

## **Sexual and Other Unlawful Harassment Policy**

Revised 8-2005

### **I. Policy Statement**

Idyllwild Arts requires all employees to treat each other with dignity and respect. In keeping with this commitment, Idyllwild Arts maintains a strict policy prohibiting unlawful harassment of any type. This policy prohibits harassment in any form, including verbal, physical or visual harassment. This is a zero tolerance policy.

Idyllwild Arts is committed to providing a work and school environment that is free from unlawful discrimination and harassment and believes in respecting the dignity of every employee and expects every employee to show respect for all of our colleagues, customers, vendors, and other community members. If you find conduct in the workplace to be unwelcome or offensive, you are expected to immediately inform the person engaging in the conduct in a clear and unambiguous manner that the conduct is unwelcome or offensive and that you want the conduct to stop.

As part of Idyllwild Arts commitment to provide a harassment free workplace, the school provides and requires training for all managers and supervisors on sexual and all other forms of prohibited harassment, at least once every two years.

### **II. Application**

- A. This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits and selection for training.
- B. This policy applies to all officers and employees of the school including, but not limited to, full-time and part-time employees, per diem employees, temporary employees, and to persons working under contract for the school.
- C. This policy applies to all aspects of employee-employee, employee-student, and student-student interaction.

### **III. Protected Classifications**

Idyllwild Arts policy prohibits sexual harassment and any form of harassment based on pregnancy, childbirth or related conditions, race, color, creed, religion, gender, gender identity, sexual orientation, perceived sexual orientation, transgender status, national origin, ancestry, age, marital/domestic partner status, physical or mental disability, HIV & AIDS, medical condition, veteran status, the employee's opposition to any violations of law, veteran status, association with someone protected by law because of their participation in any proceeding conducted by State Agencies or the Federal Equal Employment Opportunity Commission or any other basis protected by federal, state or local law, ordinance or regulation. Idyllwild Arts believes in and is committed to providing equal opportunity for all employees.

### **IV. Harassment Defined**

- A. Harassment may consist of offensive verbal, physical or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:

- Submission to offensive conduct is an explicit or implicit term or condition of employment, academic status, or progress;
- Submission to or rejection of the offensive conduct forms the basis for an employment or academic decision affecting the individual;
- The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance;
- The offensive conduct creates an intimidating, hostile or offensive work or educational environment; or
- Submission to or rejection of the offensive conduct is used as the basis for any decision affecting the individual with respect to benefits and services, honors, programs or activities available at or through the school.

B. Sexual harassment does not refer to occasional compliments of a socially acceptable nature or consensual personal and social relationships without a discriminatory employment effect. Harassment refers to behavior which is not welcome and which is personally intimidating, hostile, derogatory, or offensive. Examples of what may constitute harassment include, but are not limited to, the following:

- Kidding or joking about sex or membership in one of the protected classifications;
- Offensive or otherwise unwelcome physical contact such as hugs, pats and similar physical contact under some circumstances;
- Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- Cartoons, posters, graffiti and other materials referring to sex; or membership in one of the protected classifications;
- Threats or intimidation intended to induce sexual favors;
- Continued suggestions or invitations to social events inside or outside the school after being told such suggestions are unwelcome;
- Degrading words or offensive terms of a sexual nature or based on an individual's membership in one of the protected classifications;
- Prolonged staring or leering at a person;
- Entertainment of an individual student in the living quarters of an employee;
- Romantic or sexual involvement between an employee and any Idyllwild Arts Academy student and/or Children's Center Youth Program student in the Summer Program. (No sexual relationship

between an employee and a student will be construed as consensual.);

- Obscene gestures;
- Similar conduct directed at an individual on the basis of race, color, ancestry, religious creed, handicap or disability, medical condition, age (over 40), marital status, sexual orientation, transgender, or any other protected classification under applicable law.

## **V. Procedures**

### **A. Internal Reporting Procedure**

- Any employee who believes that he or she has been subject to sexual or other prohibited harassment by co-workers, supervisors, parents, students, visitors, vendors or others should immediately notify his/her supervisor or, as an alternative, the Director of Human Resources, depending on which individual the employee feels most comfortable contacting.
- Additionally, a supervisor, employee, or student who observes or otherwise becomes aware or has knowledge of harassment that violates this policy has a duty to take immediate steps to report such harassment to the Director of Human Resources and prevent its recurrence.
- Any students who believe that they have been the victim of sexual or other prohibited harassment by co-students, employees, supervisors, parents, visitors, vendors or other should immediately notify their Dorm Parent, the Dean of Students, or the President.

### **B. External Reporting Procedures**

- Any employee who believes that he or she has been subject to sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors or others may file a complaint with the California Department of Fair Employment and Housing (DFEH). Employees may contact DFEH at 800 884-1684

## **VI. Investigation**

Upon the filing of a complaint, written or verbal, by an employee with Idyllwild Arts, the complainant will be provided with a copy of this policy. The Director of Human Resources is the person designated by the school to investigate employee complaints of harassment. The Director of Human Resources may, however, delegate the investigation at his/her discretion. The President shall appoint an investigator in the event the harassment complaint is against the Director of Human Resources.

Upon the filing of a complaint by a student with the school, the student will be provided with a copy of this policy. The Dean of Students is the person designated by the school to investigate student complaints of harassment. The Dean of Students may, however, delegate the

investigation at his/her discretion. The President shall appoint an investigator in the event the harassment complaint is against the Dean of Students.

Final decisions concerning disciplinary action for sexual harassment of employees or students will be made by the President who may appoint, at his discretion, an investigation committee representative of the school community. Charges filed with the DFEH are investigated by the DFEH.

## **VII. Internal Documentation Procedure**

When an employee makes allegations of harassment, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Director of Human Resources.

When a student makes an allegation of harassment, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Dean of Students.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation.

## **VIII. Confidentiality**

All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is permitted by law.

## **IX. Remedies**

If the school determines that this policy has been violated or other inappropriate conduct has occurred, effective remedial action will be taken appropriate to the totality of the circumstances.

- If the Director of Human Resources or the Dean of Students determines that the complaint of harassment is valid, the Director of Human Resources or the Dean of Students, with the approval of the President, shall cause immediate and appropriate disciplinary action to be taken consistent with the requirements of law and any rules or regulations pertaining to employee or student discipline. Other steps may be taken to the extent reasonably necessary to prevent recurrence of the harassment.
- Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harasser, and any other factors relating to the fair and efficient administration of the school's operations.
- In the event a complaint is filed with the DFEH and the DFEH finds that the complaint has merit, the DFEH will attempt to negotiate a settlement between parties. If the case is not settled, DFEH may issue a determination on the merits of the case.

- Where a case is not settled and the DFEH finds a violation to exist, it can prosecute the charging party's case before the Fair Employment and Housing Commission (FEHC). Legal remedies available through DFEH and FEHC for a successful claim by an applicant, employee or former employee include possible reinstatement to a former job, award of a job applied for, back pay, front pay, attorney's fees and, under appropriate circumstances, actual damages and/or administrative fines.
- In the alternative, DFEH may grant the employee permission to withdraw the case and pursue a private lawsuit seeking similar remedies.
- Legal remedies that may be available include injunctions, restraining orders and other orders.

## **X. Reporting Obligation**

- A. Employees and students are not only encouraged to report instances of harassment they are obligated to report instances of harassment.
- B. Employees and students are obligated to cooperate with every investigation of harassment, including, but not limited to:
  - Coming forward, with evidence, whether it is favorable or unfavorable, to the person accused of harassment, and
  - Fully and truthfully making a written report or verbally answering questions when required to do so during the course of a school investigation of alleged harassment.
  - The failure or refusal of any employee to cooperate in an investigation of alleged wrongful conduct may subject that employee to disciplinary action, up to and including termination of employment, or in the case of a student, suspension or expulsion.
- C. Knowingly falsely accusing someone of harassment or otherwise knowingly giving false information in an investigation of harassment shall be grounds for disciplinary action, up to and including, student expulsion or termination of employment.