

Lewis Center for Educational Research

BP 4319.11 PERSONNEL UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION

Adopted: June 5, 2003

Revised: December 16, 2024

The Lewis Center for Educational Research (“LCER”) is committed to providing employees with a safe and positive environment that is free of unlawful harassment, discrimination, and retaliation. LCER’s policy prohibits unlawful harassment, discrimination and retaliation based upon an employee’s actual or perceived race, color, gender, gender identity, gender expression, sex, sexual orientation, pregnancy, religious creed, marital status, age, national origin or ancestry, physical or mental disability, medical condition, genetic information, military and veteran status, association with a person or group with one or more of these actual or perceived characteristics, or any other consideration made unlawful by federal, state, or local laws. For purposes of this policy, employees include volunteers, job applicants, interns, individuals in apprenticeship programs, and independent contractors.

LCER shall not inquire into any employee’s immigration status nor discriminate against an employee on the basis of immigration status, unless there is a clear and convincing evidence that LCER is required to do so in order to comply with federal immigration law.

Measures to Prevent Unlawful Harassment, Discrimination and Retaliation:

To prevent unlawful harassment, discrimination, and retaliation in LCER employment, the President/Chief Executive Officer (“CEO”) or designee shall implement the following measures:

- Display this policy in a prominent and accessible location at every work site where LCER has employees
- Post up-to-date California Department of Fair Employment and Housing (“DFEH”) posters in conspicuous locations on campus on the prohibition of workplace harassment and discrimination, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950)
- Publicize this policy in a conspicuous location on LCER website
- Provide each employee with a copy of this policy at time of hire and anytime upon request
- Provide each employee with DFEH unlawful harassment, discrimination and retaliation information sheets at time of hire
- A nondiscrimination statement and information about where to find this policy shall be located in LCER Employee Handbook

All supervisors and nonsupervisory employees must undergo harassment, discrimination and retaliation training. Supervisors must complete two hours of training and nonsupervisory employees must complete one hour. Training must take place within six (6) months of hire or promotion, and all employees must be retrained every two (2) years thereafter. Such training will address all federal and state laws on the prohibition against and the prevention and correction of harassment, discrimination and retaliation and the remedies available to the victims. The training will also include how to recognize harassment, how to respond appropriately, LCER’s policies and regulations regarding harassment, and information about the negative effects that abusive conduct has on both the victim of the conduct and others in the workplace.

Prohibited Unlawful Harassment:

Harassment can take many forms. As used in this policy, the terms harassment and discrimination include all unwelcome conduct that comprises:

- Offensive remarks, comments, jokes or slurs regarding any of the actual or perceived characteristics above;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement, or interfering with work because of any of the characteristics above;
- Retaliation for reporting or threatening to report harassment;
- Disparate treatment based on any of the protected classes above;
- Abuse conduct/workplace bullying, includes but is not limited to, 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.

Prohibited Unlawful Sexual Harassment:

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire, when:

- (1) Submission to the conduct is either made explicitly or implicitly a term or condition of an individual's employment;
- (2) An employment decision is based upon an individual's acceptance or rejection of that conduct; and/or
- (3) That conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate in any way against an employee who has articulated in good faith a concern about sexual harassment against him or her or against another individual.

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults; and
- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.

Unwanted sexual advances, propositions or other sexual comments, such as:

- Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience;
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or disparate treatment for rejecting sexual conduct;
- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex.

Sexual or discriminatory displays or publications anywhere at the workplace by employees, such as:

- Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing to work or possessing any such material to read, display or view at work;

- Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
- Displaying signs or other materials purporting to segregate an employee by sex in an area of the workplace (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this policy. Moreover, please note that while in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities. As such, consensual relationships in the workplace may violate LCER policy.

Complaint Procedure:

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute harassment, discrimination, retaliation or other prohibited behavior, immediate action should be taken to address such conduct. Any employee who believes they have been or have witnessed an employee be harassed, discriminated or retaliated against is encouraged to immediately report such harassment to their supervisor or human resources. If the complaint is about the employee's supervisor, they should report directly to human resources. See **Appendix A** for the "Harassment/Discrimination/Retaliation Complaint Form."

When LCER receives allegations of unlawful harassment, discrimination, or retaliation, the President/CEO or designee (or Board President or Human Resources Director, if a complaint is about the President/CEO), will ensure a fair, timely and thorough investigation in accordance with the appropriate LCER Board Policy and Administrative Regulation 1312.1 Community Relations Complaints Concerning Lewis Center Personnel or other applicable Board policy. The investigation will be handled in as confidential a manner as possible, although complete confidentiality cannot be guaranteed. Complainants and witnesses shall not be subject to retaliation for making complaints in good faith or participating in an investigation. LCER is committed to remediating any instances where investigation findings demonstrate unlawful harassment, discrimination, or retaliation has occurred.

**UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY
COMPLAINT FORM**

Your Name: _____ Date: _____

Email Address: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible, i.e., specific statements and conduct; what, if any, physical contact was involved; any verbal statements etc. Attach additional pages, if needed:

I hereby authorize LCER to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Signature of Complainant

Date: _____

Print Name

To be completed by LCER:

Received by: _____

Date: _____

Follow up Meeting with Complainant held on: _____