



Perry Street Prep Human Resource Policies to be approved by Board

Policies as written below are from 2018-19 Personnel Policy Manual

Nondiscrimination Policy: Equal Opportunity in Hiring & Employment

Perry Street Prep is an Equal Opportunity Employer. The School's EEO policy prohibits discrimination in employment based on race, color, religion, national origin, disability, sex, age, sexual orientation, marital status, or any other basis prohibited by applicable law. Perry Street Prep 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.

Any employee who feels that a violation of this policy has occurred should bring the matter to the immediate attention of his or her supervisor. An employee who is uncomfortable for any reason in bringing such a matter to the attention of his or her supervisor shall report the matter to the Human Resources Specialist, or the Principal or Director of Operations. The School will investigate all such allegations and prohibits any form of retaliation against any employee making such a complaint.

Perry Street Prep also requires our employees to abide by applicable federal and state nondiscrimination laws in their dealings with all members of the Perry Street Prep community—including visitors, vendors, and suppliers.

Employees with Disabilities

As implied by the Nondiscrimination Policy, above, it is the policy of Perry Street Prep to comply with all laws concerning the employment of persons with disabilities, including the Americans with Disabilities Act, as amended, and the DC Protecting Pregnant Workers Fairness Act. Perry Street Prep will not discriminate against qualified individuals with physical or mental disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment.

An individual requesting a reasonable accommodation to a disability, including known limitations relating to pregnancy, childbirth, a related medical condition or breastfeeding, should present the request to the HR Specialist, who will engage in an interactive process with the applicant or employee to identify alternative reasonable accommodation. Perry Street Prep may require medical documentation certifying the disability and the related limitations. If a reasonable accommodation can be made that will enable to applicant or employee to perform the essential functions of the job without undue hardship to the school, Perry Street Prep will provide that accommodation. If more than one such accommodation is available, Perry Street Prep will determine which accommodation will be offered.

Drug and Alcohol Policy—Drug-Free Workplace

Statement of Policy

It is the policy of Perry Street Prep to create and maintain a drug- and alcohol-free environment in the workplace, as required by the Drug-free Workplace Act of 1988. The abuse of alcohol or controlled substances (including the misuse or abuse of prescription drugs) or the use of illegal drugs, including but

not limited to marijuana, cocaine, heroin, morphine, synthetic marijuana, cannabis, barbiturates, or amphetamines is inconsistent with the professional and responsible behavior we expect of employees, subjects all employees and visitors to unacceptable safety risks and undermines Perry Street Prep's ability to operate effectively and efficiently.

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, Perry Street Prep 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, the School will still continue to prohibit its use or possession at work—or reporting to work under its influence—as is the case with alcohol.

Therefore, the employees of Perry Street Prep are strictly prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or illegal drugs, as defined above, on Perry Street Prep's premises or while conducting Perry Street Prep business off Perry Street Prep's premises.

Such conduct and/or use of illegal drugs or controlled substances is also prohibited during non-working time to the extent that it, in the opinion of the management of Perry Street Prep (1) impairs the employee's ability to perform his or her job; (2) affects Perry Street Prep's 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.

Employees who are convicted of offenses involving controlled substances or alcohol (including DUI) in the workplace must inform the Principal or Director of Operations within five (5) days of the conviction or plea.

Employees who violate any aspect of this policy are subject to disciplinary action, up to and including immediate termination from Perry Street Prep.

An employee who is undergoing medical treatment with any controlled substance that may impair his/her physical or mental ability, even if a licensed physician has legally prescribed it, is strongly advised to report such treatment to her or his immediate supervisor and/or the Human Resources Specialist so that an appropriate response can be made in the event of a reaction or emergency. Perry Street Prep will determine whether the employee constitutes a direct threat to himself/herself or others. If so, the employee shall not be permitted to work while undergoing such treatment.

Policy Violations

For any violation of this Drug and Alcohol Policy (including, without limitation, the unlawful manufacture, distribution, dispensation, possession, use or misuse of illegal drugs, alcohol, or controlled substances on Perry Street Prep's premises or while on Perry Street Prep business), Perry Street Prep, in its sole discretion, may subject the offending employee to disciplinary action up to and including immediate termination of employment.

Workplace Violence Prevention Policy

Perry Street Prep is committed to preventing workplace violence and to maintaining a safe work environment. Perry Street Prep has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur on-site or off-site during work-related activities.

Sexual Harassment and/or Discrimination Prohibition Policy

Statement of Policy

It is the policy of Perry Street Prep to maintain a working environment free from sexual, racial, age-based, religious, ethnic, disability, sexual orientation, and any other form of harassment of any Perry Street Prep personnel or applicant. Such harassment in any manner or form is expressly prohibited. It is the policy of Perry Street Prep that all Perry Street Prep personnel, contractors, and applicants are to be treated in a respectful and professional manner. Also, no individual is to be subjected to any unwelcome conduct that is or should be known to be offensive because of his or her gender, race, age, religion, ethnicity, disability, sexual orientation, or other protected category. Further, no Perry Street Prep personnel shall engage in unwelcome and offensive conduct towards any individual that is motivated by the individual's gender, race, age, religion, ethnicity, disability, sexual orientation, or other protected category. The term "harassment" in this policy includes conduct, which is contrary to this policy, even if it does not meet the legal definitions for harassment.

This policy applies to all employees, volunteers, Board members, contract workers, and all applicants for such positions.

All reported or reasonably suspected occurrences of harassment will be investigated in a confidential manner and as promptly and thoroughly as is practicable and necessary. Where harassment has occurred, Perry Street Prep will take appropriate disciplinary and/or other corrective action, up to and including termination.

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.

Types of Sexual Harassment

For purposes of this policy, harassment includes the following:

- *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 (female or male) 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.

Conduct Prohibited by the Policy

Perry Street Prep's policy also prohibits any unwelcome harassing conduct, even if the conduct is not sufficiently severe or pervasive enough to create a hostile environment or is not "quid pro quo" harassment.

It is not possible to list all the conduct that may violate this policy or is otherwise unacceptable. The following are examples only:

- All unwelcome and offensive jokes, stories, comments, or verbal abuse of a sexual, age-based, religious, racial, or ethnic nature, or relating to or motivated by gender, race, age, religion, sexual orientation, or disability.
- Use of any degrading or derogatory words or language to describe or refer to any person, or any harsh or unfair conduct towards another person that is motivated by the person's gender, race, religion, or other protected category.
- The display in the workplace or on Perry Street Prep property of objects or pictures—whether print or electronic—that expressly or implicitly degrade individuals or groups on the basis of race, age, gender, religion, ethnicity, sexual orientation, or disability.
- Offering, promising, or granting preferential treatment to any employee or applicant because of that individual's age, religion, race, ethnicity, gender, sexual orientation, or disability, or as a result of, or in anticipation of, that individual's engaging in or agreeing to engage in sexual or romantic conduct, even if the conduct is consensual.
- Using Perry Street Prep e-mail, voice-mail, or Internet access for any purpose which reasonably is or should be known to be offensive because of its sexual, religious, racial or ethnic content, or its relationship to gender, sexual orientation, or disability. Note: no Perry Street Prep personnel shall use Perry Street Prep equipment to access media sites—including but not limited to Internet Web sites—known to contain material that is sexually prurient or graphic, or that promotes or advocates sexism, racism, or other forms of bigotry based on gender, race, religion, or other protected category. Refer to the technology policy for more information.
- Unwelcome flirtation, sexual advances, propositions, or pressures for sexual favors, and unwelcome inquiries into someone's sexual experience or activity, including but not limited to sexually foul language, leering and whistling, or other unwelcome sexually suggestive conduct.
- Unwelcome and unnecessary physical contact, other than incidental and/or innocuous contact.

Sexual Harassment and/or Discrimination Complaint Procedure

Notification Procedures

Any Perry Street Prep personnel or applicant who feels that he or she is being or has been subjected to harassment or who knows of or suspects the occurrence of harassment should promptly and in confidence inform Perry Street Prep's Principal, Director of Operations, or Human Resources Specialist. If for any reason a person does not feel comfortable reporting to one of these individuals, that person should report the matter to any Perry Street Prep supervisor.

In addition, all management and supervisory personnel at Perry Street Prep have an affirmative duty to report promptly to one of the individuals designated above any harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred.

Investigation Procedure

All reported occurrences of harassment will be investigated as promptly and thoroughly as is practicable and as is required under the circumstances. The individual who makes the report or is the target of the alleged harassment will be assured that all forms of harassment are expressly prohibited, that Perry Street Prep will conduct a confidential investigation and that Perry Street Prep will take appropriate corrective action if harassment is found to have occurred.

Perry Street Prep will designate the individual who will be responsible for conducting the investigation of reported incidents of harassment. The timing, scope, and extent of the investigation will be determined by Perry Street Prep on a case-by-case basis, considering the circumstances of the alleged harassment. All investigations will be conducted to protect, as much as practicable, the privacy of, and minimize the suspicion toward, all persons concerned.

Perry Street Prep expects Perry Street Prep personnel who are contacted in connection with an investigation to cooperate fully.

Procedure Pending Investigation

Pending the outcome of an investigation, reasonably necessary and prudent interim measures, such as separation of the complainant and the alleged offender, suspension of the alleged offender, temporary leave for the complainant, etc., will be taken at Perry Street Prep's discretion, taking into consideration the complainant's wishes, the seriousness of the accusations, the background of the situation, and any other relevant information.

Resolution and Outcome of Investigation

Following an investigation, Perry Street Prep will take such action that it deems necessary or appropriate under the circumstances:

- **No Violation.** In the event that the investigation discloses no violation of this policy or is inconclusive, all necessary parties will be so advised.
- **Violation.** In the event that the investigation discloses a violation of this policy, Perry Street Prep will normally communicate its findings to both the complainant and the alleged offender. Based upon the totality of the circumstances, appropriate disciplinary and/or other corrective action, up to and including termination, will then be taken. The action taken will be reasonably calculated to prevent any further unacceptable conduct. It is within Perry Street Prep's discretion to determine the appropriate corrective action.

If the complainant or the alleged offender is not satisfied with the resolution, he or she is encouraged to contact Perry Street Prep's Director of Operations, who will render a final decision.

In the event an investigation of a reported or suspected occurrence of harassment fails to reveal harassment and instead reveals that any person 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, Perry Street Prep may take appropriate disciplinary and/or other corrective action.

No Retaliation

No individual who reports or complains about harassment or unacceptable conduct, or who assists Perry Street Prep in its investigation, will be subjected to retaliation. Anyone who feels that he or she has been the victim of, or threatened with, retaliation, should immediately inform one of the individuals identified above for purposes of receiving reports or complaints.

Whistle-Blower Policy

Perry Street Prep is committed to maintaining a workplace where employees are free to raise good-faith concerns regarding the School's business practices, specifically:

- 1) Reporting suspected violations of law on the part of the School, including but not limited to federal laws and regulations;

- 2) Providing truthful information in connection with an inquiry or investigation by a court, agency, law enforcement, or other governmental body; and
- 3) Identifying potential violations of Perry Street Prep policy, specifically the policies contained in this *Personnel Policy Manual*.

Perry Street Prep expressly prohibits any form of retaliation, including harassment, intimidation, adverse employment actions, or any other form of retaliation, against employees who raise good-faith suspected violations of law, cooperate in inquiries or investigations, or identify potential violations of School policies in good faith. Any employee who engages in retaliation will be subject to disciplinary action.

Detailed procedures for reporting and resolving issues at the School—including issues covered by this policy—appear under “Grievance Procedure.” In addition, any employee who wishes to report a suspected violation of law or policy may:

- Report it to her or his supervisor;
- Report it to the next level of management if the issue involves a supervisor;
- Report issues anonymously to the mailbox of either the Principal or Director of Operations.

GRIEVANCE PROCEDURE

Complaint Process—General

Perry Street Prep takes measures to maintain a harmonious environment as set forth in the “Courtesy” policy section of the handbook. **Perry Street Prep expressly prohibits any form of unlawful employee harassment, retaliation, discrimination, or inharmonious behavior as covered by the policies set forth in the “Work Environment” 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. If the complaint entails discrimination or violation of laws protecting against discrimination, see “Notice of Procedural Safeguards” and “504 Grievance Procedure,” below.

All complaint reports will be thoroughly addressed by management and be subject to the determination of timing, scope, and extent by Perry Street Prep management on a case-by-case basis considering the nature of the complaint. 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 “Notice of Procedural Safeguards” and “504 Grievance Procedures” sections, below, Perry Street Prep follows the complaint resolution process described in this section. Following an investigation, Perry Street Prep will take such action that it deems necessary to reach a resolution:

- **No Violation.** In the event that the investigation discloses no violation of policy or is inconclusive, all parties deemed necessary by Perry Street Prep, including the complainant and the alleged offender, will be so advised.
- **Violation.** In the event that the investigation discloses a violation of policy, Perry Street Prep will normally communicate its findings to both the complainant and the alleged offender. Based upon the totality of the circumstances, appropriate disciplinary and/or other corrective action, up to and including termination, will then be taken. The action taken will

be reasonably calculated to prevent any further unacceptable conduct. It is within Perry Street Prep's discretion to determine the appropriate corrective action.

If the complainant or alleged offender is not satisfied with the resolution, he or she is encouraged to contact Perry Street Prep's Principal, who will render a final decision. In the event that the Principal 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, Perry Street Prep may take appropriate disciplinary and/or other corrective action.

Notice of Procedural Safeguards

Any person who believes that Perry Street Prep has engaged in discrimination and/or harassment on the basis of race, color, religion, creed, sex, national origin, age, disability, veteran status, sexual orientation or otherwise may submit a complaint pursuant to Perry Street Prep's Grievance Procedures. A copy of the grievance procedures can be obtained by request through:

Director of Student Support Services
Perry Street Prep
1800 Perry St. NE
Washington, DC 20019
202-529-4400

Notice of Grievance Procedures for Employees

Any employee who believes that Perry Street Prep has engaged in discrimination and/or harassment on the basis of race, color, religion, creed, sex, national origin, age, disability, veteran status, sexual orientation or otherwise may submit a complaint pursuant to Perry Street Prep's Grievance Procedures. A copy of the grievance procedures can be obtained by request through:

Director of Operations
Perry Street Prep
1800 Perry St. NE
Washington, DC 20019
202-529-4400

Title IX

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

Grievance Procedures

Any person who believes that Perry Street Prep has engaged in discrimination and/or harassment on the basis of race, color, religion, creed, sex, national origin, age, disability, veteran status, sexual orientation or otherwise may submit a complaint to the designated individuals below.

Complaints involving students who attend Perry Street Prep may be submitted to:

Director of Student Support Services
Perry Street Prep
1800 Perry St. NE
Washington, DC 20019
202-529-4400

Complaints involving employees of Perry Street Prep may be submitted to:

Director of Operations
Perry Street Prep
1800 Perry St. NE
Washington, DC 20019
202-529-4400

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.

Perry Street Prep 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.

Perry Street Prep 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 use the complaint form attached to the grievance procedure. 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 thirty (30) business days of receiving the written notice of the complaint, the individual investigating the complaint will respond in writing 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 Principal within ten (10) business days after receipt of the response. The Principal will review all relevant information and meet with the parties involved, as necessary. Within twenty-one (21) business days of receiving the statement of appeal, the Principal will respond in writing to the complainant summarizing the outcome of the appeal and any corrective or remedial action to be taken.

Principal
Perry Street Prep
1800 Perry St NE
Washington, DC 20018

202-529-4400

Step 3

If the complainant is not satisfied with the decision of the Principal he/she may appeal through a signed written statement to the School Board of Trustees within ten (10) business days of the receipt of the Principal'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.

PSP Board Chair
Perry Street Prep
1800 Perry St NE
Washington, DC 20018

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).