



## **2021-2022 Employee Policies**

Revised: July 2021



## **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.

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

Chavez policy and federal law, including Title IX of the Education Amendments of 1972, prohibits 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 employee. 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.

### ***Discrimination Defined***

Discrimination occurs when an individual, or group of individuals, is treated adversely because they belong to a classification of individuals that is protected from discrimination by a federal, state or local statute or Chavez School policy as set forth herein. The failure to provide reasonable accommodations

required by law or Chavez School policy based on disability or religious practice may constitute discrimination.

### ***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.

### ***Retaliation Defined***

Retaliation occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of (a) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a non-discrimination statute or which Chavez' policy prohibits; (b) filing a complaint about such practice; or (c) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.

### ***Conduct Prohibited by Policy***

Chavez prohibits any employee or applicant from discriminating or engaging in any other unwelcome conduct against any individual because of his or her gender, race, age, religion, ethnicity, disability, sexual orientation, or other protected category. Chavez employees are also prohibited from engaging in any unsolicited and unwelcome sexual overtures or other forms of sexual harassment. These behaviors reduce morale, interfere with work productivity, impugn individual dignity, and are contrary to Chavez' mission. The terms "discrimination" and "harassment" in this policy include all conduct which is contrary to this policy, even if it does not meet the legal definitions for those terms.

Chavez School'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. Some, but not all, examples of such conduct are:

- 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.
- Unwelcome or unwanted sexual advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual. This also includes unwelcome or unwanted sexually oriented conversation, suggestions, requests, demands, physical contacts, or attention.
- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning one's employment.
- Verbal abuse or kidding that is sexually oriented or considered unacceptable by another individual. This includes comments about an individual's body or appearance; off-color jokes; or any other tasteless, sexually-oriented comments, innuendos, or offensive language.
- Any sexually oriented conduct that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attention to someone, which reduces personal productivity.
- Participation in fostering a work environment that is generally intimidating, hostile, or offensive.

### ***Reporting and Investigating Discrimination, Harassment, or Retaliation***

#### **Reporting**

Any Chavez employee or applicant who feels that he/she/they is being or has been subjected to discrimination and/or harassment, or who knows of or suspects the occurrence of discrimination and/or harassment should promptly and in confidence inform his/her/their supervisor. If for any reason a person does not feel comfortable reporting to his/her/their supervisor, then he/she/they should report it to Ashley High, Chief Operations Officer as the Title IX Coordinator.

In addition, all management and supervisory personnel at Chavez have an affirmative duty to report promptly to the Human Resources Department and the Head of School any discrimination or 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 discrimination or harassment will be investigated as promptly and thoroughly as is practicable and 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 discrimination or harassment are expressly prohibited, that Chavez will conduct an investigation, keeping matters of the investigation



as confidential as possible. Chavez will take appropriate corrective action if discrimination and/or harassment is found to have occurred.

Ashley High, Chief Operations Officer, as the Title IX Coordinator, will be responsible for conducting the investigation of reported incidents of discrimination or harassment. The timing, scope, and extent of the investigation will be determined by Chavez on a case-by-case basis, considering the circumstances of the alleged discrimination or harassment. All investigations will be conducted to protect, as much as practicable, the privacy of, and minimize the suspicion toward, all persons concerned.

Chavez requires employees 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 Chavez' 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, Chavez will appropriately and in a timely manner inform the complainant and alleged offender of the closure and conclusion of the investigation.

If the complainant or the alleged offender is not satisfied with the resolution, he/she/they is encouraged to contact Chavez School's Chief Operating Officer, who will render a final decision.

In the event an investigation of a reported or suspected occurrence of discrimination or harassment fails to reveal a violation under this policy 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, Chavez may take appropriate disciplinary and/or other corrective action.

## **WORKPLACE SAFETY AND HEALTH**

### ***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' 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' 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' care is prohibited.

Desks, storage areas, work areas, lockers, and file cabinets are Chavez' 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' 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.

## **WORKPLACE VIOLENCE PREVENTION POLICY**

### ***Workplace Violence Prevention Policy***

Chavez is committed to preventing workplace violence and to maintaining a safe work environment. Chavez 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.

### ***Scope of Policy***

All full-time and part-time, active employees are covered under this policy. It also applies to contractors, volunteers, and any other adults serving Chavez to the full extent to which Chavez can reasonably



enforce the policy with non-employees. By way of example only, employees should report any threatening behavior by adults serving at Chavez—even if they are not employed by Chavez—and managers should suspend the contractor's, volunteer's, or other adult's service at Chavez, if warranted, pending investigation (per the policy below).

### *Procedures*

All employees, students, parents, vendors, business associates, and other stakeholders should be treated with courtesy and respect at all times. Employees must refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee, student, parent, vendor, business associate, or other stakeholder will not be tolerated. Chavez resources may not be used to threaten, stalk, or harass anyone at the workplace or outside of the workplace. Chavez treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, members of Chavez' leadership team, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intervene during an incident (unless their role at Chavez, their training, and other School policies require and have prepared them to intervene) and instead should report the incident to the Chavez leadership team or security personnel. Employees should promptly inform the Head of School or Human Resources of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. Chavez will not retaliate against employees making good-faith reports.

Chavez will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. Chavez will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Chavez may immediately suspend employees, contractors, or volunteers suspected of workplace violence or threats of violence, either with or without pay, pending investigation. Employees or others suspended for alleged violation of this policy shall not have any access to students, faculty, staff, contractors, or other stakeholders, nor shall they be allowed on Chavez' premises or at School activities. Additionally, Chavez may suspend email access with or without notice.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination of employment (or, in the case of a contractor or volunteer, termination of services) and/or and access to Chavez and its students and staff.

Chavez encourages employees to bring disputes to the attention of their supervisors or Head of School before the situations escalate. Chavez will not discipline employees for raising such concerns in good faith.

## WORKPLACE BULLYING PREVENTION POLICY

### *Workplace Bullying Prevention Policy*

Bullying is a pattern of repeated behavior that a reasonable person would find hostile, offensive, and unrelated to the School's legitimate business interests. Bullying behavior may take many forms including physical, verbal, or written acts or behaviors. Workplace bullying often involves an abuse or misuse of power. A single physical, verbal, or written act or behavior generally will not constitute bullying unless especially severe and egregious.

Examples of bullying may include:

- persistent or egregious use of abusive, insulting, or offensive language directed at an employee;
- spreading misinformation or malicious rumors;
- behavior or language that frightens, humiliates, belittles, or degrades, including criticism or feedback that is delivered with yelling, screaming, threats, or insults;
- making repeated inappropriate comments about a person's appearance, lifestyle, family, or culture;
- regularly teasing or making someone the brunt of pranks or practical jokes;
- interfering with a person's personal property or work equipment;
- circulating inappropriate or embarrassing photos or videos via e-mail or social media;
- unwarranted physical contact; or
- purposefully excluding, isolating, or marginalizing a person from normal work activities.

### *Bullying vs. Supervision*

It is important to distinguish between bullying behavior and appropriate workplace supervision. Reasonable supervisory actions, when carried out in an appropriate manner, include:

- providing performance reviews or performance improvement plans;
- coaching or providing constructive feedback;
- monitoring or restricting access to sensitive information for legitimate business reasons;
- scheduling ongoing meetings and maintaining documentation to address performance issues;
- setting aggressive performance goals to help meet departmental goals;
- counseling or disciplining an employee for misconduct; and
- investigating alleged misconduct.

Differences of opinion, interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and do not necessarily constitute workplace bullying.

### *Retaliation*

This policy prohibits retaliation (e.g., threats, intimidation, reprisals, and adverse actions related to employment) against any person who reports bullying, assists someone with a report of bullying, or participates in an investigation or resolution of a bullying complaint.



### ***Reporting Incidents of Bullying***

All members of the School community are strongly encouraged to report conduct believed to constitute bullying under this policy to a supervisor or to Human Resources. Supervisors who observe bullying behavior or receive a report of bullying are required to address such behavior immediately and notify Human Resources.

## **GRIEVANCE PROCEDURE**

### **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, the Title IX Coordinator 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 this Handbook or within “504 Grievance Procedures” section, 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’ employee who believes that he/she/they has a complaint not covered by the Chavez Anti-Harassment and Discrimination policy may submit a complaint pursuant to Chavez Grievance



Procedures. A copy of the grievance procedures and Grievance Complaint Form can be obtained by request through:

Human Resources  
3701 Hayes Street NE  
Washington, DC 20019

### **TITLE IX GRIEVANCE PROCEDURES**

Any employee or student who believes that Chavez 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 per the guidelines detailed in Chavez' Policies on Non-Discrimination, Harassment and Retaliation (Title IX) for Employees and/or Students.

Ashley High, Chief Operating Officer, the Title IX coordinator, [ashley.high@chavezschools.org](mailto:ashley.high@chavezschools.org)—serves as the Primary Contact for Title IX matters. Contact the Human Resources Department to reach additional people.

### **504 GRIEVANCE PROCEDURE**

Any person who believes that Chavez 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 may be submitted to the Head of School per guidelines provided in the current Student Handbook.

Complaints involving employees of Chavez may be submitted to:

Human Resources  
3701 Hayes Street NE  
Washington, DC 20019

### **GRIEVANCE PROCEDURE**

The grievance procedures outlined below generally establishes how complaints will be investigated and resolved. These grievance procedures are intended to provide for a prompt and equitable resolution of complaints. Where applicable, 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 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 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 ninety (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](mailto: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 timely 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 to the extent practicable and allowable by law.

Within fourteen (14) 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. 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 HEAD OF SCHOOL within ten business days after receipt of the response. The Head of School will review all relevant information and meet with the parties involved, as necessary. Within fourteen business days of receiving the statement of appeal, the Head of School will respond in writing to the complainant summarizing the outcome of the appeal.

Head of School  
3701 Hayes Street NE  
Washington, DC 20019

### **Step 3**

If the complainant is not satisfied with the decision of the Head of School he/she/they may appeal through a signed written statement to Chavez Board of Trustees within ten business days of the receipt of the Head of School'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 a reasonable time following the appeal meeting by the Board.

Chavez Board Chair  
3701 Hayes Street NE  
Washington, DC 20019  
[chaveztrustees@chavezschools.org](mailto: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.