



## **Non-Discrimination Policy and Process**

### **Non-Discrimination Statement**

Covenant Day School prohibits discrimination against and harassment of students and/or school employees on the basis of race, color, sex, national and ethnic origin, age, disability, and/or any other protected characteristics under any other applicable law or school policy in its programs and activities.

Students and employees are entitled to an employment and educational environment that is free of discriminatory harassment. This policy is intended to provide notice of compliance with federal and state civil rights laws to all employees, students, parents/guardians, applicants for admission and employment, and other interested persons, as appropriate.

Covenant Day School does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Protected class harassment constitutes a form of discrimination that is prohibited by Covenant Day School policy. Harassment in this context is defined as unwelcome conduct by any member or group of the school community on the basis of actual or perceived membership in a class protected by policy or law.

Covenant Day School will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. A hostile environment is one that unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe, persistent and/or pervasive, and objectively offensive. This policy also prohibits retaliation, which is defined as any materially adverse action taken because of a person's participation in a protected activity. Protected activity includes reporting an incident that may be a violation under this policy, participating in the grievance process, supporting a person who is engaging in a process as described under this policy, or assisting in providing information relevant to an investigation under this policy. Harassment/sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including termination. Harassment/sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Head of School will determine appropriate sanctions for harassment and creation of a hostile environment (discriminatory harassment) of students by persons other than school employees and students.

## **Designation of Responsible Employee (and contact information)**

Covenant Day School's Registrar is the designated individual who responds to actual notice of an allegation and serves as the Responsible Employee under this policy to oversee its implementation. The Responsible Employee is the individual or individuals who has the primary responsibility for coordinating Covenant Day School's efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The Responsible Employee shall make specific and continuing steps to notify students, parents/guardians, employees, applicants for admission and employment, and the public of where and how to initiate the grievance process described in this policy. The Responsible Employee will ensure adequate non-discrimination procedures are in place, recommend new procedures or modifications to procedures, and monitor the implementation of this policy.

## **Responsible Employee Contact Information**

Allegations of violations of this policy, or questions about this policy, may be made internally to:

Jennifer Harding  
Registrar  
800 Fullwood Lane Matthews, NC 28105  
(704) 708-6129  
jharding@covenantday.org

Inquiries may also be made externally to:

Office of Diversity, Inclusion & Civil Rights (ODICR)  
U.S. Small Business Administration 409 3rd Street, S.W. Suite 6400 Washington, DC 20416  
Phone: 202-205-6750 TTY/TTD: 1/800-877-8339  
Web: <https://www.sba.gov/offices/headquarters/odicr>

## **Mandatory Reporter Policy**

Under this policy, all employees of Covenant Day School are designated as mandatory reporters. All employees are expected to report knowledge of or reports of incidents of discrimination or harassment of students or employees that are made to them, or which they become aware, to the Responsible Employee and may also make a report to law enforcement, when the latter is required or desired by the party involved. The Responsible Employee will act accordingly when an incident is reported to them. If the matter involves possible abuse of a minor, then a report must immediately be made as required under state and/or local law, including to child welfare services and/or local law enforcement, and as required under North Carolina law.

## **Grievance Procedure**

Any individual who has experienced discrimination or harassment, or believes that a student or employee has been discriminated against or harassed should report their concern promptly in writing to the Responsible Employee. Individuals who are unsure whether discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the situation with the Responsible Employee.

- A. Employees are expected to promptly report possible incidents of discrimination or harassment of students or employees to the Responsible Employee. Parents/guardians and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- B. Students, employees, and others will not be retaliated against for making a complaint or participating in an investigation.
- C. Retaliation is illegal under state and federal nondiscrimination laws and any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

## **Complaint Handling and Investigation**

- A. The Responsible Employee shall promptly inform the Head of School or other senior official and the person(s) who is the subject of the complaint (hereinafter, "respondent") that a complaint has been received.
- B. The Responsible Employee may pursue a prompt and equitable informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end an informal resolution process and pursue the formal process at any point. The informal resolution is subject to the approval of the Responsible Employee, who shall consider whether the informal resolution is in the best interest of the parties and the school unit in light of the particular circumstances and applicable policies and laws.
- C. Covenant Day School will conduct an adequate, reliable, and impartial investigation. Typically, a complaint will be investigated by the Responsible Employee, unless the Responsible Employee designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Responsible Employee or Head of School should be submitted to the chair of the Board of Trustees, who may consult with legal counsel concerning the handling and investigation of the complaint.
  - a. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent but may choose to do so as part of the resolution process.
  - b. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.
  - c. When the complaint involves allegations relating to conduct that took place away from school property, school-sponsored activities, or school transportation, the investigation may

include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment or a discriminatory impact in school settings.

- d. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
  - e. The Responsible Employee shall keep a written record of the investigation process.
  - f. The Responsible Employee may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending. Examples of interim measures include, but are not limited to, ordering no contact between individuals, changing schedules or classes, etc.
  - g. The Responsible Employee may consult with the Head of School or designee concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  - h. The investigation shall be completed promptly. Typically, investigations are completed within 21 business days of receiving a complaint, if practicable. The Responsible Employee may extend this time frame at his/her discretion for good cause.
- D. If the Responsible Employee determines that discrimination or harassment occurred, he/she shall, in consultation with the Head of School or designee:
- a. Determine what remedial action, if any, is needed to end the discrimination or harassment, remedy its effects, and prevent recurrence;
  - b. Determine what disciplinary action should be taken against respondent, if any; and
  - c. Inform both the respondent and the complainant in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the complainant and/or respondent is dissatisfied with the resolution, an appeal may be made in writing to the Head of School within 10 business days after receiving notice of the resolution. The Head of School shall review the investigation report and may conduct further investigation if deemed appropriate. The Head of School's decision shall be provided in writing to the parties within 10 business days, if practicable. The appeal decision shall be final.