

HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY

It is the policy of Barona Indian Charter School (School) to create and maintain a work environment where employees are treated with dignity, decency and respect. It is also the policy of Barona Indian Charter School to maintain an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the School is committed to enforcing this Harassment, Discrimination and Retaliation Prevention Policy at all levels in order to create an environment free from all forms of discrimination, harassment and retaliation. Discrimination, harassment or retaliation based on race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy or childbirth), gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or any other legally protected category is unlawful and undermines the character and purpose of the School. Such discrimination, harassment or retaliation violates School policy and will not be tolerated. This policy applies to anyone an employee of the School comes into contact, including coworkers, third parties, supervisors, managers and students.

Any form of retaliation against anyone who has complained or formally reported discrimination or harassment or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy and the law.

Definitions

Discrimination: Discrimination is adverse treatment of any employee based on the protected class or category of persons to whom he/she belongs with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training or deciding how to compensate that employee.

Harassment: Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, an employee because of his/her membership (or perceived membership) in any protected group or on any other prohibited basis. The harasser can be the employee's supervisor, a manager, a co-worker or someone who is not an employee of the School, such as a vendor, parent, or student.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demands
- Physical assault or stalking
- Displays or electronica transmission of derogatory, demeaning or hostile materials
- Unwillingness to train, evaluate, assist or work with an employee

Sexual Harassment: Sexual harassment is a form of harassment based on sex, including sexual harassment, gender harassment and harassment based on pregnancy, childbirth or related medical conditions. It generally involves unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of violations:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters
- Verbal conduct: making or using derogatory comments, epithets, slurs and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct: touching, assault, impeding or blocking movements

Hostile Work Environment: A hostile work environment results from harassing conduct that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile or offensive work environment.

Retaliation: Retaliation is any adverse action taken against an individual (applicant or employee) because he or she filed a charge of discrimination, complaint to the School or another agency about discrimination on the job, or participated in an employment discrimination proceeding (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination.

Reporting Discrimination, Harassment or Retaliation

Any employee who believes that he or she has been the victim of discrimination, harassment or retaliation prohibited by this policy, or any employee who has witnessed such discrimination, harassment or retaliation, should immediately report the circumstances in accordance with the procedure set forth below. The School will investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

An employee may make a complaint, written or oral, to any of the individuals listed below:

- The Principal/Director
- The employee's direct supervisor
- Any other supervisor

Complaints may be submitted to the Principal/Director by any of the following methods:

- By phone at (619) 443-0948
- By email at info@mybics.org
- By mail at 1095 Barona Rd., Lakeside, CA 92040

If the person to whom the complaint is directed has a personal relationship with the accused individual or otherwise has a conflicting interest, he or she will forward it to the current Chairperson of the Board of Directors for Barona Indian Charter School, Inc.

Any supervisor that receives any complaints of misconduct, or personally observe, learn about from others, or reasonably suspect has occurred, shall report the same to the Principal/Director, so that the School may attempt to resolve the claim internally.

Investigation and Disposition of Complaints

The School will conduct a prompt, thorough and impartial investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation, conducted by a qualified investigator(s), will include an interview with the alleged employee-victim. It may also include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom are encouraged to cooperate with any investigation. The investigator may also review any relevant documents.

The School will endeavor to complete its investigation within thirty (30) days of a report of discrimination or harassment.

Confidentiality of the complaint and investigation will be kept by the School to the extent possible, but note that the investigation will not be completely confidential.

The investigator will report his/her findings to the Principal/Director and/or Chairperson of the Board of Directors. Where the investigator concludes that a violation of this policy has occurred, the Principal/Director and/or Chairperson of the Board of Directors will take prompt and appropriate remedial action, including disciplinary action. Depending upon the circumstances, disciplinary action may include, but is not limited to: reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and termination. Discipline for a violation of this policy is not progressive, so a first violation of this policy may warrant suspension or discharge. This policy does not alter the at-will status of the employment relationship with the School.

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and all documents created, used or reviewed during the investigation. The investigatory file will be maintained with the Principal/Director or Chairperson of the Board of Directors. The progress of the investigation shall be monitored by the Principal/Director and/or Chairperson of the Board of Directors through a periodic review of the investigatory file during the investigation.

Adopted: February 14, 2022