



## HARMONY DC PCS - SCHOOL OF EXCELLENCE

62 T St NE, Washington, D.C. 20002

Ph: 202-529-7500

• Fax: 202-529-7501

www.harmonydc.org

• info@harmonydc.org

# EMPLOYEE POLICIES Updated: 08/01/2021

## Equal Employment Opportunity

It is the policy of Harmony D.C. Public Charter Schools not to discriminate on the basis of any legally-protected classification, including race, color, religion, national origin, sex, or disability, age, or genetic information in its educational programs and employment practices as required by [Titles VI and VII](#) of the Civil Rights Act of 1964, as amended; [Title IX of the Education Amendments of 1972](#); [Titles I and V of the Americans with Disabilities Act](#) of 1990, as amended (ADA); the [Age Discrimination in Education Act](#) of 1975, as amended (ADEA); [Section 504 of the Rehabilitation Act of 1973](#), as amended; the [Genetic Information Nondiscrimination Act in Education of 2008](#) (GINA); and any other legally-protected classification or status protected by applicable law. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Harmony D.C. Public Schools will be based on merit, performance, qualifications, and/or abilities. Harmony D.C. Public Schools will make reasonable accommodations for qualified individuals in compliance with the ADA, as amended.

*Employees can raise concerns and make reports without fear of reprisal. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to **bring these issues to the attention of their school principal or Board President.***

## Prohibition of Harassment and Discrimination

Harmony D.C. Public Charter Schools prohibit discrimination, including harassment, on the basis of a person's race, color, gender, national origin, disability, religion, age or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of Harmony policy. Employees should not tolerate discrimination or harassment of themselves or others and are encouraged to report claims as soon as possible to school principal or if the harassment involves principal, to Board President. Failure to promptly report alleged harassment may impair Harmony's ability to investigate and address the claim(s).

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

- Has the purpose or effect of unreasonably interfering with the employee’s work performance;
- Creates an intimidating, threatening, hostile, or offensive work environment; or
- Otherwise adversely affects the employee’s performance, environment or employment opportunities.

Employees will not engage in conduct constituting discrimination or harassment. Harmony will investigate all allegations of such claims and take appropriate disciplinary action—up to and including termination—against employees found to engage in such acts.

### **Religious Discrimination Prohibited**

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief; unless Harmony demonstrates that it is unable to reasonably accommodate an employee’s or prospective employee’s religious observance or practice without undue hardship to the School’s business. “Undue hardship” means more than a de minimus (minimal) cost.

Harmony D.C. Public Schools may not substantially burden an employee’s free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest.

### **Sexual Harassment Prohibited**

Harmony D.C. Public Charter Schools will not tolerate sexual harassment, nor will it tolerate reprisals against any employee who makes a sexual harassment complaint. All school representatives who violate this prohibition are subject to disciplinary action, up to and including termination from employment.

Sexual harassment consists of unwelcome verbal, visual, or physical conduct—including sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature—when, for example:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or
- Such conduct has the purpose of affecting or unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Any Principal or supervisor who receives a complaint of sexual harassment and fails to investigate or take corrective action is subject to disciplinary action, including immediate termination.

## **Student Discrimination and Harassment**

Harmony D.C. Public Charter Schools prohibit discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, age, academic, artistic or athletic ability, the school district the student would otherwise attend, or any other basis prohibited by law. Discrimination against a student is defined as conduct directed at a student on the above legally protected classifications that adversely affects the student. Harmony employees will not engage in discrimination of students nor tolerate student-to-student discrimination.

Harmony D.C. Public Charter Schools further prohibit sexual harassment against students. Such harassment includes unwelcome verbal or physical sexual advances, including but not limited to engaging in sexually-oriented conversations, telephoning students at home or elsewhere to solicit unwelcome social relationships, physical contact that would reasonably be construed as sexual in nature, threatening or enticing students to engage in sexual behavior in exchange for grades or other school-related benefit, request for sexual favors, sexually-motivated physical, verbal, or nonverbal conduct when the conduct affects the student's ability to participate in or benefit from a program or activity, or creates an intimidating, threatening, hostile or offensive educational environment. Sexual harassment of students by employees is always a violation of law and, therefore, cannot be defended on the grounds that the student may have sought or encouraged the conduct.

Romantic or inappropriate social relationships between students and school employees are prohibited. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the school Principal or other appropriate school official. All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or has a cause to believe child abuse, neglect or maltreatment of a child must also report his or her knowledge or suspicion to the appropriate law enforcement authorities, within 48 hours as required by law. Failure to report suspected child abuse or neglect is a criminal offense.

Harmony will investigate all allegations of such discrimination and will take appropriate disciplinary action against employees or students who have engaged in such acts. Retaliation against anyone involved in the complaint process is a violation of Harmony policy. Employees will not tolerate any form of discrimination of students and will report any alleged acts in a timely manner. Failure to promptly report alleged discrimination may impair Harmony's ability to investigate and address the harassment and any

employee violating this policy is subject to disciplinary action, up to and including termination from employment.

### **Complaint Procedures: Harassment**

Harmony takes allegations of harassment and discrimination very seriously and intends to investigate all official complaints. Harmony will take appropriate actions against all substantiated allegations. Employees who believe they are being harassed or discriminated against are requested to take the following actions:

- In the event you feel you are a victim of harassment, you should contact your Principal or supervisor immediately. In the event your Principal is the alleged harasser, you should contact Board President.
- Any employee who is uncomfortable with face-to-face interaction may write down their complaints in a memo and submit them to the school principal.
- School principal is required to contact Board President immediately upon receiving a complaint of harassment or discrimination. School principal is not to try and handle the situation alone. All complaints of harassment or discrimination must be turned over to the Board President.
- All complaints will be handled in a timely manner. While due to the need to investigate absolute confidentiality may not always be possible, the complaint will be handled in as confidential a manner as possible. Except as required by law, under no circumstances will information concerning any employee's complaint be released by Harmony to any third person or to anyone within Harmony who is not involved in the investigation.

The purpose of this provision is to maintain impartiality and confidentiality to the extent possible. Both the reporting individual (victim) and the accused have equal privacy rights under the law and Harmony must respond accordingly.

Retaliation against any person who in good faith reports or complains about harassment or discrimination is unlawful and will not be tolerated. Employees who take part in any retaliatory action will be subject to disciplinary action up to and including immediate termination from employment. Unlawful retaliation may include, but is not limited to, any of the following actions as a result of an employee's complaint or involvement in an investigation of harassment or discrimination:

- Demotion;
- Poor performance appraisals;
- Transfers;
- Assignment of demeaning tasks; or
- Taking any kind of adverse action against a person who complains or is involved in an investigation of sexual harassment or discrimination.

In addition to using Harmony’s complaint process, an employee may file a formal complaint with the United States Equal Employment Opportunity Commission (EEOC) or DC Department of Employment Services Workforce Commission . Additional information may be found by visiting <http://www.eeoc.gov/employees/charge.cfm>.

### **Corrective Action**

Harmony will take prompt and effective action to end the any harassment and to deter future harassment and discrimination. This may include discipline or termination of the perpetrator or of the complainant in the case that a falsified complaint or contributory behavior was discovered to have occurred.

Both the complaining employee and the alleged wrongdoer have the right to appeal the determination of the investigation according to the terms of Harmony’s grievance and complaint policy. *See* “Complaints and Grievances,” p. 50 of this Handbook.

### **Liability for Harassment**

Harmony accepts no liability for harassment or discrimination of any kind by an employee. Harmony does not consider harassing or discriminatory conduct to be within the course and scope of employment or the direct consequences of the discharge of any employee’s duties. Accordingly, to the extent permitted by law, Harmony reserves the right not to provide a defense or pay damages assessed against employees for harassing or discriminatory conduct in violation of Harmony policy.

### **Drug-Free Workplace**

Harmony D.C. Public Charter Schools supports a drug-free workplace. Recognizing that a drug-free workplace is a safer and more productive place for our employees to work and for our students to be educated, Harmony has adopted a Substance Abuse Prevention Policy (the “Drug-Free Policy”) that applies to all employees. Please read the Drug-Free Policy, or have it read to you, then sign the verification and consent form (contained at the end of this Handbook) acknowledging that you understand it and have received a copy. Compliance with the Drug-Free Policy is a condition of continued employment with Harmony D.C. Public Schools. Your continued employment with Harmony will evidence your agreement to comply with the terms and provisions of the Drug-Free Policy.

Harmony D.C. Public Charter Schools prohibits the unlawful manufacture, possession, distribution, or use of controlled substances—including alcohol illegal drugs, and inhalants—in the workplace. Harmony will establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, Harmony’s policy of maintaining a drug-free workplace, any available drug counseling,

rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violation.

“Workplace” is defined to mean the site for performance of work done in connection with all assignments or duties of a person’s employment with Harmony D.C. Public Charter Schools. This includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school-sponsored or school-approved activities; or any non-school property during any school-sponsored activity, event, or function, such as a field trip or athletic event where students are under the jurisdiction or supervision of the school.

Employees who violate this prohibition will be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, and/or termination from employment with Harmony at Harmony’s sole discretion, and also includes referral to appropriate law enforcement officials for prosecution.

#### Possession of Dangerous Substances

Employees will not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

- Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate or any “look-alike” substances.
- Alcohol or any alcoholic beverage.
- Any abuse-able glue, aerosol paint, or any other chemical substance for inhalation.
- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.
- Equipment and paraphernalia related to illegal drug or substance use.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

#### **Exceptions**

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee’s personal use will not be considered to have violated this policy. The drugs, both prescription and over-the-counter, are limited to one day’s supply, or must be kept in the original container. When appropriate, Harmony may determine, by consulting a medical doctor, if the drug or inhalant produces hazardous effects that may impair an employee’s ability to work safely. Harmony may check with prescribing physicians to see if other medications are available which would not impair the employee’s ability to work safely.

## Whistleblower Protection Policy

Whistleblower policies are critical tools for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper.

- I. The organization 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, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- II. Whistleblower protections are provided in two important areas: confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity 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.
- III. Individuals protected include a. the employee, or a person acting on behalf of the employee, who reports to a public body or is about to report to a public body a matter of public concern; or b. the employee who participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.
- IV. The organization may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment.
- V. The organization may not disqualify an employee or other person who brings a matter of public concern, or participates in a proceeding connected with a matter of public concern, before a public body or court, because of the report or participation, from eligibility to bid on contracts with the organization; receive land under a district ordinance; or receive another right, privilege, or benefit.
- VI. The provisions of this policy do not a. require the organization to compensate an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body; b. prohibit the organization from compensating an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body; c. authorize the disclosure of information that is legally required to be kept confidential; or d. diminish or impair the rights of an employee under a collective bargaining agreement.
- VII. Limitation to protections a. A person is not entitled to the protections under this policy unless he or she reasonably believes that the information reported is, or is about to become, a matter of public concern; and reports the information in good faith. b. A person is entitled to the protections under this policy only if the matter of public concern is not the result of conduct

by the individual seeking protection, unless it is the result of conduct by the person that was required by his or her employer. c. Before an employee initiates a report to a public body on a matter of public concern under this policy, the employee shall submit a written report concerning the matter to the organization's chief executive officer. However, the employee is not required to submit a written report if he or she believes with reasonable certainty that the activity, policy, or practice is already known to the chief executive officer; or that an emergency is involved.

## **Procedures**

- I. If an employee has knowledge of or a concern of illegal or dishonest/fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Director. All reports or concerns of illegal and dishonest activities will be promptly submitted by the receiving supervisor to the Human Resources Director, who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the Human Resource Director should be reported to the chief executive officer.
- II. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.
- III. Examples of illegal or dishonest activities include violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action.

## **Supplemental information**

### **Definitions**

1. "Whistleblower" is defined by this policy as an employee who reports, to one or more of the parties specified in this policy, an activity that he/she considers to be illegal, dishonest, unethical, or otherwise improper.
2. "Employee," or "public employee," means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied, for the district.
3. "Matter of public concern" means a. a violation of a state, federal, or municipal law, regulation, or ordinance; b. a danger to public health or safety; and/or c. gross mismanagement, substantial waste of funds, or a clear abuse of authority.
4. "Public body" includes an officer or agency of
  - a. the federal government;



- b. the state;
- c. a political subdivision of the state including a municipality or a school district; and
- d. a public university in the state.

## COMPLAINTS AND GRIEVANCES

---

Harmony values the opinions of all its employees, and employees have the right to express their views through appropriate informal and formal processes.

The Board encourages employees to discuss their complaints and concerns through informal meetings with their supervisor and/or campus Principal. Concerns and complaints should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Neither the Board of Directors nor any Harmony employee will retaliate against an employee for bringing a complaint or concern. All persons involved in the grievance process are expected to be courteous to one another and adhere to the Code of Ethics and Standard Practices for DC Educators.

### **Complaint Process**

The formal complaint process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the Board of Directors, as outlined below.

In the event of a problem or dispute with other personnel, students, or parents, an employee may submit a grievance following the process described below.

A grievance must specify the harm alleged by each individual and the remedy sought. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. Multiple grievances may be consolidated at Harmony's discretion. All time limits will be strictly complied with unless modified by mutual consent. Costs of any grievance will be paid by the party incurring them.

All complaints, whether informal or formal, must be brought within 10 days of the time the employee knew or should have known of the event(s) or incident(s) giving rise to the complaint.

**Note:** An employee may begin the grievance process immediately at Level 3.

**Level One.** An employee will submit a proper grievance, in writing, to the employee's campus Principal within 10 days of the time the employee knew or should have known of the event(s) giving rise to the complaint. The Level 1 Hearing Officer will meet with the employee to consider the grievance within 10 working days of receipt of the written grievance. The Level 1 Hearing Officer will then supply a written response to the employee within 10 working days of the meeting.

**Level Two.** If the grievance is not resolved to the employee's satisfaction at Level One, or if no written decision is received from the Principal within the time allotted, the employee may submit a written appeal to the appropriate Cluster Superintendent within 10 working days of the deadline for receipt of a decision. The appeal must be specific, reference the law or policy alleged to have been violated or the dissatisfaction raised by the employee, and where possible, suggest a resolution. The Level 2 Hearing Officer will meet with the employee to consider the appeal within 10 working days of receipt of the appeal. The Level 2 Hearing Officer will then supply a written response to the employee within 10 working days of the meeting.

**Level Three.** If the matter is still not resolved, the employee may submit a written appeal to the Board of Directors within 10 working days of receipt of the Level 2 Hearing Officer's response, or if no written decision is received, no later than within 10 working days of the deadline for receipt of a decision from the Level 2 Hearing Officer. The complaint will be directed and delivered to the President of the Board of Directors, and will include a copy of the written Level 2 complaint and the Level 2 response, if any. The Board of Directors will then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board of Directors meeting. If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Directors in closed meeting. However, if the grievance involves a complaint or charge against another Harmony employee or a director or officer, it will be heard in closed meeting unless an open meeting is requested in writing by the employee, Director or officer against whom the complaint or charge is brought.

The failure of the Board of Directors to act on a complaint has the effect of upholding the decision below.