
PROHIBITING UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY

Excel Academy Charter Schools (“School”) adopts this Prohibiting Unlawful Harassment, Discrimination, and Retaliation policy. The School prohibits unlawful harassment, discrimination, and retaliation based upon: race, including, but not limited to, hair texture and protective hairstyles such as braids, locks and twists); color; actual or perceived gender (including gender identity, gender expression, and transgender identity, whether or not the employee is transitioning or has transitioned); sex (including pregnancy, childbirth, breastfeeding, and related medical conditions); religious creed (including religious beliefs, observance or practice, including religious dress or grooming practices); marital/registered domestic partner status; status as a victim of domestic violence, assault or stalking; age (forty (40) and over); ethnicity, national origin or ancestry (including native language spoken and possession of a driver’s license issued to persons unable to prove their presence in the U.S. is authorized by federal law); citizenship; physical or mental disability (including HIV and AIDS); medical condition (including cancer, a record of or history of cancer, and genetic characteristics); taking a leave of absence authorized by law; genetic information; sexual orientation; political affiliation; military and veteran status; or any other consideration made unlawful by federal, state, or local laws.

Employees, volunteers, unpaid interns, individuals in apprenticeship programs, and independent contractors shall not be harassed, or discriminated or retaliated against, based upon the characteristics noted above.

School does not condone and will not tolerate unlawful harassment, discrimination, or retaliation on the part of any employee (including supervisors and managers) or third party (including independent contractors or another person with which the School does business). Supervisors and managers are to report any complaints of unlawful harassment to the Human Resources Manager or designee.

When the School receives allegations of unlawful harassment, discrimination, or retaliation, the Human Resources Manager or designee (or the Board President if a complaint is about the Human Resources Manager or Executive Director) will conduct a fair, timely, and thorough investigation that provides all parties an appropriate process and reaches reasonable conclusions based on the evidence collected. The investigation will be handled in as confidential a manner as possible, although complete confidentiality cannot be guaranteed. Complainants and witnesses shall not be subject to retaliation for making complaints in good faith or participating in an investigation. The School is committed to remediating any instances where investigation findings demonstrate unlawful harassment, discrimination, or retaliation has occurred.

Prohibited Unlawful Harassment

1. Verbal conduct such as epithets, derogatory jokes or comments or slurs;
2. Physical conduct including assault, unwanted touching, intentionally blocking normal

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- movement, or interfering with work because of sex, race, or any other protected basis;
3. Retaliation for reporting or threatening to report harassment; or
 4. Disparate treatment based on any of the protected classes above.

Prohibited Unlawful Sexual Harassment

The School is committed to providing a workplace free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee.

Sexual harassment consists of sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire, when: (1) submission to the conduct is either made explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based upon an individual's acceptance or rejection of that conduct; and/or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate in any way against an employee who has articulated a good faith concern about sexual harassment against them or ~~against~~ another individual.

All supervisors of staff will receive two (2) hours of sexual harassment prevention training within six (6) months of hire or their assumption of a supervisory position and every two (2) years thereafter. All other employees will receive one (1) hour of sexual harassment prevention training within (6) months of hire and every two (2) years thereafter. Such training will address all legally required topics, including information about the negative effects that abusive conduct has on both the victim of the conduct and others in the workplace, as well as methods to prevent abusive conduct undertaken with malice a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct includes, but is not limited to, repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. Supervisors shall also be trained on how to appropriately respond when the supervisor becomes aware that an employee is the target of unlawful harassment. Other staff will receive sexual harassment prevention training as required by law.

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action must be taken to address such conduct. Any employee who believes they have been sexually harassed or has witnessed sexual harassment is encouraged

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to immediately report such harassment to the Human Resources manager. See the “Harassment/Discrimination/Retaliation Complaint Form.”

Sexual harassment may include, but is not limited to:

1. Physical assaults of a sexual nature, such as:
 - a. Rape, sexual battery, molestation or attempts to commit these assaults and
 - b. Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another’s body, or poking another’s body.
2. Unwanted sexual advances, propositions or other sexual comments, such as:
 - a. Sexually oriented gestures, notices, remarks, jokes, or comments about a person’s sexuality or sexual experience;
 - b. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or disparate treatment for rejecting sexual conduct; and
 - c. Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct, or intentionally making the performance of the employee’s job more difficult because of the employee’s sex.
3. Sexual or discriminatory displays or publications anywhere at the workplace by employees, such as:
 - a. Displaying pictures, cartoons, posters, calendars, graffiti, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing to work or possessing any such material to read, display or view at work;
 - b. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; and
 - c. Displaying signs or other materials purporting to segregate an employee by sex in an area of the workplace (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this policy. Moreover, please note that while in most situations a personal relationship is a private matter, these relationships may not be appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities. As such, consensual relationships in the workplace may violate School policy. Where there is a personal relationship that could result in a conflict of interest, the employee(s) must divulge the relationship to their supervisor who will report it to the Human Resources manager. Following an investigation, the Human Resources manager may make a reassignment to ensure compliance with this policy.

PROHIBITING UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY**HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM**

It is the policy of the School that all individuals will be free from harassment, discrimination, and retaliation. This form is provided for all individuals to report what they believe to be harassment, discrimination, or retaliation so that the School may investigate and take appropriate action when the facts show that there has been harassment, discrimination, or retaliation.

An individual may file this form with the Human Resources manager or designee, or the Board President if the complaint is against the Human Resources manager, or the Executive Director.

An individual should review the School's policies concerning harassment, discrimination, and retaliation for a definition of such unlawful conduct and a description of the types of conduct that are considered unlawful.

The School will undertake every effort to handle the investigation of the complaint in a confidential manner. In that regard, the School will disclose the contents of the complaint only to those persons having a need to know. For example, to conduct its investigation, the School will need to disclose portions of the factual allegations to potential witnesses, including anyone that has been identified as having knowledge of the facts on which the complaint is based, as well as the alleged offender.

In signing this form below, the individual authorizes the School to disclose to others the information they have provided herein, and information they may provide in the future. Please note that the more detailed information provided, the more likely it is that the School will be able to address the complaint to the individual's satisfaction.

Charges of harassment, discrimination, and retaliation are taken very seriously by the School both because of the harm caused by such unlawful conduct, and because of the potential sanctions that may be taken against the offender. It is therefore very important that the facts are reported as accurately and completely as possible and that all individuals cooperate fully with the person or persons designated to investigate the complaint.

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HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

Your Name: _____ Date: _____

Mailing Address: _____

Phone Number: _____

School/Work Location: _____

Date of alleged incident(s): _____

Name of person(s) you believe harassed, discriminated, or retaliated against you or someone else: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what you did to avoid the situation, etc.) Attach additional pages, if needed.

I acknowledge that I have read and understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

Signature of Complainant

To be completed by School
Received by: _____

Date: _____