

Policy Against Unlawful Harassment & Discrimination

The Webb Schools are committed to providing an environment that is free from discrimination and harassment and maintain a strict policy prohibiting all forms of unlawful harassment, including sexual harassment and discrimination based on protected classifications.

Policy

The 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 based on 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 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 if any conduct may violate this Policy, do not engage in the conduct, and seek guidance from Human Resources.

Definitions

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, and bisexuality), national origin, ancestry, citizenship status, military or veteran 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 based on 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 based on 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 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.

1. 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.

2. 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 senior administrator and human resources. Any supervisory or management employee who receives such a report must in turn direct it to the Head of Schools, or the Assistant Head of Schools. The Head of Schools, or the Assistant Head of Schools along with Human Resources, will determine what level of investigation and response is necessary. If the complaint is against the Head of Schools, 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.
3. Written Process – An individual who believes this policy has been violated may provide a written complaint to a direct supervisor/director or senior administrator who in turn must direct the complaint to the Head of Schools and Human Resources, or if the complaint is against the Head of Schools, to the Board Chair.
4. 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 the 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 Schools or designee, 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 requests a 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 an impartial and timely manner. The School will document and track the investigation for reasonable progress and timely closures. The investigation will normally include interviews with the reporting individual or Complainant, 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 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 and a summary of the factual allegations that support the Policy violation. Once the information gathering process is completed, the investigator will prepare an investigative report containing the investigator's findings of fact. The report will be shared with the Head of Schools and other School administrators who have a need to know the outcome. The results of the investigation will be communicated, as appropriate, to the Complainant, to the Respondent, and to any other person directly concerned who the school determines should receive such information.

Remedial and Disciplinary Action

Once the investigation is complete, the 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, the 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 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. 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. After the investigation, the Head of Schools or designee, 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. The 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

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 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 witnesses 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 the 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 Head of Schools and Director of Human Resources. If the complaint is against the Head of Schools, take the complaint to 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

Pursuant to applicable law and as part of its commitment to ensuring a work environment free from harassment, discrimination, and retaliation, the School requires that all its employees receive training on this policy at least once every two years. The School will schedule training, so employees are able to complete the mandatory training. Attendance at the training will be documented.