



SERENDIPITY CENTER, INC. POLICY AND PROCEDURE

SUBJECT: Prohibition of Sexual Harassment

EFFECTIVE: December 15, 2021

PURPOSE

The purpose of this policy is to ensure that Serendipity is creating and maintaining a safe and respectful learning and working environment free from harassment and discrimination. By defining and prohibiting sexual harassment, Serendipity Center establishes a clear process for reporting and investigating complaints, and outlines the consequences for violations in order to ensure fair treatment and prevent retaliation for those who report incidents.

EMPLOYEE POLICY

As our policies and practices reinforce, Serendipity is committed to a school climate in which relationships are characterized by dignity, respect, courtesy and equitable treatment. Serendipity does not tolerate unlawful discrimination, harassment, or retaliation on the basis of race, color, religion, national origin, ancestry, sex, gender, gender identity, sexual orientation, marital status, family relationship, pregnancy, age, disability, use of a protected service animal, genetic information, military or veteran status, status as a domestic-violence victim, use of the workers' compensation system or protected medical leave, protected activity, or any other category protected by federal, state or local laws.

This policy applies to all conduct on Serendipity's property or premises, occurring while conducting business related to Serendipity or while representing Serendipity at off-campus events, or conduct that Serendipity determines, in its discretion, relates or has a connection to its work environment. Violation of this policy may lead to discipline, up to and including termination.

What is Discrimination?

Discrimination is the taking of an adverse employment action against a person because that person is a member of a protected class, or associates with someone in a protected class. Some examples of adverse actions are failure to hire, decrease in compensation, adverse change in benefits, demotion, disciplinary action and termination.

What Is Harassment?

Harassment is verbal or physical conduct or visual displays that denigrate or show hostility or aversion toward a person or group because of a protected class. This may include behavior such as:

- name-calling
- slurs
- stereotyping
- threatening, intimidating, or hostile acts that relate to a protected class
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of a protected class
- Harassment can include electronic forms of communications, including text messages, emails, tweets, posts, snapchats or voice mails.

Behavior creates a hostile work environment when (a) it is unwelcome, and (b) it is so severe or pervasive that it either affects a person's ability to function effectively in the workplace or denies someone the benefits of the workplace.

Serendipity prohibits all harassing behavior, even if it does not rise to the level of creating a hostile environment.

What is Sexual Harassment?

Sexual harassment is harassment based on sex. Sexual harassment includes a demand or request for sexual favors in exchange for benefits; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with an employee's ability to perform the job or that creates an intimidating, offensive or hostile work environment; and/or assault when sexual contact occurs without an employee's consent because the employee is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment may include but is not limited to:

- unwanted sexual advances, flirtations, or propositions;
- demands for sexual favors in exchange for favorable treatment, continued employment, or other benefits;
- sexual jokes;

- verbal abuse of a sexual nature;
- verbal commentary about an individual's body, sexual prowess, or sexual deficiency;
- leering, whistling, touching, or physical assault;
- sexually suggestive, insulting, or obscene comments or gestures;
- display in the workplace of sexually suggestive objects or pictures;
- sending or forwarding emails of an offensive or graphic sexual nature; and
- discriminatory treatment based on sex.

What is Sexual Assault?

Sexual assault is strictly prohibited and is defined as: unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

What is Retaliation?

Retaliation is the treatment of a person less favorably because the person exercised a legal right, made a good-faith complaint about unlawful conduct (such as prohibited discrimination, harassment, sexual harassment, or retaliation), or participated in an investigation about unlawful conduct.

Reporting Discrimination, Harassment, Sexual Assault, or Retaliation and Related Processes

If an employee believes that they have been subjected to or learns of discrimination, harassment, sexual harassment or assault, or retaliation, the employee should immediately report the complaint to the compliance manager, or the executive director, either verbally or in writing. Employees may report to any of the persons listed, regardless of any particular chain of command. All employees are encouraged to document and report any incidents involving discrimination, harassment, sexual harassment, and sexual assault as soon as possible.

All complaints will be responded to thoroughly and impartially, including conducting an investigation when appropriate. Serendipity will keep information as confidential as possible but cannot guarantee complete confidentiality. Additionally, individuals whose conduct is found to violate these policies may be reported to the Teacher Standards and Practices Commission, the Oregon Department of Education, or other authorities as determined appropriate by the school or required by law.

Appropriate disciplinary action up to and including termination and/or corrective action will be taken if the report is substantiated in order to address the behavior, promote a non-hostile working environment, and prevent harassment from recurring. Managers and supervisors who fail to report known harassment, or fail to take prompt, appropriate corrective action, are likewise subject to disciplinary action, including potential dismissal.

When sexual harassment is reported, Serendipity will take any action necessary to ensure the reporting employee is protected and to promote a nonhostile work environment, including providing support measures for the reporting employee and taking any actions that are necessary to remove future impact on the reporting employee, but that are not retaliatory to the reporting employee or the person who is the potential subject of the sexual harassment.

All complaints of sexual harassment shall be investigated.

The person who initiates a complaint shall be notified when the investigation is initiated and concluded and be notified as to whether a violation of the policy was found to have occurred, to the extent that information is allowed to be disclosed under state and federal laws.

When an employee files a complaint of sexual harassment, the employee will receive a written notification that informs them of (1) their rights under this policy, (2) information about the complaint process as outlined in this handbook and other school procedures, (3) that civil and criminal remedies that are not provided by the school may be available through the legal system and those remedies may be subject to various statutes of limitation, (4) school services available to support the employee, (5) the privacy rights available to the employee and limits to such rights, (5) contact information for community-based services available for individuals who have experienced sexual harassment, and (6) notice that students who report information about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the school's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Prohibition on Retaliation

Serendipity strongly prohibits retaliation against anyone who, in good faith, makes a report under this policy and/or participates in an investigation. No one will be retaliated against for reporting conduct believed to be in violation of Serendipity's policies. The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate the policy may not adversely affect any terms or conditions of employment or of the work environment of the person who initiated the complaint or who participated in any investigation. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including dismissal.

Anyone with questions about this policy should contact the compliance manager at:

kristinh@serendipitycenter.org

STUDENT POLICY

What is sexual harassment?

Sexual harassment is harassment based on sex. Sexual harassment includes a demand or request for sexual favors in exchange for benefits; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or that creates an intimidating, offensive or hostile educational environment; and/or assault when sexual contact occurs without a student's consent because the student is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

Sexual harassment may include but is not limited to:

- unwanted sexual advances, flirtations, or propositions;
- demands for sexual favors in exchange for favorable treatment, or other benefits;
- sexual jokes;
- verbal abuse of a sexual nature;
- verbal commentary about an individual's body, sexual prowess, or sexual deficiency;
- leering, whistling, touching, or physical assault;
- sexually suggestive, insulting, or obscene comments or gestures;
- display of sexually suggestive objects or pictures;
- sending or forwarding emails of an offensive or graphic sexual nature; and
- discriminatory treatment based on sex.

Serendipity Center prohibits all forms of sexual harassment. All complaints of sexual harassment will be investigated.

What should I do if I have a concern about or have heard a rumor of sexual harassment?

Any student, parent, or volunteer with a concern about sexual harassment should immediately report the concern to the principal. Serendipity takes all such reports extremely seriously and will initiate an investigation. This applies to "rumors" as well; rumors of sexual harassment should be reported so that Serendipity can initiate an investigation.

All Serendipity employees and volunteers must immediately report concerns about or rumors of sexual harassment to the compliance manager. If the conduct rises to the level of child abuse, the employee is also required to report in accordance with the Child Abuse Reporter requirements.

If you are a student and you believe you are a victim of sexual harassment or have a concern about sexual harassment, you should report and seek help immediately. Students should report to the principal or their clinical case manager. Serendipity will keep the information confidential to the greatest extent permitted by the law.

Serendipity also prohibits sexual harassment by students or employees against third parties, including persons who are on or immediately adjacent to the Serendipity campus or at any school sponsored event, or third parties who are off school or district property, if a student or employee acts toward the person in a manner that creates a hostile environment for the person while at school or a school-sponsored or district-sponsored activity or program. Sexual harassment of third parties is defined as a demand or request for sexual favors in exchange for benefits; unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that creates an intimidating, offensive or hostile environment; and assault when sexual contact occurs without a person's consent because the person is under the influence of drugs or alcohol, is unconscious, or is pressured through physical force, coercion, or explicit or implied threats.

What will happen after a report of sexual harassment?

When sexual harassment of a student is reported, Serendipity will take any action necessary to ensure the reporting person is protected and to promote a non-hostile environment, including providing support measures for the reporting person and taking any actions that are necessary to remove future impact on the reporting person, but that are not retaliatory to the reporting person or the person who is the potential subject of the sexual harassment. The person who initiates a complaint, and, if applicable, the student's parents, shall be notified when the investigation is initiated and concluded, and be notified as to whether a violation of the policy was found to have occurred, to the extent that information is allowed to be disclosed under state and federal laws.

When a student or parent files a complaint of sexual harassment, the student and parent will receive a written notification that informs them of (1) their rights under this policy, (2) information about the complaint process as outlined in this Handbook and other school procedures, (3) that civil and criminal remedies that are not provided by the school may be available through the legal system and those remedies may be subject to various statutes of limitation, (4) school services available to support the student, (5) the privacy rights available to the student and limits to such rights, (5) contact information for community-based services available for individuals who have experienced sexual harassment; and (6) notice that students who report information about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the school's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

In the event of reports of sexual harassment against a third party as described above by a Serendipity employee or student, Serendipity will take appropriate efforts to ensure the third person who was subjected to the behavior is protected and to promote a non-hostile environment including providing information about appropriate support resources and taking any actions that are necessary to remove future impact on the reporting person, but that are not retaliatory to the reporting person or the person who is the potential subject of the sexual harassment.

Serendipity strictly prohibits any retaliation against anyone making a report of sexual harassment and will follow up immediately on any concerns of retaliation. The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate the policy may not adversely affect the educational assignments or any terms or conditions of employment or of work or educational environment of the person who initiated the complaint or who participated in the investigation.

If a student knowingly makes a false report of sexual harassment, that student will be subject to disciplinary action up to and including expulsion. Please note that a report of sexual harassment is not considered “false” simply because the allegation is not proven.

Anyone with questions about this policy should contact the compliance manager at:
info@serendipitycenter.org

or by mail at:

Serendipity Center
Attn: Compliance Manager
P.O. Box 33350
Portland, OR 97292