



8024.2 Sexual Harassment School Personnel and Student Administrative Regulations

Effective Date: June 5, 2020

Procedure:

Reporting

Any student who believes he or she has been sexually harassed by an employee, agent or student of JCS, should promptly report the facts of the alleged incident(s) and the name of the individual involved to any adult staff member with whom they feel comfortable, and that person shall report the incident to JCS site coordinator. The employee who has knowledge of an allegation of sexual harassment is required to report to the Executive Director and/or the Director of Human Resources immediately.

Any employee who believes they have been sexually harassed by another employee, agent, or student of JCS should promptly report the facts of the alleged incident(s) and the names of individuals involved to their supervisor, manager, or the Director of Human Resources.

Upon receipt of a report of alleged sexual harassment, the Compliance Officer will conduct an investigation into the facts surrounding the allegation. Students or employees may, at any time during the process, bring an advocate to support them in meeting with the Compliance Officer or other staff. The Compliance Officer will gather the information from the student or employee to complete the Sexual Harassment Incident Report. A copy of the report will be forwarded to the Executive Director, Governing Board President, and the parent (if the person is a minor student), who will also receive a copy of JCS policy on Sexual Harassment.

Any employee of JCS, upon personal knowledge of an incident of sexual harassment, is required to report this knowledge to the Compliance Officer. Failure to do so is a violation of this policy.

Students or employees who feel aggrieved because of unwelcome conduct that may constitute sexual harassment are not required to inform the person engaging in such conduct that the conduct is unwanted, offensive and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her instructor or supervisor if that instructor or supervisor is the individual who is harassing the student or employee. Any individuals making a report may bring an advocate to assist them.

Confidentiality

The Compliance Officer will inform the student or employee making the report that all allegation of sexual harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation, and shall be informed that it will be a violation of this policy to disclose the allegation or the nature of the investigation to others and shall be subject to disciplinary action as defined in this policy.

Retaliation is Prohibited

The initiation of an allegation of sexual harassment will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with JCS, his or her employment, compensation or work assignments, or, in the case of students, grades, class section or other matters pertaining to his or her status as a student of any school programs. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Time Limits

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place.

Investigation Guidelines

All investigations of allegations of sexual harassment shall be handled promptly, in a serious, sensitive, and confidential manner. A student or employee who believe they have been sexually harassed is not required to confront the person who is engaging in the unwelcome and unsolicited sexual conduct, the Compliance Officer should determine if the student or employee has informed the person engaging in the behavior is offensive and must stop.

1. The Compliance Officer shall, as soon as reasonably possible after the incident has been reported, inform the student, employee, or other person accused of sexual harassment of the allegation, and they will be given an opportunity to respond.
2. All parties, specifically including complainants, and witnesses, will be promptly and fully informed of their rights pursuant to this policy, including the fact that the complainant and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.
3. The Compliance Officer shall conduct an investigation to determine if the allegation of sexual harassment is supported. The investigation finding shall be filed within 20 school days from the date the student or employee made the allegation with the proper authority. A copy of the findings shall be mailed to the student or employee who reported the harassment, their parents (if it is a minor student) and the person accused.
4. A written report of the investigation findings shall be filed by the Compliance Officer with the Executive Director and Governing Board President within ten (10) school days of the date the student or employee filed the incident report. A copy of the findings shall be mailed to the student who reported the harassment, their parent(s), if the student is a minor, and the person accused.
5. Any student report of assault and/or physical battery that is gender-based or sexual in nature shall be reported to the police for investigation.

Disciplinary Action

When an allegation of sexual harassment is supported by the investigation and disciplinary action of an employee is necessary, the Director of Human Resources will advise and consult the Executive Director on courses of action which may be appropriate. The Executive Director shall determine appropriate disciplinary steps to be taken with an employee, seeking advice and consent of the Governing Board when necessary.

When an allegation of sexual harassment is supported by the investigation and disciplinary action of a student is necessary, the Executive Director shall determine the appropriate disciplinary steps to be taken with the student, seeking advice and consent of the Governing Board when necessary.

Employees who violate this policy will be subject to discipline up to and including dismissal.

Students who violate this policy may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with JCS policy and state law. Suspension and recommendations for expulsion must follow existing practice and procedures.

Agents of JCS who violate this policy will be subject to penalties and sanctions as may be available to JCS, including termination of business relationships and contracts.

In identifying appropriate disciplinary action, note that repeated incidents following intervention, intensity of the behavior, and multiple victims will yield more severe penalties.

Appeal Procedures

An individual may appeal the findings of an investigation to the Executive Director (employees may also appeal to the Director of Human Resources), and, if they wish, the President of the Governing Board. Appeals should be made within 30 days from the date of a finding.

Training

To implement this policy, and to comply with state law, JCS will direct and implement an appropriate training program and appropriate materials for staff and managers. Training will be provided for all Compliance Officers, on an annual basis to prepare them to investigate allegations of sexual harassment. Compliance Officers will be trained prior to being responsible for investigating complaints. Each school site will, in consultation with the Director of Human Resources, develop a training plan to familiarize students and staff with the Sexual Harassment Policy as well as reporting procedures. New hires will be provided with this training as part of their orientation. On a bi-annual basis, all management employees (as defined by AB1825 and the Department of Labor's current guidelines regarding AB1825 compliance) will be provided with updated training.

Notification

There will be adequate notification of the policy to include permanent posters in public areas, offices, and hallways. In addition, the policy will be published in site and employee handbooks.

Administrative Regulations

JCS shall adopt, and from time to time may review, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy.

Original Procedure: 02/27/01

Revised Procedure: 06/05/09

Revised Procedure: 09/08/17

Revised Procedure: 06/05/2020