

## **7. DIVERSITY, DISCRIMINATION AND HARASSMENT Title IX**

### **7.1 SCOPE OF COVERAGE**

This policy covers all individuals in the workplace. The Brighter Choice Schools strictly prohibit unlawful harassment or discrimination, whether by employees, supervisors, administration and other non-employees who conduct business with The Brighter Choice Schools.

### **7.2 DIVERSITY**

The Brighter Choice Schools are committed to fostering, cultivating and preserving a culture of diversity and inclusion. Their employees are the most valuable assets they have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that employees invest in their work represents a significant part not only of the culture, but the reputation and achievement of the schools as well.

The schools embrace and encourage employees' differences in age, color, disability, ethnicity, family or marital status, gender, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, military or veteran status, and other characteristics that make their employees unique.

The Brighter Choice Schools' diversity initiatives are applicable, but not limited, to our practices and policies on recruitment, compensation, benefits, professional development, training, promotions, transfers, layoffs, terminations and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.

- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Employer and employee contributions to the communities the schools serve to promote a greater understanding and respect for the diversity.

All employees of the Schools have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other work sponsored and participative events.

Employees who believe they have been subjected to any kind of discrimination that conflicts with this policy and initiatives should seek assistance from a supervisor or a member of the Board of Trustees.

### **7.3 Non-Discrimination/Anti-Harassment Policy and Complaint Procedure**

Brighter Choice is committed to a work environment in which all individuals are treated with respect and dignity. Each employee has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. With that said, Brighter Choice expects that all relationships among employees throughout the schools will be business-like and free of bias, prejudice and harassment. Accordingly, Brighter Choice does not tolerate discrimination or harassment based on race (traits historically associated with race, including, but not limited to, hair texture and protected hair styles), color, national origin, citizenship, religion (including religious attire, clothing and/or facial hair), creed, sex/gender (including pregnancy), age, physical or mental disability, reproductive health decision making, marital or familial status, domestic violence or victim status, military service or veteran status, sexual orientation, gender identity, genetic predisposition or carrier status or any other category protected by federal, state or local laws. Together, these personal characteristics are referred to in this policy as “protected characteristics.”

Brighter Choice is committed to preventing discrimination and harassment from occurring and to providing an avenue to promptly and effectively address complaints of discrimination and harassment.

Discrimination occurs if a person experiences an adverse employment action based on one or more of his/her “protected characteristics.” If an employee is subjected to inferior terms, conditions or privileges of employment because of his/her protected status, it will be considered discrimination and harassment. Examples of discrimination include job actions such as lower pay, a failure to promote, denial of a raise, or termination because of one’s gender, race, sexual orientation, or another protected characteristic as noted above. Brighter Choice will not discriminate in any area of employment, including compensation.

While it is not easy to define precisely what harassment is, it may include slurs, epithets, threats, derogatory comments, unwelcome jokes or gestures, and teasing based on any one of the protected characteristics listed above.

#### **7.4 SEXUAL HARASSMENT**

Sexual harassment warrants further definition. Sexual harassment is a form of workplace discrimination. Brighter Choice has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the business office, their direct supervisor, Brighter Choice Board or with a government agency or in court under federal, state or local anti-discrimination laws.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or advancement;

(b) submission to or rejection of such conduct is used as the basis for decisions affecting employment or personal advancement of an individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment. Please note that such harassment does not have to be severe and pervasive; if it is based on a protected characteristic and rises above petty slights or trivial inconveniences, it will be considered sexual harassment.

Sexual harassment creates a “hostile work environment” and can consist of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient (or another witness), which causes the recipient (or witness) discomfort or humiliation, or which interfere with the recipient’s (or witness’) job performance.

A type of sexual harassment known as “quid pro quo” harassment occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms or conditions or privileges of employment. Only supervisors and managers are deemed to engage in this type of harassment, because coworkers do not have the authority to grant or withhold benefits. Nonetheless, if any employee experiences this specific type of harassment, they should report it immediately.

Further, sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, grabbing, brushing against another employee’s body or poking another employee’s body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual advances.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue. Such sanctions will include following disciplinary action pursuant to this Employee Handbook for such conduct and/or other administrative, legal or judicial action. Further, retaliation against individuals who complain of sexual harassment or those who testify or assist in any legal proceeding is unlawful.

## **7.5 OTHER FORMS OF HARASSMENT**

Harassment based on any protected characteristic is prohibited. While it is not possible to list all conceivable behaviors, which might be considered harassing, the following are examples of behavior which must be avoided: the use of nicknames/labels, teasing, slurs or negative stereotyping; mimicking or mocking; threatening, intimidating or hostile acts; demeaning jokes; and/or written or graphic material that belittles or shows hostility toward an individual or group because of a protected characteristic.

This policy includes, but is not limited to, the effect that harassment, discrimination and/or retaliation via the use of social media (on or off Brighter Choice time) has on an employee's ability to perform their job.

## **7.6 NON-RETALIATION**

Retaliation is defined as any "adverse action" taken against an employee based on their complaint of unlawful harassment or discrimination. "Adverse action" may include a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities or a decision causing a significant change in benefits. However, it need not be job-related nor occur in the workplace to constitute unlawful retaliation. Retaliation may also be any action that would keep a worker from coming forward to make or support a sexual harassment claim.

Such retaliation is unlawful under federal, state and local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Filed a complaint of sexual or other harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual or other harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual or other harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Complained that another employee has been sexually or otherwise harassed; or
- Encouraged a fellow employee to report harassment of any kind.

Retaliation of any kind is a serious violation of this policy. Any person who engages in retaliatory conduct will be subject to disciplinary action, up to and including termination.

## **7.7 REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION**

**Preventing sexual harassment is everyone’s responsibility.** Brighter Choice cannot prevent or remedy sexual or other harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual or other harassment, is encouraged to report such behavior to a supervisor, manager or business office, not necessarily in that order. Anyone who witnesses or becomes aware of potential instances of sexual or other harassment should report such behavior to a supervisor, manager or Human Resources, not necessarily in that order.

Brighter Choice encourages the immediate reporting of complaints or concerns so that prompt investigations can be conducted. Therefore, although no fixed reporting period has been established, early reporting and intervention are encouraged because they have been proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination or retaliation, as defined by this policy.

Reports of sexual or other harassment may be made verbally or in writing. In cases of sexual harassment specifically, employees should fill out a standard complaint form, which is available from the business office, and is incorporated by reference to this policy, which contains detailed procedures for a timely and confidential investigation of complaints that will ensure due process for all parties involved. Please note that in addition to reporting complaints or concerns of sexual harassment to a supervisor or Human Resources, employees have other rights and available forums for adjudicating complaints, both administratively and judicially. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

## **7.8 SUPERVISORY RESPONSIBILITIES**

All supervisors and managers who receive a complaint or information about suspected sexual or other harassment, observe what may be harassing behavior or for any reasons suspect that harassment is occurring, are required to report such suspected harassment to the Operations Manager in the business office.

## **7.9 FORMAL COMPLAINING PROCEDURE**

Brighter Choice encourages reporting of all perceived incidents of harassment, discrimination or retaliation regardless of the offender's identity or position. Employees who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor and/or business office, not necessarily in that order. Even if you are unsure whether a certain behavior constitutes discrimination, harassment and/or retaliation prohibited by this policy, you are encouraged to report the situation so that it may be investigated, evaluated and, if necessary, addressed. As noted above, if the complaint includes allegations of sexual harassment, employees should fill out a standard complaint form, which is available from the business office. Brighter Choice expects that individuals who make reports pursuant to this policy do so truthfully and in good-faith. However, an employee should never delay or decide not to report any case of harassment that they believe falls within this policy. Brighter Choice would rather be overprotective of its employees (e.g., participating in investigations that may prove behavior was not to the

level of harassment), than have issues go unreported for any reason. With that said, though, these provisions are not intended to protect persons making intentionally false charges of harassment.

## **7.10 INVESTIGATION CLAIMS OF HARASSMENT, DISCRIMINATION OR RETALIATION**

It is the policy of Brighter Choice to promptly and thoroughly investigate any reported allegations of harassment, discrimination or retaliation – *All* complaints or information about suspected sexual or other harassment, discrimination or retaliation will be investigated, whether that information was reported verbally or by written form. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Any employee may be required to cooperate as needed in an investigation of suspected sexual or other harassment, discrimination or retaliation. Employees who participate in any investigation will not be retaliated against.

An investigation of any complaint, information or knowledge of suspected sexual or other harassment, discrimination or retaliation will be prompt and thorough, and should be completed within thirty (30) days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Investigations will be done by the direct supervisor and Operations Manager in accordance with the following steps:

- Upon receipt of a complaint, conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is oral, the complainant will be encouraged to complete the “Complaint Form” in writing.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them for the record.
- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses.
- Create a written documentation of the investigation (e.g., a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported, if any; and
  - The final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in the employment records of those involved, as well as in the Company's records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective action(s) identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined further below.

Misconduct constituting harassment, discrimination or retaliation, as defined by this policy, will be dealt with appropriately and may involve actions up to, and including, termination. The severity of the action may not allow rehabilitation and an employee may be terminated after the first offense.

False and malicious complaints of harassment or discrimination may be the subject of appropriate disciplinary action, up to and including termination.

Any employees with questions or concerns about this policy or procedure should seek further information from their direct supervisor and/or business office

Please note that while this policy sets forth Brighter Choice's goal of promoting a workplace that is free of harassment, the policy is not designed or intended to limit Brighter Choice's authority to discipline or take remedial action for workplace conduct which it deems unprofessional, inconsistent with Company standards, or otherwise inadvisable behavior, regardless of whether that conduct satisfies the legal definition of unlawful discrimination or harassment.

## **7.11 LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by Brighter Choice, but is also prohibited by state, federal, and local law. Aside from the internal processes at the Company that are noted in this policy, employees may also choose to pursue legal remedies with the following governmental entities at any time.

### New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time within three (3) years of the harassment. If an individual does not file at DHR, they can sue directly in state court under the HRL, within three (3) years of the alleged discrimination. Complaining internally does not extend your time to file with DHR or in court. The three (3) years is counted from date of the most recent incident of harassment.

Complaining employees do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate complaints and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring Brighter Choice to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov). Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act. An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in or near Albany, New York, may file complaints of sexual harassment with the Albany Human Rights Commission. Contact their main office at Albany City Hall, 24 Eagle Street #301, Albany, New York

12207; call (518) 434-5284; or visit

<https://www.albanyny.gov/Government/Departments/HumanResources/CommissiononHumanRights.aspx>.

#### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Employees should contact the local police department immediately if this is the case.

*Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

#### **7.12 TRAINING**

Brighter Choice, will provide annual Harassment Training, which will specifically focus on harassment prevention for use by Brighter Choice and its employees to combat and prevent sexual and other harassment in the workplace. The training will include an explanation of Brighter Choice's policy; discussion about sexual and other harassment in the workplace, including examples of prohibited conduct; information on state and federal laws concerning sexual and other harassment and remedies available to victims; and information on employees' rights and all available forums for adjudicating complaints administratively or judicially. There will also be additional training for supervisors and managers, which focuses specifically on the conduct of supervisors and managers and additional responsibilities that these employees have regarding employee harassment complaints, investigations, etc. Brighter Choice will notify employees as to the date of such training each year.

#### **7.13 BULLYING**

Brighter Choice defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against

one or more individuals, at the place of work and/or in the course of employment.” Such behavior violates the Company’s core values.

Brighter Choice considers the following types of behavior examples of bullying:

- Verbal Bullying: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the subject of jokes; abusive and offensive remarks.
- Physical Bullying: pushing; shoving; kicking; poking; tripping; assault or threat of physical assault; damage to a person’s work area or property.
- Gesture Bullying: non-verbal threatening gestures; glances which can convey threatening messages.
- Exclusion: socially or physically excluding or disregarding a person in work-related activities.

Employees are prohibited from engaging in any form of workplace bullying. Brighter Choice encourages reporting of all perceived incidents of bullying regardless of the offender’s identity or position. Employees who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor and/or business office. Employees will not be retaliated against for raising concerns of bullying.

Employees who engage in workplace bullying or retaliation in violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

#### **7.14 WORKPLACE VIOLENCE**

Brighter Choice strives to provide an environment that is safe and secure for all employees, vendors, clients/customers, business associates and visitors/guests of Brighter Choice. Behavior that is threatening, harassing, intimidating or in any way dangerous or violent is strictly prohibited and will result in serious responsive action.

Brighter Choice considers the following types of behavior examples of workplace violence:

- Verbal or physical harassment.
- Verbal or physical threats (e.g., gossip, rumors, e-mails, non-verbal behavior).
- Assaults or other violence (e.g., hitting, punching, slamming or throwing an object).
- Any other behavior that causes others to feel unsafe (e.g., bullying, sexual harassment, etc.).

While no organization is completely immune from acts of violence, clear policies and procedures help reduce the likelihood of such events and guide appropriate responses to situations that do arise.

Employees are expected to refrain from conduct that may be dangerous to others. Conduct that threatens, intimidates or coerces another employee, vendor, customer/client, business associate or visitor/guest will not be tolerated. Brighter Choice resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. Brighter Choice treats threats coming from an abusive personal relationship as it does other forms of workplace violence.

## **7.15 REPORTING VIOLENT BEHAVIOR**

All employees of Brighter Choice have a responsibility to report violent or threatening behavior. Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to an employee's direct supervisor and/or business office

Brighter Choice will not retaliate against employees making good-faith reports of violence, threats or of suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the Company may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Employees who engage in workplace violence or retaliation in violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

#### **7.16 911**

If there is an immediate act or threat of violence that is considered an emergency situation, individual safety is always the top priority. Employees should call 911 if an emergency situation jeopardizes the safety of an employee, vendor, customer or visitor. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in direct danger, nor should they attempt to intercede during an incident. Employees should not report the behavior to the individual acting in a violent manner.

#### **7.17 RESTRAINING ORDER**

Employees should promptly inform the business office of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to domestic or intimate partner violence.

#### **7.18 NON-DISCRIMINATION BASED ON REPRODUCTIVE HEALTH DECISION MAKING**

As noted in Brighter Choice's Anti-Harassment/Non-Discrimination Policy, Brighter Choice expects that all relationships among employees throughout the schools will be free of bias, prejudice, discrimination and harassment. As part of that policy, Brighter Choice will not take adverse employment action against employees based on decisions related to their reproductive health decision making. New York law prohibits employers from discriminating against or taking retaliatory action against an employee with respect to compensation, terms, conditions or privileges of employment because of or on the basis of the employee's, or his/her dependent's, reproductive health decision making.

“Reproductive health decision making” includes, but is not limited to, the decision to use or access a particular drug, device or medical services related to reproductive health. As a

result, Brighter Choice will not take any actions against employees based on decisions such as obtaining fertility-related medical procedures, using birth control drugs or contraceptive devices, or having an abortion, amongst other reproductive health decisions.

In addition, Brighter Choice will not access an employee's personal information regarding the employee's or employee's dependent's, reproductive health decision making without the employee's prior informed affirmative written consent. Brighter Choice will also not require an employee to sign a waiver or other document that attempts to deny him/her the right to make their own reproductive health decisions.

Employees have a right to file a claim in court against Brighter Choice should we violate the prohibition on discrimination based on reproductive health decision making. Brighter Choice shall not retaliate against employees who exercise this right, including discharging, suspending, demoting or otherwise penalizing an employee for engaging in these protected actions. As such, employees may: (1) make or threaten to make a complaint to an employer, a co-worker, or to a public body, that Company violated the law; (2) cause to be instituted any proceeding under the law; or (3) provide information to or testify before any public body conducting an investigation, hearing or inquiry into any alleged violation of the law.

## **7.19 WHISTLEBOWER PROTECTIONS**

The Brighter Choice Schools strive to provide an environment that nourishes moral and ethical sensitivities. In keeping with this objective, Brighter Choice requires that all employees observe the highest standards of business and personal ethics in the conduct of their duties and responsibilities and that they comply with all applicable laws and regulations.

In accordance with federal law and as defined in this policy, a whistleblower is an employee who reports an activity that he or she considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures.

Some examples, but not a complete list, of activities that are considered to be illegal or dishonest practices include: conduct that is criminal, fraudulent, or violates any federal, state, or local laws including harassment, discrimination or human rights violations, billing for services not performed or for goods not delivered and other fraudulent financial reporting.

If any employee reasonably believes that any policy, practice, or activity of The Brighter Choice Schools violate any law, rule, regulation, or a clear mandate of public policy or if any employee becomes aware of any illegal or dishonest activity or other misconduct involving Brighter Choice's financial or business affairs, he or she should promptly report such concern to the Business Office or the Chairman of the Board of Trustees. Concerns may be submitted directly by an employee or on an anonymous basis. All communications will be confidential to the extent reasonably possible. However, identity may have to be disclosed in order to conduct a thorough and fair investigation and to comply with applicable law.

This policy is intended to encourage employees to raise concerns for investigation and appropriate action, but employees must exercise sound judgment to avoid baseless allegations. With this goal in mind, no employee who, in good faith, reports a concern shall be subjected to retaliation as a result of that report. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Employees with any questions regarding this policy should contact the Business Office.

