AB 500 — School Policies that Relate to Employee Interactions with Students

Assembly Bill 500 (AB500) requires schools to provide sections related to employee interactions with students in its code of conduct to parents and guardians of enrolled students on the school’s website. Listed below are portions of school policies from the School’s Employee Handbook and which include language relating to interactions between students and employees.

POLICIES

Employee/Student Boundaries

Seven Hills School employees are expected and required to maintain professional relationships with students whether on campus or away from campus. This policy is also equally applicable to volunteers and interns that work with students at the School.

Some activities may seem innocent from an employee’s perspective, but may be perceived as flirtatious, sexually suggestive, or otherwise inappropriate, from a student’s or parent’s perspective. In maintaining professional relationships employees must be diligent to avoid any conduct that is not a professional or appropriate employee/student interaction or could be perceived as such.

This policy is not intended to restrict positive and supportive relationships between employees and students, which are appropriate in an educational environment. This policy is intended to restrict and prevent employee/student interactions that could lead to, or may be perceived as, as flirtatious, sexually suggestive, or otherwise inappropriate.

The below are protocols and requirements employees must follow. These protocols and requirements are not an exhaustive list of prohibited employee conduct, but rather a general framework for describing inappropriate employee conduct that is prohibited.

- Employees must avoid creating excessive emotional attachments beyond the healthy employee/student relationship. Employees must use sound judgment as to how much information they share with students about their own personal life, not share information for their own personal emotional gratification, and must avoid sharing any information about romantic, sexual, or other types of private or sensitive information or other information that is inappropriate to share.
- Employees must avoid any sexual or romantic interactions or relationships with students. Dating and any other type of one-on-one social interaction between an employee and student are prohibited.
- Employee communications with students (e.g., notes, email, texts or other electronic exchanges, or phone calls) must be for School related reasons only and must be professional in all respects.
- Employees are prohibited from making jokes, using slang, or suggestive comments or innuendo of a sexual or discriminatory nature in communicating with students (or at any other time at work).
• If a student shares confidential information that could pose a threat to the student or others, Employees have an obligation to and must notify his/her supervisor or a School counselor, or make a report of suspected child abuse or neglect in keeping with the School’s child abuse reporting policy and mandated reporting laws.

• Employees may not be under the influence of alcohol or drugs or consume alcohol or drugs at any School-sponsored activities where students are present. Employees are also prohibited from discussing any personal alcohol or drug use, whether past or current, with students.

• When meeting with a student one-on-one, employees must balance potential privacy concerns with appropriate professionalism and should avoid meeting in locations that are closed off or not visible or accessible to others.

• Employees must act with transparency; any interaction with a student should be something an employee would feel comfortable saying or doing in front of that student’s parents and the employee’s supervisor.

• Employees are prohibited from buying or giving personal gifts to individual students.

• Employees should consult their supervisor if a student is or seems to be pushing the employee’s personal boundaries, attempting to establish an inappropriate relationship, or it appears another type of problem is beginning to emerge.

• Employees are prohibited from meeting with students off campus unless it is a pre-approved School activity with other individuals present or if employees are meeting with students to plan school events or gatherings, the employee must first obtain the permission of the School administration and the student’s parent or guardian.

Employees must understand their own responsibility for ensuring they do not cross the protocols and requirements established in this policy. Disagreeing with the wording or intent of the established protocols and requirements does not alleviate employees from strictly complying with this policy and will be considered irrelevant for disciplinary purposes. If an employee finds him or herself in a difficult situation related to boundaries or has questions related to these protocols and requirements, he or she should consult the Head of School or his or her supervisor. If any employee becomes aware of another employee failing to adhere to this policy, the employee must immediately report the matter to the Head of School.

**Conduct Expectations and Discipline**

Seven Hills School expects high standards of conduct, honesty and integrity from its employees. Employees should always be aware of their visibility to the public and therefore conduct themselves professionally and ethically to uphold the highest reputation of Seven Hills.

**Prohibited Conduct:**

• Inappropriate fraternizing with students;
• Threats, intimidation including using obscene, abusive or threatening language to any School employees, students, parents or members of the public;
• Discrimination/harassment/retribution/bullying;
• Failure to be courteous and polite at all times to other employees, students, families and guests;

**Workplace Expectations:**

• Refraining from fighting, threatening, intimidating, any other person during working hours or at school-sponsored functions;
• Refraining from the use of foul or offensive language

**Social Networking Policy**

**Do Not Engage in Unlawful or Prohibited Harassment or Threats**

Employees cannot post statements, photographs, video or audio that reasonably could be viewed as unlawful harassment or discrimination or otherwise violating the law, such as by constituting unlawful, threatening conduct. Examples of such conduct might include offensive posts that could contribute to a hostile work environment on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or any other status protected by law. Examples of unlawful threatening conduct include posting material that would make a reasonable person afraid for his or her safety or the safety of his or her family.

**Do Not Infringe Others’ Rights or Privacy**

Employees must not disclose information that may violate student, School family member, or employee rights. For example, employees may not disclose another individual’s social security number, medical information, or financial information in a manner that violates that person’s rights. For reasons of safety, employees are prohibited from posting on-line photos of the School’s students or members of School families.

**Do Not “Friend” Or Interact with Students Through Social Media Outside the School**

School Employees shall not communicate or interact with School students or their parents via Social Networking Sites, other than as authorized and through the official School sites. This restriction applies to former students as well, until the former student reaches the age of 18.

**Tutoring Policy**

Teachers may not set up outside tutoring for students who are enrolled at Seven Hills without the knowledge and approval of the administration.

Other than the normal after-school extra help, unless there are special circumstances, a teacher should not tutor a child from his/her class.
Harassment/Discrimination/Retaliation Prevention Policy

The California Department of Fair Employment and Housing (DFEH) prohibits coworkers and third parties, as well as supervisors and managers, with whom an employee comes into contact from engaging in conduct prohibited by the Fair Employment and Housing Act (FEHA).

Policy
Seven Hills School has zero tolerance for any conduct that violates this Policy. Harassment, discrimination, or retaliation against an applicant, intern, volunteer, employee or student by employees, students or any business associates, such as parents, vendors or independent contractors on the basis of any protected classification, as defined in this policy, is strictly prohibited and will not be tolerated.

Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from the Head of School.

Protected Classifications
This Policy prohibits harassment or discrimination because of an individual’s classification(s). “Protected Classification” includes race, color, religion (including all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), sex (including gender, gender identity, gender expression, transgender, pregnancy and breastfeeding), sexual orientation (including heterosexuality, homosexuality, homophobia, and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, domestic partnership status, age, medical condition, genetic characteristics or information, and physical or mental disability.

Policy Coverage
This Policy prohibits administrators, employees, students and business associates, including parents, vendors and independent contractors, unpaid interns and volunteers from harassing or discriminating against applicants, administrators, employees, contractors, students and parents because: (1) of an individual’s protected classification; (2) of the perception of an individual’s protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification. This policy also prohibits retaliation as defined below.

Discrimination
This Policy prohibits treating individuals differently because of the individual’s actual or perceived protected classification as defined by this Policy by taking an adverse action against or denying a benefit to that individual.

Harassment
Harassment means words or conduct undertaken because of an individual’s protected classification, and which subjectively and objectively offend another person. Harassment based on sex or any other protected category, is unlawful and will not be tolerated.
Harassment may include, but is not limited to, the following types of behavior engaged in because of a person’s protected classification. Note that harassment is not limited to conduct undertaken by School employees. Under certain circumstances, harassment can also include conduct taken by those who are not employees, persons providing services under contracts, students, parents or even members of the public:

a. Speech: This includes epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes or slurs, including graphic verbal commentaries about an individual’s body, or that identify a person on the basis of his or her protected classification. This might include comments on appearance including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.

b. Visual acts: This includes derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or e-mails on the basis of a protected classification.

c. Physical acts: This includes assault, offensive touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats or promises in return for submission to physical acts.

d. Sexual harassment: This is defined as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual’s work performance or create an intimidating, hostile, or offensive working environment. This may include conduct between members of the opposite or same gender, and may also include conduct not motivated by sexual desire.

Guidelines for Identifying Harassment
To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

- Harassment includes any conduct which would be “unwelcome” to an individual of the recipient’s same protected classification and which is taken because of the recipient’s protected classification.
- It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third party who observes the conduct or learns about
the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically
directed at an individual.

- Conduct can constitute harassment in violation of this Policy even if the individual engaging in
the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if
the conduct is directed at, or implicates a protected classification, and if an individual of the
recipient’s same protected classification would find it offensive (e.g., gifts, over attention,
endearing nicknames).

The determination of what constitutes harassment will depend on specific facts and the context in
which the conduct occurs.

**Retaliation**

Any adverse conduct taken because an applicant, employee, or contractor has reported harassment or
discrimination, or has participated in the complaint and investigation process described herein, is
prohibited. “Adverse conduct” includes but is not limited to: taking sides because an individual has
reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an
individual who reports harassment or discrimination, or real or implied threats of intimidation to
prevent an individual from reporting harassment or discrimination. The following individuals are
protected from retaliation: those who make good faith reports of harassment or discrimination, and
those who associate with an individual who is involved in reporting harassment or discrimination or who
participates in the complaint or investigation process.

**Process for Reporting Harassment, Discrimination, or Retaliation**

An applicant, employee, volunteer, administrator or contractor who feels he or she has been harassed,
discriminated against or retaliated against in violation of this Policy should report the conduct
immediately as outlined below so that the complaint can be resolved quickly and fairly.

- **Talk to the Offending Party Directly.** Employees are encouraged to help eliminate unwelcome
behavior by talking with the offending party directly. Sometimes an individual is unaware that
his/her conduct is offensive. The offensive behavior may be eliminated by simply informing the
offender that the conduct or language in question is unwelcome and offensive and request that
it be discontinued immediately. When the conduct in question continues after the offending
person has been informed it is offensive, or if a person does not feel comfortable talking to the
offending person directly, the employee should make a report in accordance with subsection 2
below or go directly to the formal reporting process.

- **Oral Report.** If a person who believes that this policy has been violated does not want to
confront the offending person, s/he should report the conduct to his/her direct supervisor or
any School management employee. Any supervisory or management employee who receives
such a report must in turn direct it to the director or Head of School. The director or Head of
School will determine what level of investigation and response is necessary. In the event that
the complaint is against the Head of School, the report must be directed to the Board Chair, in
which case the Board Chair will determine what level of investigation and response is necessary.
• **Written Process.** An individual who believes this policy has been violated may provide a written complaint to a direct supervisor, director, or any management employee who in turn must direct the complaint to the Head of School, or in the event that the complaint is against the Head of School, to the Board Chair.

• **Option to Report to Outside Administrative Agencies.** Applicants, employees, administrators and contractors have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). The EEOC can be reached at 1-800-669-4000 or at www.eeoc.gov. The DFEH can be reached at 1-800-884-1684 or at www.dfeh.ca.gov.

**Schools Response to Complaint of Harassment, Discrimination or Retaliation**

**Investigation Procedure**
After notification of an employee’s complaint or Seven Hills School otherwise learning of an alleged violation of this Policy, the School will initiate an investigation. During the pendency of the investigation, the Head of School, supervisor and or appropriate administrator may take interim action as appropriate, such as placing on paid administrative leave or temporarily transferring the person alleged to have violated this Policy (the “Respondent”). Generally, no interim action should be taken to change the complaining individual’s (“Complainant’s”) working conditions unless the complaining individual voluntarily consents to the temporary change.

The investigation will be conducted by qualified personnel or a qualified outside investigator as determined in the sole discretion of the School.

The investigation will be conducted in a fair, timely, and thorough manner. The School will document and track the investigation for reasonable progress and timely closures. The investigation will normally include interviews with the individual(s) who made the oral report or written complaint and/or that was reportedly subjected to conduct that violates this Policy, the Respondent, and other persons believed to have relevant knowledge concerning the allegations. Witnesses will be advised that retaliation against those who report alleged harassment, discrimination, or retaliation, or who participate in the investigation is prohibited. The Respondent will be notified that a complaint has been made alleging that he or she has violated this Policy. Whenever possible, the investigation will commence with an interview of the complaining party. Before the investigation is concluded, the Respondent will be informed of the allegations made against him or her, and be provided with an opportunity to respond to the allegations. Once the information gathering process is completed, the investigator will prepare an investigative report containing the investigator’s findings of fact which will be reasonable conclusions based on the evidence collected. The investigator will make findings based on a “preponderance of the evidence” standard. The report will be shared with the Head of School and other school administrators who have a need to know the outcome.
Remedial and Disciplinary Action
Once the investigation is complete, Seven Hills School will determine if the conduct violates school policy and if so, the corrective action. Any employee or student determined to have violated this policy will be subject to disciplinary action, up to and including termination or expulsion. Disciplinary action may also be taken against any administrator, supervisor or manager who condones or ignores potential violations of this policy, or who otherwise fails to take appropriate action to enforce this policy. Because contractors and business associates are not employees of the School, the School may not be able to take corrective action in the same way or to the same extent that it can with respect to its own employees or students. However, Seven Hills School will make its best efforts to take corrective action for violations of this policy, or if appropriate, to cause others to take corrective action.

Please be advised that an employee who engages in unlawful harassment of a co-employee is personally liable for the harassment, regardless of whether Seven Hills School knew or should have known of the conduct and/or failed to take appropriate corrective action. Seven Hills School does not consider conduct in violation of this Policy to be within the course and scope of employment or the direct consequence of the discharge of one’s duties. Accordingly, to the extent permitted by law, Seven Hills School reserves the right to refuse to provide a defense or pay legal fees and costs or to pay damages assessed against any employee based on conduct in violation of this policy.

Closure
The investigation will be closed in a timely manner. At the conclusion of the investigation, director or the Head of School, or if applicable, the Board Chair, will notify the Complainant in general terms of the outcome of the investigation.

Confidentiality
Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot be guaranteed, however, due to the need to fully investigate potential Policy violations and take effective remedial action, or to comply with other legal requirements. Seven Hills School will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

Responsibilities of Employees, and Supervisory Employees

Employees
In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
• Let fellow employees know when you consider behavior offensive. The School hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.

• Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.

• If an employee is a witness to harassment, he or she should tell the individual being harassed that the School has a policy prohibiting such behavior, and that he or she can demand that the harasser cease the behavior.

• Fully cooperate with Seven Hills School’s investigation of complaints made under this Policy.

**Supervisory Employees**
In addition to the responsibilities listed above, administrators and supervisors are responsible for the following:

• Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Direct all complaints to the director, Head of School, or if the complaint is against the Head of School, the Board Chair.

• Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.

• Making sure no administrator, supervisor or other employee retaliates through any action of intimidation, restraint, coercion or discrimination.

• Monitoring the work environment and taking appropriate action to stop potential Policy violations.

• Following up with those who have complained to ensure the behavior complained of has ceased.

• Reporting potential violations of this policy of which he or she becomes aware, regardless of whether a complaint has been formally submitted.

• Informing complainants of their option to contact the EEOC or DFEH regarding a potential Policy violation.

**Mandatory Training**
As part of its commitment to ensuring a work environment free from harassment, discrimination, and retaliation, Seven Hills’ School requires that all of its managers and supervisors receive training on this policy at least once every two years. Seven Hills School will schedule training sessions so employees are able to complete the mandatory training. Attendance at the training will be documented.
**Dissemination of Policy**
All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

**Policy Against Bullying**
The School considers workplace bullying unacceptable and will not tolerate it under any circumstances. It is School policy that all employees should be able to work in an environment free of bullying. It is School expectation that all communication and interaction between School employees shall, at all times, be professional, courteous and respectful.

Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, students, parents, or the public.

Examples of bullying include, but are not limited to: profane or disrespectful language; hostile and rude behavior and speech directed at a co-worker; derogatory or sarcastic remarks and comments about a co-worker’s appearance or job performance, angry outbursts or yelling; name calling; throwing anything at or toward a co-worker; comments that undermine a co-worker’s trust and confidence; retaliation against any person who has reported disruptive behavior. While unlawful harassment may involve bullying, bullying is not limited to conduct against another person because of his or her membership in a protected classification.

Managers and supervisors must take reasonable measures to prevent workplace bullying, and to respond promptly if it is identified to address and prevent future instances.

Every report of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially. All employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about or participated in any investigation or administrative process related to a complaint of workplace bullying, is prohibited.

Disciplinary action, up to and including termination, will be taken against anyone who bullies a co-employee or retaliates against an employee who has reported workplace bullying.

SHS is committed to a workplace environment which fosters mutual respect, integrity, and professional conduct. The School considers workplace bullying unacceptable and it is School policy that all employees should be able to work in an environment free of bullying. The School prohibits workplace bullying by employees, students, or an individual with whom the School has business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors.
Definition of Workplace Bullying

Workplace bullying is conduct with malice that a reasonable person would find hostile, offensive, and unrelated to the School’s legitimate educational, operational and other interests. Workplace bullying may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute workplace bullying, unless especially severe and egregious. While discriminatory harassment may involve bullying, bullying is not limited to conduct against another person because of his or her membership in a protected classification.

Reports of Workplace Bullying

If an employee believes he or she has been subjected to workplace bullying or is aware of conduct towards another employee that is believed to be workplace bullying, the employee may talk to the offending party directly. Sometimes an individual is unaware that his/her conduct is offensive. The offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is offensive and request that it be discontinued immediately.

When the conduct in question continues after the offending person has been informed it is offensive, or if a person does not feel comfortable talking to the offending person directly, the individual who believes this Policy has been violated should make a verbal or written report to his or her supervisor, the Head of School, or any other supervisor, director, or other management employee of the School. Any supervisor, director or other management employee who receives such a report must in turn direct it to the Head of School. In the event that the complaint is against the Head of School, the report must be directed to the Board Chair.

School’s Response to Complaint of Workplace Bullying

After receiving an oral report or written complaint, the School may request clarification and/or conduct an initial inquiry, to determine whether the oral report or written complaint alleges a potential violation of this Policy. To request clarification and/or conduct an initial inquiry, the Head of School, or his or her designee, may meet with the individual(s) who made the report and/or that was reportedly subjected to conduct that violates this Policy.

After the School receives an oral report or written complaint, and any clarification requested, the Head of School or his designee (or if applicable, the Board Chair), will determine the appropriate course of action, which may include initiation of an investigation. During the pendency of any investigation, the Head of School, Director, other appropriate administrator, or Board Chair, may take interim action as appropriate, such as placing the person alleged to have violated this Policy (the “Respondent”) on paid administrative leave or temporarily transferring the Respondent. Generally, no interim action should be taken to change the working conditions of the individual(s) who made the oral report or written complaint and/or that was reportedly
subjected to conduct that violates this Policy, unless that individual voluntarily consents to the temporary change.

**Remedial and Disciplinary Action**

The School will determine if the conduct violates School policy and if so, the appropriate corrective action. Any employee or student determined to have violated this policy will be subject to disciplinary action, up to and including termination or expulsion. Disciplinary action may also be taken against any a supervisor, director or other management employee who condones or ignores potential violations of this Policy, or who otherwise fails to take appropriate action to enforce this Policy. Because an individual with whom the School has business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors are not employees of the School, the School may not be able to take corrective action in the same way or to the same extent that it can with respect to School employees or students. However, the School will make appropriate efforts to take corrective action for violations of this Policy, or if appropriate, to cause others to take corrective action.

**Policy Against Retaliation**

Any adverse conduct taken because an employee has reported or opposed alleged bullying, or has participated in an investigation of alleged bullying, is prohibited. Any actions of retaliation or reprisal will result in appropriate corrective action which may include appropriate disciplinary measures, up to and including termination or expulsion.

**Student Anti-Harassment and Bullying Policies**

Employees must also familiarize themselves and adhere to the separately published Student Anti-Harassment and Bullying Policies, which prohibit harassment and bullying.