



CHAVEZ  

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SCHOOLS

# **Employee Policies**

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## **2019-2020**

## **NON-DISCRIMINATION, HARASSMENT AND RETALIATION (TITLE IX)**

Chavez policy and federal law, including Title IX of the Education Amendments of 1972, prohibit discrimination and harassment.

### ***Non-Discrimination, Harassment and Retaliation Policy***

Chavez is committed to creating and maintaining an environment free of discrimination. In support of this commitment, Chavez prohibits discrimination, including harassment and retaliation, based on a protected classification, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information. Chavez encourages anyone who believes he/she/they has been the subject of discrimination to report the matter immediately as described in the section below, "Reporting Discrimination, Harassment, or Retaliation." All members of the Chavez community are responsible for participating in creating a campus environment free from all forms of prohibited discrimination and for cooperating with School officials who investigate allegations of policy violations.

Chavez is committed to fostering an atmosphere in which all individuals are treated with respect and dignity. Each member of the Chavez community has the right to work in a professional environment that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including sexual harassment. It is therefore the policy of Chavez to maintain a working environment free from sexual, racial, age-based, religious, ethnic, disability, sexual orientation, and any other form of harassment of any Chavez. Harassment in any manner or form is expressly prohibited.

There will be no retaliation against an individual who has in good faith complained about or reported alleged harassment or who has cooperated with an investigation of alleged harassment.

This policy applies to all employees, volunteers, Board members, contract workers, and all applicants

### ***Harassment Defined***

Harassment is unwelcome verbal or physical conduct based on an individual's race, color, ethnicity, religion, sex, gender, gender identity and expression, sexual orientation, national origin, disability, age, marital status, veteran status, pregnancy, parenthood, genetic information or any other basis protected by federal, state or local law. Harassment in employment may take many different forms.

For purposes of this policy, harassment also includes the following types of sexual harassment:

*Hostile Environment Harassment:* Hostile environment sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Also, non-sexual conduct that is unwelcome and offensive and which is directed at an individual because of the individual's gender may create a hostile environment. Racial, age-based, religious, ethnic, disability, sexual orientation, and other forbidden forms of harassment may occur when there is conduct which is motivated by or relates to an individual's race, age, religion, ethnicity, disability, sexual orientation, or other legally protected characteristics. In all such cases, hostile environment harassment occurs when such conduct is sufficiently severe or pervasive to and does: (1) unreasonably interfere with an individual's work performance, or (2) create an intimidating, hostile or offensive work environment.

*"Quid Pro Quo" Sexual Harassment:* "Quid Pro Quo" sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- (1) submission to such conduct is an explicit or implicit condition of employment; or
- (2) submission to or rejection of such conduct is used as the basis for employment decisions.

## **EQUAL OPPORTUNITY IN HIRING AND EMPLOYMENT**

Chavez is an equal opportunity employer. Chavez shall not discriminate because of race, color, age, sex, marital status, veteran status, sexual orientation, disability, national origin or ancestry, religion or any other protected status under District of Columbia and/or Federal Law. Chavez shall comply with the applicable provisions of the Americans with Disabilities Act of 1990 and shall attempt to accommodate qualified individuals with disabilities.

Chavez prohibits discrimination against individuals with disabilities and will reasonably accommodate applicants with a disability, upon request, and will also ensure reasonable accommodation for employees with a disability. Under this policy, equal employment opportunity is required in recruitment, hiring, training and development, promotion, termination, compensation, benefits, and all other terms, conditions, and privileges of employment as required by applicable law.

## **ALCOHOL AND DRUG-FREE WORKPLACE**

Chavez has an obligation, as required by the Drug Free Workplace Act of 1988, to provide an environment that is free of illegal drugs and alcohol. Illegal drug use and alcohol abuse compromises employee productivity, threatens the quality of our services, and invites the risk of injury or damage to Chavez's property, employees, and students. Possessing, consuming, manufacturing, attempting to sell, or distribute illegal drugs, as well as being under the influence of an illegal controlled substance or alcohol during work hours, or on Chavez's premises or while conducting Chavez' business off premises is strictly prohibited.

Such conduct and/or use of illegal drugs or controlled substances is also prohibited during nonworking time to the extent that it, in the opinion of the management of Chavez (1) impairs the employee's ability to perform his or her job; (2) affects Chavez' reputation or threatens its integrity; and (3) jeopardizes the employee and/or others in the workplace. Reporting to work while under the influence of illegal drugs, controlled substances, or alcohol is prohibited.

It is important to note that federal law and School policy continue to treat marijuana and cannabis as illegal and prohibited despite changes in some state laws. Federal laws that prohibit any use of marijuana and other cannabis products, including medical use, have not changed and take precedence over laws in States that have chosen to legalize either medical or recreational use of marijuana or other cannabis products. In addition, Chavez receives federal funding and as such must abide by additional regulations requiring that recipients prohibit use or possession of drugs in the workplace. Finally, note that if an illegal drug is legalized even at the federal level and even for medical use, Chavez will still continue to prohibit its use or possession at work—or reporting to work under its influence—as is the case with alcohol.

Chavez reserves the right to require an employee to submit to drug and alcohol screening based upon reasonable suspicion. Refusing to submit to the test will be considered grounds for immediate termination. Employees are expected to remain responsible, professional, and sober at all times. Consumption of alcohol on a Chavez field trip or at any time when students are present and/or under Chavez's care is prohibited.

Desks, storage areas, work areas, lockers, and file cabinets are Chavez's property and must be maintained. All such areas must be kept clean and are to be used only for work purposes. Chavez reserves the right, at all times, and without prior notice, to inspect any and all property for the purpose of determining if this policy or any other Chavez policy has been violated. Such inspections may be conducted during or after business hours and in the presence or absence of the employee. All containers, including but not limited to bags, boxes, purses, briefcases, lunch containers, etc. brought on to Chavez premises are subject to Chavez's inspection at any time a Chavez representative has a reasonable suspicion that this policy has been violated and such inspection is reasonably necessary in the investigation of such violation(s).

Employees who are convicted of offenses involving controlled substances or alcohol (including DUI) must inform Human Resources within five (5) days of the conviction or plea.

Violations of this policy may result in disciplinary action, up to and including termination. However, this policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to safely perform their expected duties. Employees must also promptly disclose any work restrictions to their immediate supervisor. Employees are not required to disclose to Chavez underlying medical conditions, unless directed to do so by Human Resources.

## COMPLAINT PROCESS-GENERAL

Chavez takes measures to maintain a harmonious environment. **Chavez expressly prohibits any form of unlawful employee harassment, retaliation, discrimination, or inharmonious behavior as covered by the policies set forth in the "General Employment Policies" section of this manual.** It is incumbent upon every employee to abide by such environmental policies. Any employee who feels that the conduct of management or another employee is inappropriate or not in compliance with set policies is obligated to report their complaint in writing to their immediate supervisor. If the complaint is against the immediate supervisor, the employee should share their concerns with the next level of management or go to Human Resources.

All complaint reports will be thoroughly addressed by Human Resources and the Head of School and be subject to the determination of timing, scope, and extent by Chavez management on a case-by-case basis. In order to reach a fair resolution, all involved parties of the complaint will be requested to provide their interpretation of the complaint.

## COMPLAINT RESOLUTION PROCESS-GENERAL

Except when otherwise indicated in the "504 Grievance Procedures" sections, below, Chavez follows the complaint resolution process described in this section. Following an investigation, Chavez will take such action that it deems necessary to reach a resolution. Chavez will appropriately and timely inform the complainant and alleged offender of the closure and conclusion of the investigation.

If the complainant or alleged offender is not satisfied with the resolution, he/she/they is encouraged to contact Chavez' Head of School, who will render a final decision. In the event that the Head of School is the complainant or alleged offender, the Board of Trustees will designate a designee to resolve the matter.

In the event an investigation of a complaint fails to reveal a violation of policy and instead reveals that any person, including the complainant, has abused the policy by lodging a knowingly false or frivolous complaint by fabricating facts, by failing to tell the truth, or by knowingly omitting important facts, Chavez may take appropriate disciplinary and/or other corrective action.

### **NOTICE OF GRIEVANCE PROCEDURES FOR EMPLOYEES**

Any Chavez Schools' employee who believes that he/she/they has a complaint not covered by the Chavez Schools Anti-Harassment and Discrimination policy may submit a complaint pursuant to Chavez Schools Grievance Procedures. A copy of the grievance procedures and Grievance Complaint Form can be obtained by request through:

Director of HR  
3701 Hayes Street NW  
Washington, DC 20019

### **TITLE IX GRIEVANCE PROCEDURES**

Any person who believes that Chavez Schools has engaged in discrimination and/or harassment on the basis of sex, sexual orientation or gender identity may submit a complaint to the Title IX Coordinator.

The Director of HR, whose contact information appears immediately above—serves as the Primary Contact for Title IX matters. Contact the Director of HR to reach additional contacts such as the Director of Athletics.

### **504 GRIEVANCE PROCEDURE**

Any person who believes that Chavez Schools has engaged in discrimination and/or harassment on the basis of a disability may submit a complaint to the designated individuals below.

Complaints involving students who attend Chavez Schools may be submitted to the Principal per guidelines provided in the current Student Handbook.

Complaints involving employees of Chavez Schools may be submitted to:  
Director of HR  
3701 Hayes Street NW  
Washington, DC 20019

### **GRIEVANCE PROCEDURE**

The grievance procedures outlined below establish how complaints will be investigated and resolved. These grievance procedures are intended to provide for a prompt and equitable resolution of complaints. These grievance procedures may be used by employees, students, parents, or third parties. These grievance procedures do not bar individuals from filing claims in other forums to the extent permitted by state or federal law. Chavez Schools encourages individuals to discuss their concerns with

appropriate School officials before resorting to a formal complaint. However, individuals are not required to do so before filing a formal complaint.

Chavez Schools prohibits retaliation against individuals who file a complaint or participate in a complaint investigation.

A formal complaint may be filed by following the steps outlined below:

**Step 1**

Within 90 days of the alleged discrimination or harassment, written notice of the complaint must be filed with the individual designated above. Complainants may request the complaint form from HR at HR@chavezschools.org. The written notice must include the nature of the complaint, the date(s) of the occurrence, the desired result, and must be signed and dated by the person making the complaint.

Upon receipt of the written notice of the complaint, the designated individual to whom the complaint was submitted will immediately initiate an adequate, reliable and impartial investigation of the complaint. Each investigation will include, as necessary, interviewing witnesses, obtaining documents and allowing parties to present evidence. All documentation related to the investigation will remain confidential.

Within ten (10) business days of receiving the written notice of the complaint, the individual investigating the complaint will respond in writing to the complainant with an update on the status of the investigation. When a resolution is reached, the individual investigating the complaint will provide a written response to the complainant. The response will summarize the course and outcome of the investigation, and identify an appropriate resolution. If, as a result of the investigation, it is determined that discrimination or harassment have occurred, appropriate corrective and remedial action will be taken.

**Step 2**

If the complainant wishes to appeal the decision from Step 1, he/she may submit a signed statement of appeal to the CEO within ten (10) business days after receipt of the response. The CEO will review all relevant information and meet with the parties involved, as necessary. Within ten (10) business days of receiving the statement of appeal, the CEO will respond in writing to the complainant summarizing the outcome of the appeal and any corrective or remedial action to be taken.

Head of School  
3701 Hayes Street NW  
Washington, DC 20019

**Step 3**

If the complainant is not satisfied with the decision of the CEO he/she may appeal through a signed written statement to Chavez Schools Board of Trustees within ten (10) business days of the receipt of the CEO's response. In an attempt to resolve the grievance, the Board shall review all relevant information and meet with the concerned parties and their representatives within thirty (30) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within fifteen (15) business days of this meeting.

Chavez Schools Board Chair

3701 Hayes Street NW  
Washington, DC 20019  
chaveztrustees@chavezschools.org

The complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures. The regional office for the District of Columbia is located at 400 Maryland Avenue, SW, Washington, DC 20202 and can be reached at (202) 453-6020 (ph), (202) 453-6021 (fax).

### **WHISTLEBLOWER POLICY**

Chavez is committed to maintaining a workplace where employees are free to raise concerns regarding Chavez' business practices, specifically;

- Reporting suspected violations of law on the part of Chavez, including but not limited to federal laws and regulations;
- Providing truthful information in connection with an inquiry or investigation by a court, agency, law enforcement, or other government body; and
- Identifying potential violations of Chavez' policy, specifically the policies contained in its Employee Handbook and Financial Policies.

Employees should raise their concerns with Human Resources or the Head of School. Employees are obligated to cooperate in good faith in the investigation and resolution of any internal complaint raised by them or against them. There will be no retaliation of any kind against an employee for bringing a good faith complaint.