

Breakthrough Montessori

Employee Policies

Source: Employee Handbook SY21-22

Sexual Harassment

It is Breakthrough Montessori Public Charter School's policy to prohibit harassment of any employee by any supervisor, employee, client or vendor on the basis of sex or gender identity or expression. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances; requests for sexual favors; obscene gestures; displaying sexually graphic magazines, calendars or posters; sending sexually explicit e-mails; and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender identity or expression.

If you feel that you have been subjected to conduct which violates this policy, you are encouraged to report any instance of sexual harassment to your supervisor and/or the Director of Operations. If you feel uncomfortable going to a supervisor, you should report the matter to the Director of Operations. If you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, contact the Executive Director. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. While an affected person is encouraged to report the matter so that appropriate action can be taken, you are not required to report the matter. You may file a complaint of discrimination as an alternative to, or in addition to, reporting the matter.

Violation of this policy will result in disciplinary action, up to and including termination. All complaints will be kept confidential. In addition, BMPCS will not allow any form of retaliation against individuals who report unwelcome conduct to school leaders or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge.

Equal Employment Opportunity

Breakthrough Montessori Public Charter School is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, religion, national origin, ancestry, creed, age, physical or mental disability, medical condition, sex (including pregnancy, childbirth, lactation, and related medical conditions), marital status (including registered domestic partnership status), military or veteran status, sexual orientation, gender identity or expression,

family responsibilities, genetic information, matriculation, political affiliation, immigration status (except as necessary to comply with federal, state, or local law), or any other characteristic protected by applicable federal or District of Columbia laws. BMPCS is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment. BMPCS will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need a reasonable accommodation to perform your job duties because of a physical or mental condition, please speak to the Director of Operations.

BMPCS will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on BMPCS's operations. If you wish to request such an accommodation, please speak to the Executive Director.

Any employees with questions or concerns about equal employment opportunity in the workplace or our EEO policies are encouraged to bring these issues to the attention of the Director of Operations. BMPCS will not allow any form of retaliation against individuals who raise issues of discrimination, sexual harassment, and/or retaliation. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including discharge.

Drug and Alcohol-Free Workplace

To help ensure a safe, healthy and productive work environment for our employees and others, to protect BMPCS property, and to ensure efficient operations, BMPCS has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for BMPCS.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances, drug paraphernalia, or alcohol by an individual anywhere on BMPCS premises, while on BMPCS business (whether or not on BMPCS premises) or while representing BMPCS, is strictly prohibited.

Employees and other individuals who work for BMPCS also are prohibited from reporting to work or working, while they are using, or under the influence of alcohol or any controlled substances, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. Employees and other individuals who work for BMPCS are also prohibited from reporting to work while recovering from the use of alcohol or other substances.

This restriction does not apply to responsible, authorized drinking of alcohol at business meetings and related social outings.

Violation of this policy will result in disciplinary action, up to and including termination. BMPCS will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions.

We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any BMPCS employee, including themselves.

Whistleblower Policy

The Code of Ethics and Conduct of Breakthrough Montessori Public Charter School (hereinafter, The Organization) requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Organization, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

It is the responsibility of all directors, officers and employees to comply with the Code and to report violations or suspected violations in accordance with this Whistleblower Policy.

No Retaliation

No director, officer or employee who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the Organization prior to seeking resolution outside the Organization.

Reporting Violations

The Code addresses the Organization's open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with someone in the Human Resources Department or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected violations of the Code of Conduct to the Organization's Compliance Officer, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following the Organization's open door policy, individuals should contact the Organization's Compliance Officer directly.

Compliance Officer

The Organization's Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of the Code and, at his/her discretion, shall advise the Executive Director and/or the Board of Trustees Executive Committee. The Compliance Officer has direct access to the audit committee of the board of directors and is required to report to the audit committee at least annually on compliance activity. The Organization's Compliance Officer is the Director of Operations.

Accounting and Auditing Matters

The executive committee of the board of directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the audit committee of any such complaint and work with the committee until the matter is resolved.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Conflict Resolution Policies and Procedure

In order to create and preserve a school culture of mutual respect and peace and in alignment with our commitment to coaching, Breakthrough expects its staff members to participate in a community of mutual learning, and to take on courageous conversations in which others are “called in” instead of “called out.” Some necessary definitions are the following:

Courageous Conversations

Engaging in courageous conversations is about challenging current practices and fostering improvement and growth through conversation, listening to and acting on feedback, and providing feedback that will lead to improvements in student achievement and well-being. In courageous conversations, whether in the context of performance appraisal, mentoring, or coaching, individuals are encouraged to express their views openly and truthfully, rather than

defensively or with the purpose of laying blame. Integral to courageous conversations is an openness to learn.

“Calling In” vs. “Calling Out”

In social justice circles, calling in refers to “the act of checking your peers and getting them to change problematic behavior by explaining their misstep with compassion and patience.”

Picture a huddle where you bring someone in and talk about the game plan to get on the same page. Calling out is a more familiar—and, perhaps, more popular and easier—way of addressing socially problematic language and behavior, especially online. When you call someone out, you “issue a direct challenge to something they’ve said or done, usually in public and with the intent of exposing the person’s wrongdoing to others.” Of course, the act of calling in demands a lot of emotional labor. It’s important to remember that those who are being oppressed have a right to their anger and are under no obligation to do the work of educating the people participating in their oppression. Calling in is a tool for teaching others in safe situations, and it can be particularly useful if you are someone from a privileged group who can do the work of calling in others who share your privilege and challenging their problematic beliefs.[2](#)

In the case of conflict, the following steps should be taken first:

- Professional or personal conflict with another staff member (co-worker, supervisor, supervisee):
- Have a courageous conversation with the colleague
- If the colleague’s behavior does not change, it can then be reported to a supervisor.

A coworker comes to you with a complaint about a third party

- Listen empathetically to the colleague
- Encourage your colleague to have a courageous conversation with the person who can solve their problem or with the offending party
- If needed, and if you are willing, support your colleague in figuring out what s/he needs to have the courageous conversation
- Do not take your colleague’s complaint on as your own or attempt to resolve the complaint in their stead, even if multiple colleagues share the same complaint with you. Problems can only be resolved when they are brought to the person who has the authority to resolve them.

You observe a staff member saying or doing something that you disagree with, or is not aligned with Breakthrough’s policies

- Have a courageous conversation with the colleague
- Focus on “calling in” instead of “calling out,” to make the person a partner in changing their behavior
- If the colleague’s behavior does not change, it can then be reported to a supervisor

Any conflicts that cannot be resolved using the above steps can be reported to the Director of Operations, which then initiates an HR (Human Resources) investigation process.

Certain behaviors and actions should be reported immediately to a member of the administration, as they are unlawful and are a detriment to Breakthrough Montessori and the community as a whole. These include:

- Abuse or harm of a child
- Behavior, actions, or words related to discrimination or harassment
- Drug or alcohol use while at work, or showing signs of intoxication from previous consumption of drugs or alcohol
- Stealing or defacement of property
- Any other illegal action or activity

HR Investigation Process

For any conflict or actions that cannot be effectively addressed through the Conflict Resolution - often a scenario where two people disagree to a point of aggressive frustration - the Director of Operations will conduct an internal investigation to gather evidence and testimonials across a targeted group. It may also be necessary to investigate work emails to validate a complaint. Here are the steps that outline an internal investigation.

Explain the complaint to the supervisor. If the supervisor will decide whether the complaint warrants further investigation across the organization. (If an employee is uncomfortable approaching the supervisor, go directly to the Director of Operations. If the employee is uncomfortable approaching the Director of Operations, approach the Executive Director.) The Director of Operations will email a short list of identified employees to explain the timeline, process, and confirm confidentiality.

All short listed employees will be asked the same set of questions.

The Director of Operations will write a report and then send directly to the Executive Director with a list of recommendations. (If the Executive Director is being investigated, the Director of Operations will send the report to the Board Chair.