



# THE CHILDREN'S CABINET POLICIES & PROCEDURES

Title:	Learner Anti-Discrimination Policy		Policy #:	001
Effective Date:	October 2021	Date Reviewed/Revised:	October 2021/August 2023	
Policy Approver:	Chief Executive Officer	Policy Owner:	SEED Department Director	
Program & Dept.:	Professional Development Team, Supporting Early Education and Development (SEED)			

**Purpose:**

The Learner Anti-discrimination policy exists to establish uniform guidance in order to promote an educational environment free from discrimination and harassment. This policy sets expectations of behaviors aligned with The Children's Cabinet's values and support of positive and professional relationships and learning environments. This policy also defines various forms of harassment and unacceptable behaviors and outlines the parties responsible for reporting, investigating, and responding to any reports of discrimination or harassment.

**Policy:**

The Children's Cabinet strictly prohibits and does not tolerate any act or conduct that creates the potential for unlawful discrimination or harassment of any kind.

Approval of, participation in, or acceptance of conduct that creates even the potential for unlawful discrimination or harassment will be considered a violation of this policy. This policy prohibits conduct that violates the letter or spirit of anti-harassment laws or conduct not aligned to the Cabinet's values, policies, or behavioral expectations. This includes conduct in any work-related or classroom setting, whether on Children's Cabinet premises, during working time, or while participating in activities outside the workplace such as business-related social events and travel.

Conduct prohibited by this policy includes, but is not limited to, unwelcome conduct, whether verbal, physical, or visual, that is based upon race, religion (including religious dress and religious grooming), ethnicity, color, ancestry, creed, age, genetic information, disability (mental and physical, including HIV and AIDS), medical condition (cancer/genetic characteristics & information), national origin (including language use restrictions), sex (gender, gender identity, gender expression), sexual orientation, marital status, familial status, parental status, domestic partner status, citizenship status, pregnancy (including perceived pregnancy, childbirth, breastfeeding or related medical conditions), military caregiver status, military status, veteran status, or any other status protected by federal, state, or local law. The Children's Cabinet will not tolerate such discriminatory or harassing conduct that affects tangible job benefits, interferes with learning, or creates a hostile, intimidating, or offensive work or learning environment.

Coverage

The Children's Cabinet will not tolerate harassment during work, during business involving the Cabinet, or while on Cabinet property by any employee (including Supervisors or Managers), or by any non-employee (including supplier, vendor, customer, client, learner or tenant), that may constitute discrimination or harassment, even if the conduct was sanctioned and regardless of how awareness of the conduct was gained.

Prohibited harassment may take different forms:

Sexual Harassment Defined:

- 1) Sexual Harassment deserves special mention. Sexual harassment does not refer to occasional compliments of socially acceptable nature. It does, however, refer to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with the right to learn in an environment free from discrimination and harassment. Sexual harassment prohibited by this policy includes, but it not limited to the following conduct:
  - a) Unwelcome verbal or physical conduct of a sexual nature when submission to the conduct is made either as explicit or implicit term or condition of employment (such as promotion, training, timekeeping,



overtime assignments, leaves of absence); or

- b) Unwelcome verbal or physical conduct of a sexual nature when submission to or rejection of the conduct is used as a basis for making employment decisions; or
- c) Unwelcome verbal or physical conduct of a sexual nature when the conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment; or
- d) Unwelcome verbal or physical conduct that denigrates or shows hostility towards a person because of his or her gender when the conduct has the purpose or effect of substantially interfering with the individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may be a single incident or a series of harassing acts. Inappropriate conduct that is sexually harassing in nature can involve individuals of the same or opposite sex, a supervisor and subordinate, co-workers, an employee, or a non-employee such as a client, contractor, vendor or supplier.

Sexual harassment may result from a range of subtle to not-so-subtle conduct, depending on the circumstances. It can result from verbal, visual, or physical conduct.

1) Examples of Prohibited Conduct include, but are not limited to the following:

- a) Offering or implying an employment-related reward (such as a promotion or raise), in exchange for sexual favors or submission to sexual conduct.
- b) Threatening or taking negative employment action (such as termination, demotion, denial of leave of absence), if sexual conduct is rejected.
- c) Unwelcome sexual advances or repeated flirtations.
- d) Unwelcome intentional touching of another person or other unwanted intentional physical contact (including patting, pinching, or brushing against another person's body).
- e) Unwelcome whistling, staring, or leering at another person.
- f) Asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal intimate relationships, or appearance.
- g) Unwelcome sexually suggestive or flirtatious gifts.
- h) Unwelcome sexually suggestive or flirtatious letters, notes, e-mail, text or instant messages, or voice mail.
- i) Unwelcome conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, and/or blocking of physical movement).
- j) Displaying or circulating unwelcome pictures, objects or written materials (including graffiti, cartoons, photographs, pinups, calendars, magazines, figurines, and/or novelty items), that are sexually suggestive or that demean or show hostility to a person because of the person's gender.



## THE CHILDREN'S CABINET | Procedure Continued...

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a classroom environment that is hostile, offensive, intimidating, or humiliating to male or female learners or participants may also constitute sexual harassment.

### 1) Other Forms of Harassment

The following is a non-exhaustive list of additional behaviors based on a person's race, religion (including religious dress and religious grooming), ethnicity, color, ancestry, creed, age, genetic information, disability (mental and physical, including HIV and AIDS), medical condition (cancer/genetic characteristics & information), national origin (including language use restrictions), sex (gender), gender identity, gender expression, sexual orientation, marital status, familial status, parental status, domestic partner status, citizenship status, pregnancy (including perceived pregnancy, childbirth, breastfeeding or related medical conditions), military caregiver status, military status, veteran status, or any other status protected by federal, state, or local law that will be considered harassment and are prohibited by this policy:

- a) Derogatory comments, epithets, slurs, or jokes.
- b) Posting or sharing derogatory materials such as posters, cartoons, drawings, or gestures.
- c) Aggressive or unwelcome physical conduct such as assault, blocking normal movement, restraint, touching, or other physical interference.
- d) Bullying behavior, including but not limited to threats, intimidation, coercion, ridicule, insults, or belittling.
- e) Spreading false, vicious, or malicious rumors.
- f) Other behavior that creates a workplace where an employee reasonably feels threatened, humiliated, or intimidated.
- g) The gratuitous sabotage or undermining of a person's work performance.

### 2) Confidentiality:

All complaints will be handled as confidentially as possible, understanding that interviews with those involved must be conducted during the investigation.

### 3) Retaliation:

The Children's Cabinet strictly prohibits retaliation in any way against anyone who has lodged a harassment complaint, has expressed a concern about harassment, including sexual harassment, or has cooperated in a harassment investigation. Therefore, the initiation of a complaint, in good faith, shall not under any circumstances be grounds for discipline. It is a violation of The Children's Cabinet policy for an individual to be disciplined or otherwise disadvantaged because of good faith resort to the procedures in this policy for reporting sexual or other unlawful harassment. Persons engaging in any form of retaliation will be subject to disciplinary action, up to and including termination.

While this may seem very explicit and detailed, we want to be very clear about harassment and discrimination since it has no place in a professional or classroom environment and is completely contrary to the quality of life that we wish to have for our employees and our learners participating in professional development learning events.

If a learner or community member believes that they were treated differently during the course of participating in a learning event, professional development program or related activity because of their real or implied membership in a protected category as defined above, an investigation will take place following the below procedure.

## Procedure:

### 1) *Learners:*

- a) Any learner who believes that he or she has been subjected to any form of discrimination or harassment by another learner or community-participant is encouraged to promptly tell the instructor that the conduct is unwelcome. The instructor who receives the request must immediately comply with it and must not retaliate against the learner for rejecting the conduct.
- b) Any learner who believes that he or she has been subjected to any form of discrimination or harassment by the instructor is encouraged but by no means required to promptly tell the instructor that the conduct is unwelcome and ask the instructor to stop the conduct.
- c) Complaints of discrimination or harassment against an instructor or employee of The Children's Cabinet should be brought to the attention of any of the following: (i) The SEED Department Director, (ii) the Human Resource Director/or (iii) the Chief Executive Officer.
  - i) SEED Department Director, Marty Elquist • [melquist@childrencabinet.org](mailto:melquist@childrencabinet.org) • (775) 813-3197
  - ii) Human Resource Director, Jen Zimmerman • [zimmerman@childrencabinet.org](mailto:zimmerman@childrencabinet.org) • (775) 856-0356
  - iii) Chief Executive Officer, Kim Young • [kyoung@childrencabinet.org](mailto:kyoung@childrencabinet.org) • (775) 200-8075

### 2) *Instructors:*

- a) Any employee or external contractor serving in the role of learning event instructor who receives a learner complaint that he or she has been subjected to any form of discrimination or harassment by another person in the classroom or learning environment must immediately comply with the request and ask the party specified to stop the offending behaviors or be removed from the learning environment.
- b) Any employee or external contractor serving in the role of learning instructor who receives a learner complaint that he or she has been subjected to any form of discrimination or harassment by their own conduct or behavior must immediately comply with the request to stop the offending behavior and must not retaliate against the learner for rejecting the conduct.
- c) Complaints of harassment should be brought to the attention of any of the following: (1) your Supervisor, (2) the Human Resource Director/or (3) the Chief Executive Officer.
- d) If the employee feels uncomfortable about discussing the complaint with the Supervisor or one of the above officials, the employee should feel free to bypass the Supervisor or official and take the complaint to any other Supervisor or one of the other listed officials.

**3) Supervisor/Manager:**

- a) After receiving the learner or employee's complaint of illegal discrimination or harassment, the Supervisor/Manager must contact the Human Resource Director or Executive Director.
- b) If the Supervisor has not received a complaint but suspects that conduct might constitute harassment, the Supervisor will contact any of the officials listed above, regardless of how the Supervisor became aware of the conduct.

**4) Investigation and Resolution:**

- a) After notification of the learner or employee's complaint, an investigation by one of the above listed officials will begin immediately to gather all facts about the complaint.
- b) After the investigation has been completed, a determination will be made by appropriate management regarding the resolution of the case. If warranted, disciplinary action up to and including termination will be imposed. Other appropriate actions will be taken to correct problems caused by the conduct.

This policy is provided to employees at the time of hire and reviewed as a required component of the onboarding schedule for professional development team administrators, instructors, instructional design and development staff and program evaluators. If an employee develops roles or responsibilities that intersect with professional development learning events after their time of hire, they will be provided with a copy of the policy within 30 days of assuming these responsibilities. External contractors review the anti-discrimination policy during their orientation process. In addition, external contractors must initial the anti-discrimination policy on the "Provider Trainer Guidelines" form which are kept on file. Learners participating in professional development learning events are notified of the policy on the learning event registration platform (Eventbrite) below the standard event details for each unique learning event.

