

Uplift Education
Freedom from Discrimination, Harassment, and Retaliation
Policy Effective Date: December 4, 2018

Uplift Education (“Uplift”) prohibits discrimination, including harassment, against any employee on the basis of gender, gender identity, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.

Discrimination. Discrimination against an employee is defined as conduct directed at an employee on the basis of gender, gender identity, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

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

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

Sexual Harassment. Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Retaliation. The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

Reporting.

An employee who believes that he or she has experienced discrimination, harassment, or retaliation, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. An employee is not required to make a report to the person alleged to have

committed it. The employee may report the alleged acts to his or her supervisor, the Director of Employee Relations, or one of the following:

1. Title IX Coordinator (for reports of discrimination based on sex or sexual orientation, and reports of sexual harassment); or
2. ADA/Section 504 Coordinator (for reports of discrimination based on disability).

A staff member who receives an allegation of discrimination, harassment, or retaliation shall immediately notify the Director of Employee Relations of such allegation. If the Director of Employee Relations is alleged to have engaged in the prohibited conduct, then the notification shall be immediately made to the Senior Director of Talent Management, or in that person's absence, the Chief People and Innovation Officer.

Reports of discrimination, harassment, or retaliation shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair Uplift's ability to investigate and address the prohibited conduct.

Investigation.

Upon receipt or notice of a report, the Director of Employee Relations shall act as the formal official for purposes of this policy. If the Director of Employee Relations is alleged to have engaged in the prohibited conduct, then the Senior Director of Talent Management, or in that person's absence, the Chief People and Innovation Officer, shall designate an administrator to serve as the formal official for purposes of this policy.

The formal official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the formal official shall notify the investigator, who shall immediately authorize or undertake an investigation.

If appropriate, Uplift shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation. Interim action may include, but is not limited to, placing the alleged offender on paid or unpaid administrative leave.

The investigation may be conducted by the formal official or a designee, such as the school director, or by a third party designated by Uplift, such as an attorney. When appropriate, the school director or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

District Action. If the results of an investigation indicate that discrimination, harassment, or retaliation occurred, Uplift shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, up to and including termination of employment. Uplift may take action even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality. To the greatest extent possible by law, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal. A complainant who is dissatisfied with the outcome of the investigation may appeal through the Employee Grievance policy.

Other Actions. Complainants may also have a right to file complaints with appropriate state and Federal agencies.

Access to Policy. This policy shall be distributed annually to Uplift employees and be available through ishine.