



## **PCSB Employee Policies Submission SY2020-2021**

**Deadline: October 8, 2020**

### **SEXUAL HARASSMENT POLICY**

It is the express policy of Shining Stars Montessori Academy Public Charter School (“**Shining Stars**” or “**School**”) to not tolerate harassment of any employee for any reason. In particular, harassment of any employee by a supervisor, co-employee, or non-employee (outsider) on the basis of race, color, religion, sex, national origin, sexual orientation, age, disability, gender identity or expression, personal appearance, marital status, family responsibilities, political affiliation, or any other basis protected by state, federal or local law is strictly prohibited.

With respect specifically to sexual harassment, all employees must be particularly careful to avoid any action or conduct, which is, or could be viewed as, sexual harassment. The following are some examples of conduct which may constitute sexual harassment: (1) sex-oriented verbal kidding, teasing or jokes; (2) repeated offensive sexual flirtation, advances, or proposition; (3) continued or repeated verbal abuse of a sexual nature; (4) graphic or degrading comments about an individual or his or her appearance; (5) the display of sexually suggestive objects or pictures; (6) subtle pressure for sexual activity; and/or (7) inappropriate physical contact.

For purposes of this Policy, “harassment” -- in addition to the types of harassment described elsewhere in this Policy, that are based on a protected characteristic, including race, color, religion, sex, national origin, age, sexual orientation, disability or, gender identity or expression, personal appearance, marital status, family responsibilities, political affiliation -- comprises any continuing acts of unwelcome and unwarranted criticism of, or attacks upon, another individual, which a reasonable person would view as threatening or upsetting to the individual who is the subject of the behavior. This is a zero-tolerance policy. Shining Stars will investigate all complaints of harassment and will take immediate and appropriate disciplinary action if harassment has been found within the workplace.

In order to ensure a work environment that is free from harassment to the greatest extent reasonably possible, every manager, supervisor, and employee must be careful to ensure that his or her conduct is proper and does not fall within the prohibitions of this policy. Any employee who believes they have been subjected to harassment, sexual or otherwise, at work should bring their complaint to the attention of the School *immediately*.

The School will be able to address such conduct if employees bring their complaint as soon as possible. You can make your complaint to your supervisor, to the Executive Director, or to the Board of Directors. You are not required to complain first to your supervisor if he or she is the

individual whom you believe is harassing you. As it relates to sexual harassment complaints may be made to the schools' Title IX compliance officer. Complaints will be promptly handled in an impartial and confidential manner, although our efforts to maintain confidentiality will not necessarily ensure complete anonymity. Parties will be permitted to submit witnesses or other evidence. Violations may also be made the subject of a complaint filed under the School's Grievance Procedure. Retaliation against any employee who makes a complaint about harassment or other improper conduct, or against any other employee who provides information in support of the complaining employee, is strictly forbidden.

### **EQUAL EMPLOYMENT OPPORTUNITY & NON-DISCRIMINATION**

It is the policy of the School to provide equal employment opportunity to all qualified employees and qualified applicants for employment without regard to race, color, religion, sex, national origin, age, gender, sexual orientation, marital status, genetic information, physical or mental disability, pregnancy or pregnancy-related condition, military and veteran status or any other basis or status protected by District of Columbia or federal laws. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, training, compensation, transfer, promotion, discipline, leave of absence, termination, layoff, and recall. Shining Stars complies with all applicable District of Columbia and federal laws prohibiting discrimination on the basis of race, color, religion, sex, gender, gender identity or expression, national origin, age, sexual orientation, marital status, family responsibilities, political affiliation, credit information, physical appearance, physical or mental disability, pregnancy or pregnancy-related condition, military, veteran status, or any other basis or status protected by applicable law.

The School expects all employees to act in accordance with our equal employment opportunity policy, and to take all steps necessary to maintain a workplace free from unlawful discrimination, harassment, and retaliation. Any employee who believes he or she has been subjected to any conduct that may violate this Equal Employment Opportunity Policy should bring their complaint to the attention of the School immediately. You can make your complaint to your immediate supervisor, the Executive Director, or to the Board of Directors. Violations may also be made the subject of a complaint filed under the School's Grievance Procedures which are contained in this Handbook.

The School considers the implementation and monitoring of this Equal Employment Opportunity Policy to be an important part of each supervisor's responsibility. Supervisors will inform all employees of the Policy and shall take positive steps in an effort to seek adherence to the Policy by all employees within the sphere of their responsibility. The failure of any employee to comply fully with this Policy will not be tolerated and may be grounds for discipline up to and including discharge.

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

Shining Stars is committed to providing a safe, quality-oriented, and productive work environment consistent with the standards of the community in which we operate. Alcohol and drug abuse pose a threat to the health and safety of Shining Star's employees and students, and to the security of our equipment and facilities. For these reasons, Shining Stars is committed to the elimination of drug and/or alcohol use and abuse in the workplace. Except as outlined below, employees may not use, possess, manufacture, distribute, dispense, transport, offer, sell, solicit, buy or be under the influence of or be impaired by illegal drugs or alcohol while on Shining Stars' premises,

operating any vehicle owned, rented or leased by Shining Stars or while conducting any activity related to the School at any place away from Shining Stars' premises.

Such activities not only violate Shining Stars' rules, but also can jeopardize performance. You may use legally prescribed drugs on the job **only if** they do not impair your ability to perform the essential functions of your job effectively and safely without endangering yourself or others. Employees in violation of this policy are subject to disciplinary action, up to and including dismissal. Additionally, Shining Stars reserves the right to require an employee to undergo drug and/or alcohol testing when there is reasonable suspicion that this policy has been violated. The School has the sole discretion to determine whether any situation warrants testing, and this policy does not prevent the School from taking action without testing.

To the extent permitted by law, Shining Stars will treat medical marijuana as it treats other drugs. In addition, to the extent permitted by law, the School will treat recreational marijuana use as it treats other drugs. An employee of Shining Stars who is convicted under a criminal drug statute for a violation occurring in the workplace shall notify his or her immediate supervisor no later than three (3) days after such conviction. Failure to do so will result in immediate dismissal.

Shining Stars acknowledges and accepts that occasionally employees may consume alcohol in a social setting either on the School's premises, at an event sponsored by the School, or with vendors or guests of Shining Stars away from the premises. The consumption of alcohol shall never be mandatory or a condition of an employee's employment: it is always at the employee's discretion. The consumption of alcohol on Shining Stars' premises during social events will not be considered a violation of this policy if (1) the employee consumes alcohol responsibly and in moderate amount; (2) the employee's consumption of alcohol does not impair the employee's judgment or jeopardize the safety of the employee or others; (3) the employee's consumption of alcohol does not violate any laws concerning the consumption of alcohol or being under the influence of alcohol.

## **STAFF COMPLAINT RESOLUTION PROCESS (GRIEVANCE PROCEDURE)**

### **Purpose**

The purpose of this section is to provide an internal method for resolving complaints concerning discipline, harassment, workplace safety, working conditions, and discrimination of any kind as well as any other complaints which employees seek to have resolved.

The School maintains an "open door" policy. Under that policy any employee may bring to the attention of management any concerns or complaints that he or she may have. These include concerns or complaints that the employee has been subjected to any kind of discrimination or harassment, including any sexual or racial harassment.

### **Definitions**

**Grievance:** A grievance is a complaint.

**Discipline:** For the purpose of this procedure, discipline means an employment action that results in a verbal reprimand, written reprimand, suspension or demotion. Discipline does not include performance evaluations or reviews; non-disciplinary wage, salary, or benefit adjustments; improvement plans; voluntary quit; job abandonment through failure to report to work or to failure perform his or her job; termination due to lack of qualification; layoffs; decreases in work

assignment, or any other workforce reduction; job transfer or reassignment; or termination upon conclusion of a temporary position.

### **Procedure**

An aggrieved employee (the complainant) must process a grievance in the following manner:

Step 1: Prior to preparing and submitting a written formal grievance, (see Grievance Form) the employee shall meet with his or her immediate supervisor to discuss the situation and attempt to resolve the issue. In the event the issue involves the employee's immediate supervisor, then the employee should speak with the next level of supervision. (Example: employee A assigned to Unit A has an issue or complaint against his or her immediate supervisor-Director of Unit A, then the issue/complaint should be discussed with the Executive Director who is the next level of the school's supervision). The issue/complaint should be resolved within ten (10) business days. If the issue/complaint is not resolved to the employee's satisfaction at step 1, he or she may proceed to step 2.

Step 2: Within three (3) days after receiving the immediate supervisor's (or the next level of supervision) determination, the employee may prepare and file a formal written grievance. The original must be given to the employee's immediate supervisor and a copy to the Executive Director. If the grievance involves the employee's immediate supervisor, then the employee should give the original written grievance form to the next level of supervision and NOT to his or her immediate supervisor. The immediate supervisor and/or the next level of supervision shall investigate the employee's grievance and provide a written response concerning the results of the investigation within ten (10) business days or as soon thereafter as possible.

In the event the employee's grievance involved his or her immediate supervisor and the grievance was submitted to the next level of supervision (the Executive Director), upon completion of the investigation and written response, the issue and its resolution is final. In the event the grievance does not involve the employee's immediate supervisor and the employee does not believe the issue was resolved, he or she may proceed to step 3.

Step 3: Within 3 (three) days of receiving the determination from step 2, the employee may request in writing that the Executive Director review the determination of the employee's immediate supervisor. In the event that the issues stated in the employee's grievance are within the scope of this policy, the Executive Director may review the supervisor's decision and reach his or her own determination. If the Executive Director's determination involves discipline of an employee, the disciplinary sanction shall be given to the employee in writing.

Step 4: If the employee is not satisfied with the determination, he or she may submit a written grievance to the Board Secretary who will document the concern and submit the complaint to the Board Chairperson. The grievance procedure and timeframes may be altered, if necessary, for the specific grievance at issue, in the sole discretion of the Executive Director.

### **Exclusive Remedy**

This procedure constitutes the exclusive internal process to address employee grievances. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with the administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration which has final authority.

Generally, the following procedure should be used for communicating any problem or any nature, to a supervisor or management:

- The employee may present his or her concern or complaint to his or her supervisor, who will investigate it and attempt to resolve it.
- If the supervisor cannot resolve the problem, or if the concern or complaint involves the supervisor, the employee may discuss it with the Executive Director.
- If the Executive Director cannot resolve the matter, the employee may submit it in writing to the Board Secretary who will document the concern and submit the complaint to the Board Chair.

Shining Stars will investigate employee complaints and grievances and to the extent practicable and necessary, keep the employee apprised of the status and outcome of the investigation. Shining Stars may not, however, divulge confidential information related to another employee or student.

## **WHISTLEBLOWER POLICY**

The School requires its directors, managers, supervisors, employees and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities within the School. As representatives of the School, we must practice honesty and integrity in fulfilling our responsibilities and must comply with all applicable laws and regulations.

The purpose of this Whistleblower Policy is to create an ethical and open work environment, to ensure that the School has a governance and accountability structure that supports its mission and to encourage and enable directors, managers, supervisors, employees and volunteers of the School to raise serious concerns about the occurrence of illegal or unethical actions within the School before turning to outside parties for resolution.

Notwithstanding anything contained in this Whistleblower Policy to the contrary, this Whistleblower Policy is not an employment contract and does not modify the employment relationship between the School and any of its directors, officers, employees or volunteers, nor does it change the fact that all employees of the School are employees at will. Nothing contained in this Whistleblower Policy provides any director, officer, employee or volunteer of the School with any additional rights or causes of action not otherwise available under applicable law.

### **A. Reporting Responsibility**

All directors, managers, supervisors, employees, and volunteers of the School have a responsibility to report any action or suspected action taken within the School that is illegal, unethical or violates any adopted policy of the School (“Violations”). Anyone reporting a Violation must act in good faith, without malice to the School or any individual in the School and have reasonable grounds for believing that the information shared in the report indicates that a Violation has occurred. A person who makes a report does not have to prove that a Violation has occurred. However, any report which the reporter has made maliciously or, which the reporter has good reason to believe is false, or is not made in good faith, will be viewed as a serious disciplinary offense.

## **B. No Retaliation**

Any individual who reports a Violation in good faith or who, in good faith, cooperates in the investigation of a Violation shall not suffer harassment, retaliation or adverse employment consequences. Any individual within the School who retaliates against another individual who has reported a Violation in good faith or who, in good faith, has cooperated in the investigation of a Violation is subject to discipline, including termination of employment or volunteer status. If you believe that an individual who has made a good faith report of a Violation or who has, in good faith, cooperated in the investigation of a Violation is suffering harassment, retaliation or adverse employment consequences, please contact the Executive Director.

## **C. Reporting Process**

All directors, managers, supervisors, employees, and volunteers should address their concerns relating to a Violation to any person within the School who can properly address those concerns. In most cases, the direct supervisor of an employee or volunteer is the person best suited to address a concern. However, if the reporter is not comfortable speaking with his or her supervisor or is not satisfied with the supervisor's response, the individual is encouraged to speak to the Executive Director, the chairperson of the Board of Directors or to anyone in management whom she or he feels comfortable approaching. The School encourages anyone reporting a Violation to identify him or herself when making a report in order to facilitate the investigation of the Violation. However, reports addressed to an individual within the School may be submitted on a confidential basis and reports may be submitted to the Executive Director anonymously by sending the Executive Director a written statement.

## **D. Executive Director as Compliance Officer**

A supervisor, manager or board member is required to notify the Executive Director of every report of a Violation, as the Executive Director is the School's designated Whistleblower Compliance Officer. The Executive Director will notify the sender and acknowledge receipt of a report of Violation within (5) five business days, but only to the extent that the sender's identity is disclosed, or a return address is provided.

The Executive Director is responsible for promptly investigating all reported Violations and for causing appropriate corrective action to be taken, if warranted by the investigation. The audit committee of the Board of Directors is responsible for addressing all reported concerns or complaints of Violations relating to corporate accounting practices, internal controls and/or auditing. Therefore, the Executive Director must immediately notify the audit committee of any such concern or complaint. In addition, if the Executive Director deems it appropriate, the Executive Director may advise the Board of Directors or the audit committee of any other reported Violations. The Executive Director has direct access to the Board of Directors and is required to report to the Board of Directors at least annually on compliance activity.