

ANA REPORTING PROTOCOL

ANA believes any violation of this Policy is a serious matter requiring immediate attention and a thorough investigation as it is a threat to the safety and well-being of a member of our ANA community, as well as being antagonistic to our core values. *Cadets* are **strongly encouraged** to report such violations. *ANA employees, volunteers, and employees of contracted service providers* are **required** to do so under this Policy **and** if necessary, as a mandatory reporter as discussed in detail below.

Cadets, Parents/Guardians, and Other Concerned Non-ANA Employees Reporting Protocol

Cadets, parents/guardians, and any other concerned individuals not working for ANA who are aware of a violation or suspected violation of this Policy should tell **any** member of the ANA faculty or staff with whom they are comfortable speaking about the suspected violation. ANA encourages reporting incidents of harassment as soon as possible; however, there is no time limit on when such a report may be made. The faculty or staff member who is informed about an alleged violation is obligated to report the suspected violation to the appropriate ANA administrator, as designated in this Policy (see below), for investigation.

If for any reason, a Cadet, parent/guardian, and any other concerned individual who does not work at ANA is uncomfortable reporting the violation to an ANA faculty or staff member or a member of the ANA administration, he or she may instead report directly to one of the following individuals:

- Chairman of the Board of Trustees: Barry Shreiar (949) 933-5917, barryshreiar@cox.net
- Legal Counsel: Jack M. Sleeth, Jr., or Jeanne Blumenfeld (619) 232-3122, jsleeth@as7law.com or jblumenfeld@as7law.com.

Finally, should any ANA Cadet, their parent/guardian, or other concerned individual who does not work at ANA wish to report a violation of the ANA policy anonymously, he or she may do so. Regardless of how a violation is reported, it will be addressed and investigation to the extent possible given the limitations inherent in investigation anonymous reports. An anonymous reporter may decide to reveal his or her identity at any later time which will greatly increase ANA's ability to deal effectively with the reported violation.

ANA Employee, Volunteer, and Employee of Contracted Service Providers Protocol

This section applies to Policy violations that do not rise to the level of abuse or neglect under the mandatory reporting laws discussed below. Promptly upon learning of a possible violation of the Policy, whether as a victim, witness, or recipient of such information from someone else, ANA employees, volunteers, and employees of contracted service providers **must** report the possible violation to one of the following people: (1) Athletic Director, (2) Director of Counseling, (3) Commandant, (4) Dean of Academics, (5) Director of Human Resources, (6) Chief of Staff, or (7) President.

Any employee, volunteer, or employee of a contracted service provider who is uncomfortable reporting the violation to one of the above-denominated individuals should contact one of the following to make such a report:

- Chairman of the Board of Trustees: Barry Shreiar (949) 933-5917, barryshreiar@cox.net
- Legal Counsel: Jack M. Sleeth, Jr., or Jeanne Blumenfeld (619) 232-3122, jsleeth@as7law.com or jblumenfeld@as7law.com.

All ANA employees, volunteers, and employees of contracted service providers who have reason to suspect that a violation has or may have occurred are under an obligation to **promptly** report this information or suspicion to the indicated persons set forth above in this Policy. A “reason to suspect may be predicated upon being told directly *or indirectly* that a violation has occurred, overhearing talk that a violation has occurred, or observing behavior which gives rise to a suspicion that a violation has occurred, or observing behavior which gives rise to a suspicion that a violation has occurred. The obligation to report is **mandatory** regardless of whether the alleged violation involves another ANA employee, volunteer, an employee of a contracted service provider, or a Cadet, as the victim or the offender. When in doubt of whether you have sufficient reason to suspect a violation has or may have occurred, always err on the side of caution b reporting what you know or suspect.

Special Reporting Requirements for Reports of Sexual Abuse/Assault

In cases of sexual abuse/assault, due to the heightened seriousness of such allegations, reports must be made by ANA employees, volunteers, and employees of contracted service providers **immediately** upon coming into the possession of the information that such an act has or may have occurred and such reports should be made directly to one of the following people:

1. President
2. Chief of Staff
3. Director of Human Resources
4. Commandant
5. Dean of Academics

If the Chief of Staff or the President is the subject of the report, the matter should be brought directly to the attention of the Chairman of the Board of Trustees. This internal reporting requirement is **in addition** to the legally required mandatory reporting discussed below.

Protection of Reporter’s Identity

In some cases, it is not possible to protect that identity of the person reporting. Investigation of a complaint will be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process. ANA will protect the identity of any reporter to the maximum extent possible.

The reporter's identity and the information he or she reports will only be shared with those necessary in ANA's judgment and discretion to appropriately address the situation. Retaliation of any kind against a person or persons who have made such a report will not be tolerated and will subject anyone who engages in it to disciplinary action which may include expulsion or termination (see, "Retaliation Prohibited" below).

MANDATORY REPORTING TO THE CALIFORNIA STATE HOTLINE

Under Section 11164-11174.3 of the California Penal Code, ("CPC") all school officials, including, but not limited to, teachers, administrators, guidance counselors, Residential Life Officers, and health care professionals are "*mandated reporters*" and have an affirmative duty to report when they have "*reasonable cause to suspect*" that a child under 18 has been abused or neglected and such information has come to the school official's attention in the course of his or her official or professional capacity or within the scope of his or her employment.

"*Mandated reporters*," as defined above, must call child protective services ("CPS") at 1-800-344-6000 or 858-560-2191, or any police department or sheriff's department upon having such "*reasonable suspicion*." This is the **personal** duty of the person who has such reasonable suspicion and is not satisfied by telling a supervisor at ANA. Consulting with a supervisor at ANA before making such a call however, is allowable, and indeed advisable, but the consent or approval of such supervisor is **never** a requirement for making a call to the appropriate authorities.

This reporting duty applies to knowledge obtained during the course of any out-of-school activity, as well as when on Academy premises, and indeed to any knowledge of abuse or maltreatment of a child "coming before them in their official or professional capacity" at any time or place. Thus, even if an ANA employee learns of reportable abuse or maltreatment while on a retreat or a school trip, or anywhere else outside of the Academy, a report must be made to the appropriate authorities.

ANA employees are reminded that the ANA administrators are always available to discuss such situations, offer advice and support, and be present should a call need to be made. Oral reports must be made immediately or as soon as practicable by telephone and must be followed up within 36 hours of receiving the information concerning the incident with a written report using a form which can be obtained from the school counselors' office, the Red Crisis Response Book, Addendum 3, in the Operations Office; and at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf. This report must be made even if the child is **over 18** at the time the requisite knowledge or reasonable suspicion of the abuse suspected of occurring is obtained if the abuse suspected occurred when the child was less than 18.

Penalties for failure to report: Failure of a mandated reporter to report a suspected case of child abuse or neglect is a misdemeanor punishable by up to six months in jail and/or a fine of \$1000. In addition, it is a violation of ANA policy and is therefore an offense for which an employee may be terminated.

Immunity from liability for Mandated Reporters: Under Section 11164-11174.3 of the California Penal Code, any school employee who in good faith makes a report to CPS or a law

enforcement agency pursuant to his or her duty to do so under this statute, has immunity from liability, civil or criminal, which might otherwise result by reason of such action unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report.

AMNESTY PROVISION

The health and safety of ANA Cadets is the Academy's paramount concern. To minimize any hesitation a Cadet may have to report a violation of the Anti-Harassment Policy that would involve revealing the Cadet's alcohol use, while not overlooking a violation of its alcohol policy, the Academy will place great weight on the positive impact of reporting an incident in deciding if any action is appropriate for the reporter's breach of the alcohol policy.

RETALIATION PROHIBITED

Retaliation against anyone who in good faith reports a violation or suspected violation of this Policy, or who participates in the investigation of a complaint, is strictly prohibited. Any person who engages in such retaliation will be subject to disciplinary action including expulsion, if a Cadet, or termination, if an ANA employee, volunteer, or an employee of a contracted service provider. Prohibited "retaliation" includes, but is not limited to: threats, intimidation, harassment, any other adverse action threatened, expressly or impliedly, or taken against anyone who reports a violation or suspected violation of this Policy or who participates in an investigation of a complaint. Anyone who either observes or becomes aware of such retaliatory behavior is strongly encouraged to report it to the Academy. All ANA employees, volunteers, and employees of contracted service providers are **required** to do so.

KNOWING FALSE REPORTS PROHIBITED

ANA considers any allegation of harassment to be a serious matter. Therefore, if it is determined at the conclusion of an investigation that a reported violation was *intentionally* falsely made or that false information was *knowingly* provided regarding the complaint, ANA will take disciplinary action against such individual.

INVESTIGATION OF REPORTED INCIDENTS

After a report is made, ANA will direct that an investigation be conducted by appropriate individuals who will be selected based upon the nature of the report and the individuals involved. This investigation may be conducted by ANA personnel, by counsel, or by an outside investigator, depending on the facts and circumstances of the report. ANA recognizes that reporting a violation of this Policy will often involve discussing matters of a sensitive nature. Therefore, ANA, its counsel, and any outside investigator it retains will bear this in mind and use the utmost discretion when conducting the investigation in order to minimize the chances that information about the matter will become known by unnecessary individuals.

As part of any investigation conducted pursuant to this Policy, the reporter, the alleged victim (should that be someone other than the reporter), and the alleged offender will be interviewed

separately about the reported facts. They will be advised of the prohibition against retaliation for making such a report and/or cooperating with an investigation. Furthermore, others who may have relevant knowledge may also be questioned, and they too will be reminded of ANA's anti-retaliation policy and the need for discretion. Given the fact that these investigations help to preserve the safety of our community, ANA expects all members of the community to cooperate in an investigation if requested to do so. All ANA employees, volunteers, and employees of contracted service providers are under a **duty** to cooperate. ANA will try to be as discrete as possible during the investigation and *confidentiality will be maintained to the extent possible* given the facts and circumstances of the complaint and the need to do a fair and thorough investigation.

Nothing in this Policy is intended to limit the options of any person who believes that he or she has been subject to criminal behavior, unlawful harassment, or discrimination. Such a person may at any time in addition to participating in the ANA Policy procedures pursue his or her rights with an outside agency, governmental entity, or legal counsel.

At the conclusion of the investigation, and after the decision regarding what, if any, disciplinary or remedial action is to be taken has been made, the alleged victim and alleged offender will be informed about the disposition of the matter. If either party is dissatisfied with the outcome, remedy may be sought by contacting the President. Communication of any information regarding the matter to other members of the ANA community, whether that be faculty, staff, the student body, or parents/guardians, will be decided on a case-by-case basis with all due consideration being given to issues of privacy, confidentiality, and the emotional and physical well-being of all those involved.

Disciplinary decisions will be based on the facts and circumstances of each case and will take into account the offender's prior conduct and the wishes of the victim, although the latter will not be controlling as ANA must act in the interest of protecting the entire Academy community as well as the victim. In addition to being disciplined for engaging in an act of prohibited harassment or retaliation, ANA employees may also be disciplined for not following all aspects of this Policy, including but not limited to, the reporting protocols.

Possible disciplinary outcomes for **Cadets** include, but are not limited to: a verbal warning, counseling, demerits, detention, restriction, suspension, expulsion and dismissal. Possible disciplinary outcomes for **employees** include, but are not limited to: warnings, counseling, reprimand, suspension, termination, or legal action.

In addition to disciplinary action with regard to the accused, ANA will consider what, if any, remedial actions should be taken with regard to the Academy as a whole to prevent similar offenses from occurring in the future.

ANA will keep records of all such investigations and such records will include, but not be limited to, information about the allegation as gathered from the reporter, the alleged victim, the person accused, and others interviewed. In addition, the decision reached regarding appropriate disciplinary action and any other relevant follow-up action engaged in by the Academy will be documented. These records will be maintained in accordance with ANA Document Retention

Policy. Documentation of harassment investigations is necessary to provide an accurate record regarding the reported violation and how it was handled, one that does not have to rely on the recollections of people whose memories may become inaccurate over the passage of time.