

DaVinci Academy of Science and The Arts

Policy Number: 109

Policy Section: 100- Administration

POLICY TITLE: Prohibited Conduct Policy (Harassment, Anti-Discrimination, Retaliation)

Revision History

Effective Date	Action Date	Revised
5/13/2015	New Policy	December 2023

Prohibited Conduct (Anti-discrimination, Harassment, and Retaliation)

Effective Date: 5/13/2015

References:

- Title VI of Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Utah Code Ann. Title 34A Chapter 5—Utah Anti-discrimination Act
- Utah Administrative Code—Rule 606
- ADA.gov:
 - [Employment \(Title I\)](#) (External Web Content)
 - [State and Local Governments \(Title II\)](#) (External Web Content)
- United States Department of Labor (DOL):
 - [Age Discrimination in Employment Act \(ADEA\) of 1975](#) (External Web Content)
 - [Americans with Disabilities Act \(ADA\) of 1990](#) (External Web Content)
 - [Section 504 of the Rehabilitation Act of 1973](#) (External Web Content)
- United States Department of Justice (DOJ):
 - [Title IX of the Education Amendments of 1972](#) (External Web Content)
 - [Title VI of the Civil Rights Act \(CRA\) of 1964](#) (External Web Content)
- United States Government Publishing Office (GPO):
 - [Subchapter XIV, Health Resources Development](#) (External Web Content)
- United States Equal Employment Opportunity Commission (EEOC):
 - [The Americans with Disabilities Act Amendments Act \(ADAAA\) of 2008](#) (External Web Content)
 - [The Civil Rights Act \(CRA\) of 1991 Title I, Federal Civil Rights Remedies Section 102 and 103](#) (External Web Content)
 - [The Equal Pay Act \(EPA\) of 1963](#) (External Web Content)
 - [The Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) (External Web Content)
 - [The Pregnancy Discrimination Act \(PDA\) of 1978](#) (External Web Content)
 - [The Rehabilitation Act of 1973 Sections 501 and 505](#) (External Web Content)
 - [Title VII of the Civil Rights Act \(CRA\) of 1964](#) (External Web Content)
- Utah State Legislature:
 - [Title 34A-5: Utah Antidiscrimination Act](#)

Nondiscrimination Statement – DaVinci Academy does not discriminate on the basis of race, creed, religion, national origin, color, sex, age, marital status, disability, pregnancy, sexual orientation, gender identity, military status or affiliation, or political affiliation, in its programs, activities, facilities, or employment.

A Statement of Zero Tolerance - DaVinci Academy is committed to providing a workplace and learning environment free from harassment, discrimination, and retaliation. As such, DaVinci Academy will not tolerate harassment, discrimination, and retaliation of any of our employees, students, independent contractors, co-workers, customers, vendors, agents and any other third-parties.

A Description of Conduct That Constitutes harassment, discrimination, and retaliation - Harassment occurs when (1) an employee is subjected to unwelcome conduct, (2) that is motivated by the employee's membership in a protected category, and (3) which either affects a term or condition of the employee's employment, and/or had the purpose or effect of unreasonably interfering with the employee's work performance, and/or created a hostile work environment. A hostile work environment is a workplace that is sufficiently severe or pervasive to create a working environment that a reasonable person would consider intimidating, hostile or abusive. Protected categories include sex, race, religion, national origin, disability, age (40 or older), Pregnancy or pregnancy related conditions, disability, sexual orientation, or any other characteristic protected by federal, state, or local law. Although not an exhaustive list, below are examples of conduct that could constitute harassment pursuant to this policy:

Racial Harassment

- Use of demeaning names;
- References to race as a part of an insult that otherwise would be racially neutral;
- Pictures of animals as similar depictions of race;
- Making or displaying of nooses in the workplaces;
- Cartoons, jokes and emails with racial themes;
- Display of the Confederate flag in the workplace; and
- Other comments, gestures or pictures containing insulting stereotypes.

National Origin Harassment

- Use of demeaning names or epithets;
- Remarks, jokes, cartoons or pictures with insulting stereotypes;
- Ordering employees to only speak English in the workplace; and
- Complaining about or imitating employee accents.

Disability Harassment

- Assigning workers with disabilities tasks beyond physical limitations;
- Using derogatory names, slang, insults and jokes;
- Making accommodations that unreasonably draw attention to a worker with a disability;
- Ostracizing workers with disabilities; and
- Refusing workers with disabilities overtime work opportunities.

Sexual harassment is unwelcome sexual conduct that is a term or condition of employment. Sexual harassment is considered one form of sex discrimination under Title IX and is prohibited under the law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Any of the following could, if part of a pervasive pattern of abuse, constitute sexual harassment:

Sexual Harassment

- Jokes, innuendos or gestures of a sexual nature;
- Sexually-charged computer programs, emails or messages;
- Language or behavior demeaning to a particular sex (women or men);
- Compliments about a person's body of a sexual nature;
- Repeated requests for a date despite refusals;
- Unwelcome sexual advances;
- Requests for sexual favors;
- Questions or comments about personal or intimate sexual matters;
- Hugs, kisses, neck rubs, or back rubs;
- Deliberately brushing up against someone else;
- Sexual epithets or name-calling;
- Sexually intimidating behavior or ridicule;
- Objects, pictures, photographs, or cartoons of a sexual nature; or
- Other verbal or physical harassment of a sexual nature.

A Complaint Procedure - If an employee believes that he or she or any other individual has been subjected to harassment in violation of this policy, whether by an employee or non-employee, the employee must promptly report the facts and names of the individuals involved to **their direct supervisor, the executive administrator, or to the board secretary**. Any employee who learns of, observes, or has reason to be concerned about harassing conduct in violation of this policy must immediately inform **their direct supervisor, the executive administrator, or board secretary**. Complaints do not need to be made in writing, but can be made through the uniform complaint form via the school website labeled "Grievance".

A Statement That the Employer Will Investigate Complaints Thoroughly and Promptly - DaVinci Academy takes complaints of harassment very seriously. As a result, all complaints of harassment made pursuant to this policy will be thoroughly and promptly investigated.

A Statement Regarding the Confidential Nature of the Investigation - In the course of any such investigation, DaVinci Academy will take appropriate measures to maintain the confidentiality of the participants to the extent possible. Although it may be necessary to divulge some information to ensure that a fair investigation is conducted, DaVinci Academy will limit information to only those persons with a need to know of the complaint or of the investigation.

A No-Retaliation Statement - All parties contacted in the course of a harassment investigation will be expressly reminded that DaVinci Academy will not tolerate retaliation in any form against any employee who believes or is concerned that harassment has occurred and reports such conduct pursuant to this policy. Moreover, DaVinci Academy will protect any employee who participates in

any harassment investigation from any resulting retaliatory conduct. If an employee believes that he or she is experiencing retaliation as a result of having made a complaint pursuant to this policy or having participated in a harassment investigation, he or she must promptly report the facts and names of the individuals involved to **their direct supervisor, the executive administrator, or to the board secretary.**

Disciplinary Statement - If an investigator concludes that conduct in violation of this policy has occurred, the offending individual(s) will be subject to corrective action, including formal discipline, up to and including termination of employment. Please note that DaVinci Academy's Harassment Policy may be construed to be more protective of employees than the law requires. Regardless, DaVinci Academy will discipline any individual who violates this policy even if such conduct does not rise to the level of a violation of the law.

Formal Training - To ensure that DaVinci Academy's employees remain educated about their obligations under this policy, DaVinci Academy will require all employees to periodically receive training regarding our zero tolerance for harassment at work.

Formal Employee Acknowledgement and Consent - By signing this policy, I acknowledge that I have received this Harassment Policy and understand its contents and consent to its terms. I further acknowledge that I have been instructed to contact HR should I have any questions about this policy, and I agree to do so.

Employee Signature

Date

Training Date

Harassment Complaint Form

1. I am alleging (check all applicable categories) harassment based on:
2. Race _____
3. Color _____
4. Age _____
5. Sex _____
6. Religion _____
7. National Origin _____
8. Disability _____
9. Pregnancy _____
10. Sexual Orientation _____
11. Other (explain) _____

Name of person(s) who allegedly harassed you:

Status of person(s) who allegedly harassed you:

- Co-worker _____
- Supervisor _____
- Other (explain) _____

Relationship, if any, between you and the alleged harasser(s):

Witnesses, if any, to the alleged harassment: (list names, email addresses and phone numbers):

Please describe in detail the allegedly harassing acts that caused you to bring this complaint. Include the time period when they occurred, the frequency, the locations, the time of day, and any other pertinent circumstances. Explain why you think the action constituted harassment. Attach additional pages if necessary.

I certify that the information in this request is true and accurate to the best of my knowledge. If requested, I agree to provide additional information regarding this complaint to the assigned investigator. I understand that providing false or misleading information is grounds for discipline up to and including termination from employment. I further understand that DaVinci Academy cannot guarantee complete confidentiality where it would conflict with the employer's obligation to conduct a meaningful investigation or, where warranted, take corrective action.

Print Employee Name _____

Employee Signature _____

Date: _____