



## **Two Rivers Public Charter School Grievance Procedure**

### **Notice of Nondiscrimination**

In accordance with Title VI of the Civil Rights Act of 1964 (“Title VI”), Title IX of the Education Amendments of 1972 (“Title IX”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), Title II of the Americans with Disabilities Act of 1990 (“ADA”), and the Age Discrimination Act of 1975 (“The Age Act”), and the District of Columbia Human Rights Act of 1977, it is Two Rivers’ policy that employees and their work environment should be free from all forms of prohibited discrimination, including harassment, and retaliation. Two Rivers does not, and will not, permit employees to engage in prohibited discrimination, harassment, or retaliation. Discrimination, harassment (sexual or otherwise), and retaliation by any employee, administrator, or visitor of Two Rivers is strictly prohibited.

It is the School’s policy that no employee is to engage in discrimination or harassment based upon race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, family responsibilities, disability, veteran status, genetic information, political affiliation, protected status (i.e., opposition to prohibited discrimination or participation in a statutory complaint process), or any other status protected by federal, state, or local law. Consequently, discrimination or harassment of any kind based upon verbal or physical conduct that denigrates or shows hostility towards an individual because of their race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information or other status protected by federal, state, or local law and that creates an intimidating, hostile, or offensive working environment, is strictly prohibited.

Prohibited discrimination and harassment may include, but is not limited to, epithets, slurs, jokes, or other verbal or physical conduct relating to an individual’s race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, family responsibilities, disability, veteran status, genetic information, political affiliation or other status protected by federal, state, or local law.



## TWO RIVERS PUBLIC CHARTER SCHOOL

Moreover, prohibited sexual harassment includes unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is defined by the D.C. School Safety Omnibus Act as:

Any unwelcome or uninvited sexual advances, requests for sexual favors, sexually motivated physical conduct, stalking, or other verbal or physical conduct of a sexual nature that can be reasonably predicted to:

- Place the victim in reasonable fear of physical harm to their person;
- Cause a substantial detrimental effect to the victim's physical or mental health;
- Substantially interfere with the victim's academic performance or attendance at school; or
- Substantially interfere with the victim's ability to participate in, or benefit from, the services, activities, or privileges provided by a school.

DC Law 22-94 § 38-952.02(5).

Sexual harassment is defined by Title IX of the Education Amendments of 1972 as:

- the conditioning of an aid, benefit or service of the institution on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo);
- unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; and
- sexual assault, dating violence, domestic violence and stalking.”

34 C.F.R. § 106.30(a).

Sexual harassment includes various forms of offensive behavior. The following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.



## TWO RIVERS PUBLIC CHARTER SCHOOL

- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages.
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress.
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct: touching, assault, impeding or blocking movements.
- Retaliation for making harassment reports or threatening to report harassment.

This policy also protects employees from harassment by parents, vendors or other visitors. If harassment occurs on the job by someone not employed by Two Rivers, the procedures in this policy should be followed. This policy applies to members of the community who sexually harass any community member, regardless of gender identity. Additional details can be found in section EE. Sexual Harassment Policy.

### Reporting Violations

Any employee who believes that they are being discriminated against, harassed or retaliated against by a coworker, administrator, visitor or another individual, whether employed by Two Rivers or not, or who believes their employment is being adversely affected by such conduct, whether directed at that employee or another employee, must immediately report the concerns to their supervisor or the HR Team. All employees, including supervisors, have an obligation to stop all forms of discrimination, harassment, and retaliation from occurring and must report conduct which they observe that violates this Policy to their supervisor or the HR Team. If an employee believes it is not appropriate to discuss their situation or someone else's situation with their supervisor or the HR Team then the employee must inform the Executive Director, any other member of the administration with whom the employee feels comfortable, or current President of the Board of Trustees of Two Rivers. The employee must provide their supervisor, the HR Team, the Executive Director, or President of the Board enough information so that they know that the employee is making a complaint of discrimination, harassment and/or retaliation. The employee may initially make a verbal complaint of discrimination, harassment and/or retaliation, but it must be followed up in writing.

Two Rivers' procedure for resolving complaints is available to all employees without fear of retaliation. All employees should be aware that they will not be subjected to any adverse and/or retaliatory action as a result of reporting any conduct believed to be in violation of this Policy Against Workplace Discrimination & Retaliation or being related to or in close association with a complaining employee. Further, Two Rivers will not take



## TWO RIVERS PUBLIC CHARTER SCHOOL

action against any employee because they make a good faith report of inappropriate conduct. However, an employee is still subject to performance management expectations and procedures. An employee who believes that retaliation has resulted from the reporting of prohibited conduct must immediately report this in the manner set forth above.

If you have a concern or problem, do not assume that Two Rivers is aware of it. It is every employee's responsibility to bring complaints and concerns to Two Rivers' attention so that the School can help resolve them.

Complaints of sex-based harassment will be addressed through Two Rivers' Preventing and Addressing Sexual Abuse Policy which can be found at [our website](#). A copy of the policy can also be requested through Two Rivers' Title IX Coordinator:

Mary Gornick, Senior Director of Human Resources  
[mgornick@tworiverpcs.org](mailto:mgornick@tworiverpcs.org)  
202-546-4477

### Grievance Procedure

Within ninety (90) days of encountering the harassment, discrimination, or concern that is the subject of the complaint, a complainant may file a written notice with:

Mary Gornick, Senior Director of Human Resources  
[mgornick@tworiverpcs.org](mailto:mgornick@tworiverpcs.org)  
202-546-4477

If the complaint is being made against the designated individual above, the complaint can be submitted directly to the Executive Director who will designate an appropriate individual to investigate the complaint.

The written notice shall identify the nature of the complaint, the date(s) of occurrence, and the desired result, and shall be signed and dated by the person filing the complaint.

Upon receipt of the written complaint, Two Rivers will immediately initiate an adequate, reliable impartial investigation. Each formal complaint will be investigated, and depending on the facts involved in each situation, will be decided after receiving information from the appropriate individuals. Each investigation will include interviewing witnesses, obtaining documents, and allowing parties to present evidence.

All documentation related to the investigation and discussions held in this process are considered EXTREMELY CONFIDENTIAL and are not to be revealed to or discussed by



## TWO RIVERS PUBLIC CHARTER SCHOOL

any participant with, persons not directly involved with the complaint, with its investigation, or with the decision-making process. This provision does not include discussions with governmental authorities.

Within thirty (30) days of receiving the written complaint, Two Rivers will issue a written determination summarizing the course of the investigation, assessing whether the evidence substantiates the complaint made, and identifying the appropriate resolution as necessary. This timeline may be extended for good cause with written notice of any extension being provided to the complainant.

If, as a result of the investigation, it is determined that discrimination or harassment occurred, appropriate corrective and remedial action will be taken.

### **Appeals**

If the complainant is not satisfied with Two Rivers' decision, the complainant may appeal in writing to the Executive Director within ten (10) business days of the date of the written decision summarizing the outcome of the investigation. The written appeal must contain all documentation from the initial complaint and the complaint's reasons for appeal. Within twenty-one (21) business days from receiving the written appeal, Two Rivers will respond in writing to the complainant as to the result of that appeal and the reasons therefor.

### **Prohibition Against Retaliation**

Two Rivers pledges that it will not retaliate against any person who files a complaint in accordance with this policy, or any person who participates in proceedings related to this policy.

In addition, Two Rivers will not tolerate any form of retaliation against any person who makes a good faith report or complaint about perceived acts of harassment, discrimination, or concern, or who cooperates in an investigation of harassment, discrimination, or a concern. Any person who is found to be engaging in any kind of retaliation will be subject to appropriate disciplinary action.

Complainants also have the right to file a complaint with the Office for Civil Rights by: (1) mailing the complaint to Director, District of Columbia Office, Office for Civil Rights (OCR), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475; (2) faxing it to (202) 453-6021; or (3) filing it electronically at: [www.ed.gov/ocr/complaintprocess.html](http://www.ed.gov/ocr/complaintprocess.html). For more information, you can contact OCR at (202) 453-6020 (voice), (877) 521-2172 (TDD), or [ocr.dc@ed.gov](mailto:ocr.dc@ed.gov).