

**The Children's Guild, Inc.
Policy Manual**

Title: Discrimination/Harassment

Policy Number: 02-04-02

Page(s): 3

**Initiated By: Terrance Pollard,
Executive Director, HR**

Supersedes: 02-04-02 Harassment

Approved By: Executive Management

Attachments(s): N/A

Effective Date: August 16, 2011

Reviewed By: Steve Howe

Chief of Human Resources

Review Dates: 8/11, 12/12, 6/13, 7/14, 6/15, 6/16, 1/18, 7/19

Policy:

The Children's Guild ensures that all employees will not be subject to discrimination or harassment, regardless of their positions. Appropriate disciplinary action measures will be taken against any employee who violates this policy to ensure that prohibited conduct does not occur. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Rationale:

The Children's Guild strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the company should be characterized by mutual trust and the absence of discrimination, harassment, intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the company. For that reason, The Children's Guild will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the company will seek to prevent, correct, and discipline behavior that violates this policy.

Prohibited Conduct Under This Policy

The Children's Guild, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of The Children's Guild's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

The Children's Guild prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on behalf of The Children's Guild. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job, is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under The Children's Guild's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment."

There are two types of sexual harassment:

- "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

**The Children's Guild, Inc.
Policy and Procedure Manual**

**Title: Equal Employment Opportunity
(EEO)**

Policy Number: 02-08-05

Page(s): 1

**Approved By: Executive Management
Effective Date: 2/4/99**

Supersedes:

**Reviewed By: Renée A McNally
Executive Director, HR
Review Dates: 4/07, 10/09, 8/10, 7/11, 12/12, 3/13,
2/14, 5/15, 12/15, 1/18**

Policy:

The Children's Guild provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, amnesty, or status as a covered veteran in accordance with applicable federal, state and local laws. Any reasonable accommodations requested will be reviewed upon request. The Children's Guild complies with applicable state and local laws governing non-discrimination in employment in every location in which the company has facilities.

This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Children's Guild expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status. Improper interference with the ability to the Children's Guild's employees to perform their expected job duties is absolutely not tolerated.

**The Children's Guild Inc.
Policy & Procedure Manual**

Title: Drug and Smoke Free Workplace

Policy Number: 02-04-01

Page(s): 1

**Initiated By: Claire Turberville
V.P., Administrative Services**

Approved By: Executive Management

Effective Date: 8/96

Supersedes:

Reviewed by: Renée A McNally

Executive Director, HR

**Review Dates: 10/99, 4/07, 8/07, 1/09, 10/09,
8/12, 2/14, 5/15, 6/15, 9/15, 1/18**

Policy:

The use of dangerous substances is not permitted in the workplace. Alcohol use during the work day by employees is not permitted unless it is within the context of approved business under sanctioned functions such as certain fund raisers or special events of celebration. Smoking (to include smokeless tobacco) is not permitted in the Children's Guild facilities, vehicles, on its grounds or within a one block radius of the borders of its facilities during the work day for all employees. All direct care staff working in the Non-public and Guild Charter schools and the group homes are expected to provide supervision at all times to students. Therefore those employees who work in these programs are not permitted to leave the premises during the scheduled work day. Direct care staff is defined as youth life educators and supervisors, fidelity coaches, teachers, teaching assistants, related service staff, and therapeutic behavior aides. The expectation is that direct care staff will be supervising students at all times to include meal times.

Rationale:

The Children's Guild provides a drug, smoke and alcohol-free workplace in order to ensure a safe, healthy, and productive work environment for all employees. It is essential that our employees model good health for children. The Children's Guild is all about messages and the use of drugs, alcohol, and smoking in the workplace conveys a message of unhealthy living.

Definitions:

Substance abuse - the use, misuse of illegal use of alcohol, drugs or controlled substances.

Dangerous substance - illegal drugs, controlled substances, look-alikes or designer drugs; unauthorized alcoholic beverages; drug paraphernalia; unauthorized prescription drugs; and any other perception-altering substance.

Children's Guild premises - all of The Children's Guild property, facilities, buildings, structures, and vehicles, whether owned, leased or used. This also includes all other work locations or transit to and from those locations while in the course and scope of The Children's Guild employment.

Test - a screen and/or confirmation of breath or urine.

**The Children's Guild, Inc.
Policy Manual**

Title: Resolving Complaints (MD and DC)
Page(s): 1

Policy Number: 04-08-00
Initiated By: Duane Arbogast, PhD
VP, Educational Services/COO
Approved By: Executive Management
Effective Date: 9/1/17

Supersedes:

Reviewed By: Jenny Livelli
Director of Quality Improvement
Review Dates: 2/19

Policy:

All Children's Guild program participants and/or their parents/guardians have the right personally, or in combination with other persons, to present grievances and to recommend changes to policies and services without fear of reprisal, restraint, interference, coercion, or discrimination from The Children's Guild.

Program participants and/or their parents/guardians residing in the District of Columbia also have the right to present a grievance to the Office of the State Superintendent of Education (OSSE)

Rationale:

Every student/client, parent and/or guardian has the right to receive a formal and unbiased hearing at which his or her complaints can be addressed.

A program (charter school, special education school, group home, foster care, or outpatient mental health) shall provide every parent, and student when applicable, with complete and up to date information about its program, including at minimum its academic policies, IEP process, policies on behavior management, student rights and privileges and the process for a parent to make a complaint about the services or treatment a student is receiving at the school or program.

The Children's Guild, Inc.
Policy & Procedure Manual

Title: Employee Protection Policy

Policy Number: 02-09-05

Page(s): 2

Initiated By: Ellery Joyeau, VP HR

Approved By: Executive Management

Effective Date: 1/11

Supersedes: N/A

Reviewed By: Renée A McNally,

Executive Director HR

Attachments(s): N/A

**Review Dates: 7/11, 12/12, 2/14, 5/15, 6/16,
11/17, 1/18**

Policy:

If any employee reasonably believes that some policy, practice, or activity of The Children's Guild is in violation of law, a written complaint must be filed by that employee with the Executive Director of HR. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Rationale:

It is the intent of The Children's Guild to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of The Children's Guild and provides the Children's Guild with specific information that gives us a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

The Children's Guild will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of The Children's Guild or of another individual or entity with whom The Children's Guild has a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.

The Children's Guild will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body any activity, policy, or practice of The Children's Guild that the employee reasonably believes is in violation of a law, or a rule or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

References:

- Deficit Reduction Act (DRA) of 2005
- §1396(a)(68) of the Social Security Act
- Maryland False Claims Act

THE CHILDREN’S GUILD, INC.
Standard Operating Procedure Manual

02-09-05 Employee Protection (Whistleblower)

Procedure:

For all Staff:

1. All reports of illegal and dishonest activities should be promptly submitted to the Executive Director of Human Resources who will inform the Executive Team and investigate the complaint.
2. The Executive Director of HR will discuss results of the investigation with Executive Team to determine next steps if they necessitate a different approach than the rest of this procedure
3. The Executive Director of Human Resources will forward the complaint to the respective program(s) for corrective action.
4. The responsible program/department will submit a corrective action plan to the Executive Director of Human Resources and Executive team within five (5) business days of receiving the complaint including the timeframe for implementation of the corrective action.
5. The Executive Director of Human Resources will follow up with the department head to ensure that the plan has been implemented.

For clinicians in the Outpatient Mental Health Center:

In order to protect the integrity of the programs of The Children’s Guild and to prevent Medicaid fraud, waste, and abuse. The Children’s Guild adheres to the policy and procedures outlined herein.

1. On a daily basis, supervisors ensure that clinician’s service notes are being submitted.
2. On a weekly basis, supervisors meet with clinicians to discuss clinical cases, ensuring that clinician can justify that service delivery frequency is medically appropriate and that clinical notes meet Medicaid requirements.
3. Billing accuracy is reviewed weekly to ensure that sessions are correctly billed to Medicaid.
4. A search of the Office of the Inspector General exclusion database for notifications of fraud is conducted monthly for all OMHC staff to verify that all staff are clear from any fraudulent activity.
5. Clinicians self-monitor their service delivery and documentation on a quarterly basis to ensure accuracy of information and alignment with Medicaid requirements.

Clinicians who are aware of false claims or other fraudulent activity and initiates or otherwise assists in a false claim action, is protected under this policy

My signature below indicates my receipt and understanding of this Policy. I also verify that I have been provided with an opportunity to ask questions about the policy.

Print Employee Name
