

AB 500 — SCHOOL POLICIES THAT RELATE TO EMPLOYEE INTERACTIONS WITH STUDENTS

Assembly Bill 500 (AB500), which went into effect in 2018, 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 that include language relating to interactions between students and employees.

PROHIBITION AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

OLP prohibits conduct that violates this Policy. Harassment, discrimination, or retaliation against an applicant, employee, student, contractor, unpaid intern, or volunteer, by an employee, student, or an individual with whom the OLP has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors, on the basis of any protected classification, as defined in this Policy, is strictly prohibited and will not be tolerated. A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Conduct need not be or rise to the level of a violation of law in order to violate this Policy. Similarly, a violation of this Policy does not necessarily qualify as a violation of law and there are many circumstances in which a violation of this Policy would not also constitute a violation of law. 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.

In the event that an employee who experiences or witnesses conduct that is prohibited under this policy or any policy listed within the Employee Handbook, wishes to report a complaint against the Head of School, the report must be directed to the Board Chair. The Board Chair will then take action consistent with the process outlined in the Employee Handbook.

DEFINITIONS

Protected Classifications

This Policy prohibits harassment or discrimination because of an individual's protected classification(s). A "protected classification" includes race, color, religion (including religious beliefs, observance or practice, including religious dress or grooming practices), sex (including gender, gender identity, gender expression, transgender, pregnancy, childbirth, or related medical conditions), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, military and veteran status, marital status, age, medical condition, genetic characteristics or information, and physical or mental disability. However, nothing in this policy prohibits the School from making employment and other decisions in alignment with its Catholic principles, or from hiring members of the Catholic Church in accordance with its mission as a Catholic School sponsored by the CSJ.

Policy Coverage

This Policy prohibits employees, students, or individuals with whom OLP has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors, from harassing or discriminating against applicants, employees, students, contractors, unpaid interns, or volunteers, because of (1) an individual's protected classification; (2) the perception of an individual's protected classification, or (3) the protected classification or perceived

protected classification of a person with whom the individual associates. This Policy also prohibits retaliation as defined below. However, as a religious school, OLP's decisions will be consistent with our religious principles and standards.

Discrimination

Discrimination means treating individuals differently from other similarly situated individuals at OLP, by taking an adverse action against or denying a benefit to that individual, because of the individual's actual or perceived protected classification, or the protected classification or perceived protected classification of a person with whom the individual associates.

Harassment

Harassment means words or conduct undertaken because of an individual's actual or perceived protected classification, or association with an individual who has an actual or perceived protected classification which are both objectively and subjectively offensive to another person.

Harassment is not limited to conduct by OLP employees. Under certain circumstances, harassment can also include conduct by students, or individuals with whom OLP has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors. Harassment may include, but is not limited to, the following types of behavior engaged in because of a person's protected classification:

- 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 not wishing to be or appear insubordinate or to avoid being ostracized.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean the conduct is welcome. Harassment can evolve over time. The fact 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, depending on the circumstances, constitute harassment of another employee or individual who observes the conduct or learns about the conduct later and if it is not explicitly or specifically directed at that 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, excessive attention, endearing nicknames).

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

Retaliation

Retaliation means an adverse action taken because an applicant, employee, student, contractor, unpaid intern, or volunteer has reported harassment or discrimination, or has participated in the complaint and investigation process described herein.

Process for Reporting Harassment, Discrimination, or Retaliation

An applicant, employee, student, contractor, unpaid intern, or volunteer who experiences or witnesses conduct that is prohibited under this policy should be reported immediately as outlined below, so the complaint can be addressed in a timely manner:

1. **Oral Report** – If a person believes this Policy has been violated, he or she should report the conduct to his or her supervisor, the Assistant Head of School, 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.
2. **Written Process** – An individual who believes this policy has been violated may provide a written complaint to his or her supervisor, the Assistant Head of School, 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.

3. **Option to Report to Outside Administrative Agencies** – Applicants, employees, contractors, unpaid interns, or volunteers 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. We note, however, that as a religious non-profit school, OLP is exempt from the Fair Employment and Housing Act (“FEHA”).

School’s Response to Complaint of Harassment, Discrimination or Retaliation

After receiving an oral report or written complaint, or the School otherwise learns of an alleged potential violation of this Policy, the Head of School, Assistant Head of School or their designee 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. In the event, the oral report or written complaint or other information the School otherwise learns of is against the Head of School, Assistant Head of School, or his or her designee may request the clarification and/or conduct an initial inquiry. To request clarification and/or conduct an initial inquiry, the Head of School, Assistant Head of School, or their respective designees may meet with the individual(s) who made the oral report or written complaint and/or that was reportedly subjected to conduct that violates this Policy.

Investigation Procedure

If an oral report or written complaint alleges a potential violation of this Policy, or the School otherwise learns of an alleged potential violation of this Policy, OLP will initiate an investigation. The investigation will be conducted by qualified personnel or a qualified outside investigator as determined in the sole discretion of OLP.

During the pendency of the investigation, the Head of School, Assistant Head of School, other appropriate administrator, 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

Once the investigation is complete, 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.

Please be advised that an employee who engages in unlawful harassment may be personally liable for the harassment, regardless of whether the School knew or should have known of the conduct and/or

failed to take appropriate corrective action. The 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 at the School. Accordingly, to the extent permitted by law, the 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, the Head of School or his or her designee, will notify the individual that was reportedly subjected to conduct that violates this Policy in general terms of the outcome of the investigation.

Confidentiality

The School cannot keep oral reports or written complaints made under this Policy completely confidential due to the need to investigate potential violations of this Policy and take effective remedial action, or to comply with other legal requirements. The School will, however, keep oral reports or written complaints made under this Policy, confidential to the extent possible. The School will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, report internally on an as needed basis, take remedial action, defend the School in administrative or legal 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. Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
- Fully cooperate with the School's investigation of complaints made or other alleged violations under this Policy.

Supervisory Employees

In addition to the responsibilities listed above, supervisors, directors, or any other supervisory or management employees, 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 Head of School.
- Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his or her attention.

- Taking positive steps to protect against retaliation through any action of intimidation, restraint, coercion or discrimination, by any supervisor, director, or any other supervisory, management, or other employee.
- Monitoring the work environment and taking appropriate action to stop potential Policy violations.
- Following up with those who have complained or were reportedly subjected to conduct that violates this Policy, to confirm the conduct complained of has stopped.
- Reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a report has been made or a complaint has been formally submitted.

Mandatory Training

As part of its commitment to having a work environment free from harassment, discrimination, and retaliation, the School requires that all of its employees, receive training on this Policy. The School will schedule training sessions and 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.

STUDENT/EMPLOYEE BOUNDARIES

OLP encourages friendly, supportive relationships between community members, including employees and students. Interactions between employees and students must always be professional and appropriate, whether on campus or away from campus, and employees are responsible for keeping them that way. For purposes of this policy the term “employee” also includes volunteers. This policy is not intended to restrict warm and supportive relationships between employees and students, which are appropriate in an educational environment. Positive and supportive relationships may include strong appreciation, expressions of care such as brief hugs, and appropriate one-on-one support with the knowledge of the School. This policy is intended to prevent employee/student interactions that could lead to, or may be perceived as, as flirtatious, sexually suggestive, unfair, or otherwise inappropriate.

Employees must take care to avoid any conduct that is not a professional or appropriate employee/student interaction or could be perceived as such. Below are the rules employees must follow. These rules are not an exhaustive list of prohibited employee conduct, but rather a general framework for describing inappropriate employee-student interaction.

Appropriate Interactions:

- In general, 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 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, and may not share information for their own personal emotional gratification.
- Employees should consult their supervisor without delay 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 must avoid any sexual or romantic interactions or relationships with students or the appearance of one. Dating or one-on-one social interaction unrelated to school, between an employee and student, are not allowed.

Favoritism or Special Treatment:

Employees are expected to treat students and families fairly, and not to show favoritism or any special treatment. In keeping with this:

- Employees may not buy or give personal gifts to individual students.
- Consistent with this policy, employees are prohibited from performing any outside services, including, but not limited to, tutoring and childcare, to any family of a student in their classes.
- Employees are prohibited from hiring School students to perform personal services for them, such as childcare.

Communication:

- Employee communications with students (e.g., notes, email, texts or other electronic exchanges, or phone calls) must be professional and appropriate in all respects. This means that employee communications must only contain appropriate, school-related content and must take place at times of the day that are appropriate under the circumstances. This also means that employee communications with students must take place using School-owned technology unless prior authorization has been obtained from the School and parents.
- Employees may not make jokes, use slang, or suggestive comments or innuendo of a sexual or discriminatory nature in communicating with students (or at any other time at work).

Meetings 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 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.

Mandatory Reporting:

- If a student shares confidential information that could pose a threat to the student or others, employees have an obligation to notify the Head of School and/or make a report of suspected child abuse or neglect in keeping with the School's child abuse reporting policy and mandated reporting laws.

Drugs and Alcohol:

- 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.

Employees have ultimate responsibility for ensuring they do not break the rules established in this policy, or create the fact or appearance of an inappropriate relationship. Disagreeing with the wording or intent of the established rules does not exempt employees from strictly complying with this policy.

If an employee finds themselves in a difficult situation related to boundaries or has questions related to these protocols and requirements, they should consult the Assistant Head of School or Head of School. If any employee becomes aware of another employee failing to adhere to this policy, that employee must immediately report the matter to the Assistant Head of School or Head of School.

CONTROVERSIAL ISSUES IN CLASSROOM DISCUSSIONS

The school and classrooms ought to be true "market places of ideas" allowing for the discussion of controversial topics in an open and intellectual fashion. The faculty member should avoid taking advantage of his or her position in the classroom by suppressing student views that differ from the teacher's own.

CONFLICTS OF INTEREST

- **Performing Any Paid Work for School Families:** Employees are prohibited from performing any outside services – whether paid or unpaid – for a family of any enrolled student, unless otherwise approved in advance and in writing by the Head of School. Outside services include but are not limited to tutoring, childcare, and individual lessons outside of the School, such as music, art or language lessons.
- **Hiring Current Students to Perform Personal Services:** Employees are prohibited from hiring current students – whether paid or unpaid – to perform personal services, such as babysitting.

- **Violation of School's Policy on Gifts:** Employees must adhere to OLP's Policy on Gift Acceptance. In addition, employees are strictly prohibited from seeking or accepting gifts that are given by students and/or parents in exchange for a specific service that the employee provides within the course and scope of his or her position with OLP. For example, seeking or accepting a gift from a student in exchange for preparing a letter of recommendation is strictly prohibited.

Violation of this policy may result in disciplinary action up to and including termination.

GIFT ACCEPTANCE

From time to time, students, parents, and individuals or companies with whom OLP does business, give gifts to employees to express appreciation and thanks. The purpose of this policy is to safeguard against an exchange of gifts that may result in employees extending preferential treatment or the appearance of preferential treatment, resulting from an exchange of gifts and to set restrictions on the gifts employees are permitted to accept from students, parents, and individuals or companies with whom the School does business. The School employees may only accept gifts from students, parents, and individuals or companies with whom the School does business, that meet the requirements set forth below:

- Employees may not solicit any gifts from students, parents or individuals or companies with whom the School does business.
- Employees may accept gifts, gift cards, or tickets that have a value of \$200 or less.
- Employees may accept a gift, gift card, or tickets of \$200 or less, and if it is a collective gift and each individual's contribution is \$200 or less (i.e. a class gift from all students) on the following conditions: the employee notifies the Head of School in writing within two (2) school days after receiving the gift. This limitation does not apply to class gifts that are submitted directly to the School by parents, and are issued by the School to individual employees.
- Employees may accept a gift basket given to an entire office or group of employees if the value of the gift basket is less than \$300.
- Employees may not solicit or accept any gifts from prospective students or their parents or from individuals who have applied for employment at the School or from individuals or companies that are seeking to do business with the School.

SOCIAL MEDIA

Do Not "Friend" Or Interact with Students Through Social Media Outside the School

School employees shall not communicate or interact with the School's current students via Social Networking Sites, other than as authorized for curricular purposes and through official School sites. This restriction applies to former students, until the former student reaches the age of 18.

All School employees should use extreme caution if connecting with current parents via Social Networking Sites, other than as authorized and through official School sites.

All School employees should exercise good judgment and professional discretion when communicating on Social Networking Sites with alumni over the age of 18 and/or their parents. Avoiding Social Networking Tools and similar sites help to: (1) control access to and the exchange of personal information; (2) avoid questions about the nature and propriety of the relationships; and (3) maintain the professionalism of faculty with each parent, which ultimately benefits the students.

Unfriending and Saying 'No'

OLP employees may rely on this Policy as justification for unfriending any individual that falls within the scope of this Policy.

DISCIPLINE PHILOSOPHY, RULES OF CONDUCT AND THEIR ENFORCEMENT

Rules of Conduct

Although it is not possible to provide an exhaustive list of all types of impermissible conduct and performance, some examples are listed below:

- A. Harassing, bullying, threatening, intimidating or coercing an employee, volunteer, student, faculty member, staff member, or visitor.
