

Sexual Harassment Policy

Sexual Harassment Policy and Procedures (rev. Oct 2020)

Objective

The objective of The Pilates Center in implementing and enforcing this policy is to define workplace and teacher training program sexual harassment, prohibit it in all forms, carry out appropriate disciplinary measures in the case of violations, and provide procedures for lodging complaints about conduct that violates this policy and investigating sexual harassment claims.

Scope

This policy applies to all employees and students of The Pilates Center. All workers, including supervisors, managers and students, will be subject to discipline, up to and including discharge, for any act of sexual harassment they commit.

Defining Sexual Harassment

"Sexual harassment" is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: a) quid pro quo and 2) hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees and students are prohibited from harassing other employees and students whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

Examples of prohibited conduct

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- 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 employee's body or poking another employee or student's body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee or student for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee or student to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee or student's sex.
- Sexual or discriminatory displays or publications anywhere in The Pilates Center's workplace and training program by the The Pilates Center employees.
- Retaliation for sexual harassment complaints.

Responding to Conduct in Violation of Policy



Employees and Students

If an employee or student believes that he or she has been subject to sexual harassment or any unwelcome sexual attention, he or she may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, or if the employee/students is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to the Director of Education or Owners of TPC. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of sexual harassment or inappropriate sexual conduct to the Director of Education or Owners of TPC as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers

Managers must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or inappropriate sexually oriented conduct is immediately reported to the Owners of TPC so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

Studio Manager

The Studio Manager is responsible for:

1. Ensuring that both the individual filing the complaint (hereafter referred to as the "complainant") and the accused individual (hereafter referred to as the "respondent") are aware of the seriousness of a sexual harassment complaint.
2. Explaining The Pilates Center's sexual harassment policy and investigation procedures to the complainant and the respondent.
3. Exploring informal means of resolving sexual harassment complaints.
4. Notifying the police if criminal activities are alleged.
5. Arranging for an investigation of the alleged harassment and the preparation of a written report.
6. Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
7. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

Complaint Resolution Procedures

Individuals should report complaints of conduct believed to violate The Pilates Center's sexual harassment policy according to the policy's complaint procedures. To initiate a formal investigation into an alleged violation of this policy, employees and students may be asked to provide a written statement about the alleged misconduct to the Director of Education or Owners of TPC. Complaints should be submitted as soon as possible after an incident has occurred. The Studio Manager may assist the complainant in completing the statement.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

1. The name, department and position of the person or persons allegedly causing the harassment.
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
3. The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or

conditions of his or her employment or the effects of the incidents on the complainant's ability to study at the school.

4. The names of other individuals who might have been subject to the same or similar harassment.
5. What, if any, steps the complainant has taken to try to stop the harassment.
6. Any other information the complainant believes to be relevant to the harassment complaint.

Discipline

Employees or students who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment or enrollment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

Confidentiality

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses. The Studio Manager takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained by the Studio Manager in secure files. The Studio Manager can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

Other Available Procedures

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.

Administration

This policy will be administered through The Pilates Center's Studio Manager.

If you are not satisfied with anyone at the school, contact the Pilates School Approval Program; Tel: +1 305-573-4946 Ext. 202, PSAP@pilatesmethodalliance.org.

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