

## Washington Yu Ying Public Charter School Policies

### Sexual Harassment

Sexual harassment is illegal. Sexual harassment of a Yu Ying student or school personnel consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. A member of Yu Ying's personnel causes a student or fellow personnel to believe that he or she must submit to sexual conduct in order to participate in a school program or activity, or when a member of Yu Ying's personnel causes a student or fellow personnel to believe that an educational or performance decision is based on whether or not the individual submits to sexual conduct; or
2. Sexual conduct is so severe, persistent or pervasive that it affects a student or staff's ability to participate in or benefit from an educational or professional program or activity, or creates an intimidating, threatening or abusive environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Examples of conduct which may constitute sexual harassment include:

- sexual advances
- touching, patting, grabbing or pinching another person's intimate parts
- coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts
- coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another
- graffiti of a sexual nature
- sexual gestures
- sexual or dirty jokes or innuendos
- touching oneself sexually or talking about one's sexual activity in front of others
- spreading rumors about or rating other students as to sexual activity or performance
- unwelcome, sexually motivated or inappropriate patting, pinching or physical contact.
- other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment.

Please note: this policy does not prohibit legitimate, non-sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as teacher's consoling hug of a young student, or one student's demonstration of a sports move requiring contact with another student.

### **Equal Opportunity**

Washington Yu Ying Public Charter School has and shall continue to have a policy that all persons are entitled to equal employment opportunity based upon personal capabilities and qualifications, regardless of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, political affiliation, or any other status protected under applicable federal, state or local laws. Yu Ying will not discriminate against any qualified applicants or employees with respect to any terms or conditions of employment based on their membership in any protected class. Yu Ying also prohibits discrimination and harassment based on a perception that anyone is in one of these protected categories, or is associated with a person who is or is perceived as being in any one of these protected categories.

This Equal Employment Opportunity Policy applies to all policies and procedures relating to recruitment and hiring, promotion, compensation, benefits, termination and all other terms and conditions of employment.

Yu Ying does not and will not permit employees to engage in unlawful discrimination or harassment practices. It is the responsibility of all employees to ensure that the concepts of equal employment opportunity, non-harassment and non-discrimination are understood, abided by and carried out by everyone. An employee who experiences or witnesses any conduct that is inconsistent with this policy should report such incidents to the Human Resources Representatives or School Administration. Contact information for the Human Resources Representatives and School Administration are provided on the School's Intranet. The Human Resources Representative or School Administrator who receives such a report shall report such incidents to the Executive Director. A prompt investigation of all complaints will be conducted.

There will be no retaliation against employees for reporting discrimination or assisting Yu Ying in the investigation of a complaint. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. An employee who believes he or she experienced or witnessed any incidents of retaliation prohibited by this policy should notify the Human Resources Representatives, School Administration, or Executive Director immediately, or in the alternative, the Secretary of the Board of Trustees.

## **Drug-Free Workplace**

Yu Ying is committed to protecting the safety, health and well-being of all employees and individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug free workplace program that balances our respect for individuals with the need to maintain an alcohol- and drug-free environment.

It is the policy of Yu Ying to maintain age-appropriate, developmental drug and alcohol education and prevention programs. The program shall convey to students that the use of illicit drugs and the unlawful possession of alcohol are harmful and wrong.

The standards of conduct in the school clearly prohibit, at a minimum, the unlawful possession, manufacture, distribution, dispensing, possession or use of a controlled substance. No student or staff member shall use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Entering the organization's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time.

Discipline for violating the standards of conduct set out above will be governed by the school's policies and rules. Consistent with federal, state and local law, the school will impose sanctions on students and staff members who violate the standards of conduct, up to and including for students, expulsion and referral for prosecution, and for staff, up to and including immediate dismissal.

**Any employee who is convicted for a violation of a criminal drug statute occurring in or outside the workplace must notify the Human Resources Representative no more than five calendar days after the conviction.**

## **Staff Complaint Resolution Process**

It is the policy of Washington Yu Ying PCS that all employees, students, parents, and visitors, have the right to voice their complaints or grievances about matters pertaining to its schools.

Yu Ying recognizes the meaningful value and importance of full discussion in resolving misunderstandings and in preserving good relations between management and employees and between the School, its students and their families. Accordingly, the following grievance procedure should be employed to ensure that complaints receive full consideration.

#### A. What May Be Grieved

Yu Ying's grievance process should be used as follows: (1) to deal with complaints and concerns pertaining to educational environment, employment arrangements, or interpersonal conflicts; and (2) to resolve complaints of discrimination and harassment based upon race, color, religion, creed, sex, national origin, age, disability, veteran status, sexual orientation, or other protected status.

#### B. Who May Grieve

The procedures set forth below may be used by grievants, who can be employees, students, parents, or visitors.

#### C. Other Remedies

The existence of this procedure does not bar grievants from also filing claims in other forums to the extent permitted by state or federal law. The filing of a grievance under this procedure does not toll or extend the time periods set by federal, state or local law to file external complaints or charges.

#### D. Informal Grievance

Because most difficulties can be resolved by communicating a concern to someone, grievant, are encouraged to discuss their concern or harassment complaint promptly and candidly with their immediate supervisor, the Human Resources Representatives or School Administration.

The grievant is not required to discuss his or her complaint with any alleged harasser or perpetrator in any manner or for any reason prior to initiating a formal grievance.

#### E. Formal Grievance

Within ninety (90) days of encountering the harassment, discrimination, or incident that is the subject of the grievance, a grievant shall file a written notice with the School Administration. Grievant may, but are not required to, use the Grievance Form, which is attached hereto and is also available from School Administration, or online from the School website. The written notice shall identify the nature of the complaint, the date(s) of occurrence, and the desired result, and shall be signed and dated by the person filing the grievance. In the event of a grievance being filed on behalf of a student by the legal guardian or parent of the aggrieved student, both the student and the legal guardian and/or parent shall sign and date the grievance.

School Administration will immediately initiate an adequate, reliable impartial investigation of the grievance. Each formal complaint will be investigated, and depending on the facts involved in each situation, will be decided after receiving information from the appropriate sources. Each investigation may include interviewing witnesses, obtaining documents, and allowing parties to present evidence.

All documentation related to the investigation and discussions held in this process are considered **EXTREMELY CONFIDENTIAL** and are not to be revealed to or discussed by any participant with persons not directly involved with the complaint, its investigation or

with the decision-making process. This provision does not include discussions with the governmental authorities.

Within thirty (30) business days of receiving the written notice, the School Administration shall respond in writing to the grievant (the "Response"). The Response shall summarize the course of the investigation, the relevant factual findings and the appropriate resolution.

If, as a result of the investigation, harassment, or a valid grievance is established, appropriate corrective and remedial action will be taken.

#### F. Appeals

If the grievant is not satisfied with the Response, the grievant may appeal in writing to the Washington Yu Ying Board of Trustees (or designee) within thirty (30) days of the date of the Response summarizing the outcome of the investigation. The written appeal must contain all written documentation from the initial grievance and the grievant's reasons for not accepting the Response. The appeal, in letter form, may be sent to: Washington Yu Ying Board of Trustees, [board.secretary@washingtoneying.org](mailto:board.secretary@washingtoneying.org).

Within fifteen (15) days from receiving the written appeal, the Board of Trustees will respond in writing to the appellant as to the action to be taken and the reasons therefor.

#### G. Prohibition Against Retaliation

Yu Ying pledges that it will not retaliate against any person who files a grievance in accordance with this policy, or any person who participates in proceedings related to this policy.

In addition, Yu Ying will not tolerate any form of retaliation against any person who makes a good faith report or complaint about perceived acts of harassment, discrimination, or concern, or who cooperates in an investigation of harassment, discrimination, or a concern. Any person who is found to be engaging in any kind of retaliation will be subject to appropriate disciplinary action.

#### H. Modification

Washington Yu Ying may approve modification of the foregoing procedures in a particular case if the modification (a) is for the good cause, and (b) does not violate due process rights or policies of Washington Yu Ying.

### **Whistle Blower Policy**

As employees and representatives of Yu Ying, we all must:

- Have high standards for ourselves and each other
- Fulfill our responsibilities with integrity
- Comply with all applicable policies, laws, and regulations

If an employee observes another Yu Ying representative engaging in a dishonest, unethical, or illegal activity, the employee may report that activity to her/his supervisor, Chief Operating Officer, Executive Director, or Board Trustee. The employee reporting the dishonest, unethical, or illegal activity will be protected under this policy.

**Definitions**

A whistleblower as defined by this policy is an employee or representative of Washington Yu Ying who reports a work-related activity that the employee or representative considers to be illegal or dishonest or unethical. Illustrative examples of illegal, dishonest, or unethical activities include violations of federal, state or local laws; purposefully taking leave from work without reporting that leave in Yu Ying’s payroll system and to a supervisor, not charging fellow employees or families for services received; and fraudulent financial reporting.

**Reporting Responsibility**

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that Yu Ying can address and correct inappropriate conduct and actions. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate members of Yu Ying’s leadership team are charged with these responsibilities (see below).

**Reporting Procedures**

1. Employees share their knowledge of or concerns about illegal, dishonest, or unethical activities with their supervisors, Yu Ying leadership, or by completing an anonymous form.
  - Share information with a supervisor: Employees are encouraged to communicate with their supervisors about any questions or concerns they have about dishonest practices, ethical violations, or legal questions. Supervisors are required to report any complaints or concerns about suspected violations by phone and in writing to the Yu Ying’s Executive Director, COO, or Board Chair / Vice Chair within one business day of receiving the complaint.
  - Share information with the Executive Director, COO, or Board Trustee. If they are not comfortable speaking with a supervisor or is not satisfied with the supervisor’s response, employees are encouraged to talk with or write to the Executive Director, Chief Operating Officer, or a Board Trustee.
  - Complete an anonymous form. If they would like to provide information anonymously, employees may complete and submit this anonymous form. The information provided on the anonymous form is sent directly to the Board Chair and Vice Chair. No Yu Ying staff member has access to the results of this form.
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2. Within one business day of receiving the complaint, the Executive Director, COO, or Board Trustee will send written notification to the person who submitted a complaint (if that person is known) and acknowledge the receipt of the reported violation or suspected violation.
3. Within two business days of receiving the complaint, the Executive Director, COO, or Board Trustee will inform the full board in writing about the nature of the complaint. If only the Board Chair / Vice Chair receives the complaint, s/he will also inform the Executive Director and COO of the complaint if sharing such information is appropriate.
4. The Executive Director or Board Chair has the responsibility to investigate all reported complaints. All reports will be promptly investigated, documented, and appropriate corrective action will be taken if warranted by the investigation. Information about the investigation will be shared with the Executive Director, COO, and Board Trustees in the form of written updates. If the complaint or concerns are related to the actions of the Executive Director or COO, the Board Chair or Vice Chair will share information about the investigation with the Executive Director or COO as it is appropriate to do so.
5. This policy permits the Executive Director, COO, Board Chair or Vice Chair seek and receive guidance from an appropriate advisor, such as a lawyer or accountant, when investigating the whistleblower's concern or complaint.
6. At the conclusion of the investigation, the Executive Director, COO, Board Chair or Vice Chair will provide a final written report, including major findings, recommendations, and next steps, and submit this final report to the full board.
7. Once the investigation is complete, the Executive Director or Board Chair will share high-level findings from the report with the whistleblower as it is appropriate or permissible by law.

## **Whistleblower Protections**

This Whistleblower Policy protects employees in two important areas -- confidentiality and against retaliation:

- Confidentiality. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, the identity of the whistleblower may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.
- No retaliation. Yu Ying will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, and poor work assignments, or threats of physical harm. Whistleblower who believes they are being retaliated against must contact the ED, COO, or a Board Trustee immediately. The right of a

whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. An employee or Board Trustee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment or dismissal from Board service.