement; and
- Retaliation for reporting harassment or threatening to report harassment.

Responsibility

All CTA employees, and particularly managers/teachers, have a responsibility for keeping our work/educational environment free of harassment. Any employee/student who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to their immediate [supervisor / manager / teacher / designated company representative] or the designated management representative with whom they feel comfortable. When management becomes aware of the existence of harassment, it is obligated by law to take prompt and appropriate action, whether or not the victim wants CTA to do so.

Liability for Harassment

Any employee/student who is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including discharge from employment/school. Any employee/student, who engages in prohibited harassment, including any manager/teacher who knew about the harassment but took no action to stop it, may be held personally liable for monetary damages. Any manager/teacher who knew about harassment and took no action to stop it or failed to report the harassment to the [Manager Title] may also be subject to discipline up to and including discharge.

CTA accepts no liability for harassment of one employee/student by another employee/student. The individual who makes unwelcome advances, threatens or in any way harasses another employee/student is personally liable for such actions and their consequences. CTA may or may not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

Reporting Harassment

While CTA encourages you to communicate directly with the alleged harasser, and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that you do so. It is essential, however, to notify your Human Resources immediately even if you are not sure the offending behavior is considered harassment. Any incidents of harassment must be immediately reported to a manager/teacher or other management representative. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee/student found to have harassed a fellow employee/student will be subject to severe disciplinary action up to and including termination/discharge. CTA will also take any additional action necessary to appropriately remedy the situation.

Complaint Procedure

CTA wants every individual to know that the following procedures exist to report any harassment. These procedures should be followed whenever an individual believes that he or she has been the subject of harassment or observes or has knowledge of a violation of CTA's policy on harassment. Particularly, anyone in a management/teacher position who observes or has knowledge of a violation of CTA's anti-harassment policy (whether or not a complaint has been filed) has an obligation to report the situation to Human Resources.

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Report the incident or conduct in question promptly to your manager/teacher. The complaint may be verbal or written. If you are uncomfortable discussing the matter with your manager you may report the incident or conduct to Human Resources.

You should also feel free to report the incident or conduct even if in the past it was not reported, or if you have taken some time to decide to make the complaint.

If CTA determines that prohibited harassment has occurred; CTA will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Confidentiality for all parties involved will be respected to the utmost extent possible. School policy also prohibits retaliation against individuals who in good faith have filed complaints of harassment, even if insufficient evidence is found to support the complaint.

CTA will investigate any complaint of sexual harassment and will take immediate and appropriate disciplinary action if sexual harassment has been found within the workplace/school.

Retaliation of any sort will not be permitted. CTA prohibits any employee/student from retaliating in any way against anyone who has raised any concern about sexual harassment or discrimination against another individual. No adverse employment/school action will be taken for any employee/student making a good faith report of alleged harassment.

External Agencies

In addition to CTA's policy regarding unlawful harassment in the workplace, the law provides that all employees have the right to file a charge or complaint with the Equal Opportunity Employment Commission ("EEOC"), the federal agency charged with the enforcement of federal laws protecting employees against unlawful discrimination.

By signing below:

I confirm that I read, understood, received a copy of CTA's Sexual Harassment Policy. I confirm I completed and understood the California AB1825 & CT 46a-54-2204 Manager & Supervisor Sexual Harassment Training. I understand that as an employee, it is my responsibility to abide by CTA policy and procedures, in accordance with the training.

If I have questions about the training, materials presented or CTA policy and procedures, I understand it is my responsibility to seek clarification from the Human Resources Department.

Print name: _____

Employee Signature: _____

Date: _____