



## **SBA Compliance Checklist**

To ensure that Palm Beach Day Academy has made a good faith effort to comply with the requirements imposed by the Small Business Association (SBA) (under its regulations and related civil rights regulations) on Paycheck Protection Program loan recipients, please ensure that the items outlined below are accomplished as soon as possible:

- New SBA and related regulation-compliant policies (relating to harassment, discrimination, and accommodations) are placed in the employee handbook and in student handbooks. Put copies of these policies in a file labeled SBA PPP Loan Compliance and note the date that the policies were included in the handbooks. Temporarily remove current harassment, discrimination, and accommodations policies to avoid conflicting or concurrent policies. Follow your handbooks' regular procedures for notice of changes to policies.
- New master SBA and related regulation-compliant policy is placed on the School's website. Put a copy of this policies in a file labeled SBA PPP Loan Compliance and note the date that the policy was posted.
- New SBA and related regulation-compliant non-discrimination notice is posted on the School's website. Put a copy of this notice in a file labeled SBA PPP Loan Compliance and note the date that the notice was posted. Temporarily remove current non-discrimination notice to avoid conflicting or concurrent notices.
- New SBA and related regulation-compliant notices of non-discrimination have been published or distributed as set forth below. Put a copy of this notice in a file labeled SBA PPP Loan Compliance and note the date(s) that the notice was published. If possible, also place a copy of the publication in which the notice was published in your SBA PPP Loan Compliance file. The regulations require that you meet each of these publication requirements.
  - In local newspapers;
  - In newspapers and magazines operated by the School or by student, alumnae, or alumni groups for or in connection with the School; and
  - In memoranda or other written communications distributed to every student and employee of such recipient.
  - In each announcement, bulletin, catalog, or application form which the School makes available to any person used in connection with the recruitment of students or employees.

- The School shall apprise each of its admission and employment recruitment representatives of the policy of nondiscrimination described and require such representatives to adhere to such policy.
  
- SBA Poster has been posted in the School and on the School's website. Take a photograph of the posting and put the photo along with a copy of this poster in a file labeled SBA PPP Loan Compliance and note the date and location that the poster was posted.
  
- The School's Title IX and Section 504 Compliance Officer has been trained in his/her obligations under the SBA and related regulations/laws. Keep a copy of the training materials and confirmation of the date of training in the SBA PPP Loan Compliance folder.
  
- The School's teachers, administrators, managers/supervisors have been trained in their obligations under the SBA and related regulations/laws to both receive complaints and to direct them to the appropriate Compliance Officer. Keep a copy of the training materials and confirmation of the date of training in the SBA PPP Loan Compliance folder.
  
- The School's students have received a basic training in harassment and discrimination (age appropriate) through an appropriate source (teacher, advisor, division head, guidance counselor, etc.). Document the training (agenda, topics covered, when covered, and by whom) and place the documents in your SBA PPP Loan Compliance folder.
  
- Once the SBA loan is completely forgiven or paid off (entirely closed out), remove the SBA compliant policies in the student and employee handbooks; remove the SBA compliant postings on the website; and remove the SBA poster. Keep all of these documents (with an indication of the date of removal) in your SBA PPP Loan Compliance folder in case you need them later or have to use them again. You should also re-insert your standard policies in your student and employee handbooks and re-post the School's standard nondiscrimination statement on the School's website. In other words, return your School to status quo and note when you have done so.
  
- To the extent that the School has received any complaints, concerns, or inquiries regarding discrimination, harassment, or accommodation issues, keep copies of all such documents (emails, complaints, notes) and the documentation reflecting all communications to the complaining party, accused, the investigation process, and resolution of the issues. Place copies of this information in separate, confidential folders in the School's regular process and keep copies in individual files (for each complaint) in a folder labeled SBA PPP Loan Compliance Folder with a designation of " \_\_\_\_\_ (name) complaint and process."

If you have questions or need further assistance with complaint forms and processes for address Title IX/Section 504 complaints, establishment of a Section 504 plan or process, or any other guidance, please contact your Fisher Phillips Education Practice Group.

# **SBA Policies for Student Handbooks**

## **Upper Campus Policies**

### **Introduction**

The following policies outline Palm Beach Day Academy's (the "School") policies against Harassment, Discrimination, and Retaliation and for accommodations for students with disabilities. The policies set forth and compliance and investigation procedures pursuant to the School's obligations under the terms of its SBA Paycheck Protection Program (PPP) Loan. For more information on the School's obligations, please review the SBA Non-Discrimination Compliance Policy on our Website. These policies will be in effect until the SBA PPP Loan has been satisfied in full.

### **No Harassment Policy**

The School is dedicated to fostering an environment that promotes kindness, acceptance, and embraces differences among individuals. Therefore, the School will not tolerate any type of harassment by a student, employee, or any third party (including vendors, contractors, donors, volunteers, parents, and visitors). Students should be aware that their off-campus behavior is also covered under this policy, regardless of when and where the conduct occurred or who was affected by the student's inappropriate behavior. Harassment is broadly defined to include unreasonable conduct or behavior that is personally offensive or threatening, impairs morale, or interferes with the educational environment of students and includes, but is not limited to, slurs, jokes, comments, teasing, and other offensive conduct relating to race, color, age, religion, sex, national origin, handicap or disability. Harassment can take place between individuals of the same gender or different genders. Harassment also includes sexual harassment.

Examples of sexual harassment include, but are not limited to:

- Demanding sexual favors
- Requests for pictures of a sexual nature. Sexual nature includes but is not limited to nude pictures or pictures showing one's genitalia or private body parts.
- Taking, sending, or posting images of a sexual nature without consent
- Spreading lies or information about another individual's sexual activity
- Coercing sexual activity by threat of punishment or offer of reward
- Forced sexual activity
- Obscene or sexually suggestive graffiti
- Displaying or sending pornographic pictures or objects
- Offensive touching, pinching, grabbing, kissing or hugging
- Restraining someone's movement in a sexual way
- Physical or verbal abuse concerning an individual's sexual orientation (or presumed sexual orientation)
- Sexual or lewd jokes, remarks, leering, whistling, brushing against the body, or other suggestive or insulting gestures or comments about another's body

- Intimidating or suggestive remarks about an individual's gender, gender identity, or gender expression whether actual or implied.

Examples of other forms of harassment based on race, color, age, religion, sex, national origin, handicap or disability include, but are not limited to:

- Offensive, intimidating, or inappropriate comments, postings, or conduct relating to race, ethnicity, or color (using racial slurs, racial or ethnic jokes, comments, name calling based on race or ethnicity, etc.)
- Offensive, intimidating, or inappropriate comments, postings, or conduct teasing or joking about another person's disability, failure to speak English clearly, religious background, practices, clothing, or beliefs, or similar behaviors.

Harassment can occur through any type of communications method, including face-to-face communications, phone, text, email, postings on social media (Facebook, Instagram, Snapchat GroupMe, etc.), camera phones, or other forms of technology. The communications can be direct or indirect, such as through friends or others. Any such offensive conduct, whether on or off campus, on a school bus, or at a school-related event, can constitute harassment.

It is the responsibility of all members of the community to ensure that their words, actions, and interactions with others always reflect the intent to promote respect and trust. Attempts to justify behavior as a "prank" or "joke" do not change its harassing nature if the object of the joke or prank is not a willing participant. Whatever the basis for the harassment, it is prohibited.

In addition, no faculty member, coach, or other employee is authorized to engage in any of the conduct prohibited in this policy, to engage in overly-friendly personal interactions with you, text or email with you about non-school related matters, enter into a sexual or romantic relationship with you, or ask you to meet with them off campus or in unsupervised areas of campus. Faculty members, coaches, and other employees are also not allowed to make any academic or disciplinary decision based in any way on a student's submission to or rejection of sexual or romantic conduct or advances. No faculty member, coach, or other employee has the authority to suggest to any student that the student's continued attendance or future advancement will be affected in any way because the student enters into or refuses to enter into a form of sexual or other personal relationship with the faculty member or other employee.

All concerns relating to harassment (or if bullying is on the basis of one of the basis set forth in this policy) should be reported immediately to the School's Compliance Officer: Kimberley Belfi - Controller/HR Manager - 241 Seaview Avenue, Palm Beach, FL 33480 - 561-655-1188 x173 - [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org). It is preferred but not required that complaints be made in writing. A complaint form is available from the individuals listed above. We also expect that anyone, whether student, faculty, staff or family member who witnesses, or has knowledge of an incident of harassment, will report the incident to the appropriate individual identified above.

When the School administration becomes aware of harassment, the situation will be promptly investigated as confidentially as reasonably possible. Any student found to have violated this policy will be subject to disciplinary action, including dismissal from school for serious violations, even in the case of a single expression, act, or gesture. Conduct need not

meet the legal definition of harassment to violate the School's expectations for appropriate behavior and be actionable. No adverse action will be taken against any person who makes a good faith report of harassment. Retaliation in any form against anyone for making a complaint under this policy or for participating in an investigation is strictly prohibited. Any retaliation should also be reported pursuant to this policy and is itself a cause for disciplinary action.

### **Sexual Misconduct**

We are committed to creating a learning environment characterized by safety, trust, and respect for all. Sexual misconduct whether between students or adults and students is contrary to the standards and ideals of our community and will not be tolerated. Sexual misconduct includes any of the following types of activities:

- Any sexual activity between students and adults;
- Any sexual activity between age appropriate students for which clear and voluntary consent has not been given in advance or in which consent has been exceeded;
- Any sexual activity with someone who is incapable of giving valid consent because, for example, that person is under the age of consent, sleeping, or otherwise incapacitated or impaired;
- Any act of sexual harassment, intimate partner violence, or stalking;
- Any digital media stalking and/or the nonconsensual recording of sexual behavior and the nonconsensual sharing of any recording; or
- Non-consensual sexual advances and propositions, or other undesirable verbal or physical conduct of a sexual nature. (See the School's Sexual Harassment policy for additional information on sexual harassment).

Consent is defined as an affirmative, unambiguous, informed, and voluntary agreement to engage in specific sexual activity. Consent can be revoked at any time.

It is not our intent to discourage dating between students or physical contact between or among students that is intended and perceived to be by those involved as positive, healthy, and appropriate to their age and experience. However, sexual conduct between or among students that is unwanted, offensive, or makes a student uncomfortable, whether it occurs on or off campus, and affects the student's ability to be comfortable in the school environment is a violation of our School values.

All concerns relating to sexual misconduct should be reported immediately to the School's Compliance Officer: Kimberley Belfi - Controller/HR Manager - 241 Seaview Avenue, Palm Beach, FL 33480 - 561-655-1188 x173 - [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org). It is preferred but not required that complaints be made in writing. A complaint form is available from the individuals listed above. We also expect that anyone, whether student, faculty, staff or family member who witnesses, or has knowledge of an incident of harassment, will report the incident to the appropriate individual identified above.

Reports of sexual misconduct or sexual assault are taken seriously; the safety and well-being of our students is our first priority. Parents and students who become aware of any form of sexual misconduct, whether on or off campus, should also immediately report the information

to the appropriate Division Head or the Head of School. In accordance with Florida law, the School reports suspected instances of sexual misconduct to the Department of Children and Families or local law enforcement.

Upon a report of student-to-student sexual misconduct, including harassment, the School will provide interim support and reasonable protective measures to support the complainant and/or the accused party and the safety of the community. Until all procedures have been completed, the complainant and the accused must avoid all unnecessary contact. If the School determines at any stage that a student poses a threat of harm or disruption to the school community, the School may take immediate action, including removing the student from School, restricting the student's movement on campus, and so on.

As stated elsewhere, the School expects that students will treat all persons with dignity both at School and beyond. The School reserves the right to take action if it learns that a student's actions violate the School's rules and expectations, regardless of when and where the conduct occurred or who was affected by the student's inappropriate behavior.

### **Non-Discrimination Policy**

The School does not discriminate in admission to, access to, treatment in, participation in, or employment in its services, programs and activities, on the basis of race, color, age, national origin, sex, religion, or disability/handicap. The School further does not discriminate on the basis of a person's citizenship status or genetic information.

Discrimination occurs when the School's actions, procedures, policies or employees treat an individual adversely in an educational context solely on the basis of the individual's race, color, religion, national origin, sex, age, disability or handicap.

To file a complaint alleging discrimination by the School on the basis of race, color, age, religion, sex, national origin, handicap or disability, please contact: Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173 – or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org).

### **Investigation and Anti-Retaliation**

When the School administration becomes aware of harassment or discrimination, the situation will be promptly investigated. Any student found to have violated the School policies prohibiting harassment or discrimination will be subject to disciplinary action, including dismissal from school for serious violations, even in the case of a single expression, act, or gesture. Conduct need not meet the legal definition of harassment or discrimination to violate the School's expectations for appropriate behavior and be actionable. No adverse action will be taken against any person who makes a good faith report of harassment or discrimination. Retaliation in any form against anyone for making a complaint under the School's policies or for participating in an investigation is strictly prohibited. Any retaliation should also be reported pursuant to this policy and is itself a cause for disciplinary action.

## **Services for Students with Disabilities**

We understand that there may be circumstances in which a parent may request that the School provide an adjustment or accommodation for a student's medical needs or physical, mental, or learning disability. As the range of requests has grown over the years, the School believes that it is appropriate at this time to outline the School's policy and general guidelines for addressing such requests.

**General Policy:** In general, it is our School's policy to provide accommodations or adjustments for a student's minor needs in circumstances in which the administration determines, in its sole discretion, that doing so is within the reasonable ability of the School and/or its staff and will not result in a significant disruption to the teacher's ability to instruct other students, to classroom or school order and discipline, will not result in a threat of harm to the safety of other students or employees, will not require a fundamental change to our educational environment or mission, and will not impose responsibilities on school employees for which they are not trained or could not reasonably become trained. We also ask parents to realize that, given the size of our school and our available resources, we may not be able to provide all requested accommodations. To the extent we agree to provide accommodations, we may require a sharing of responsibility for the accommodation.

**Interactive Process and Accommodation Plan:** Once a request for accommodation is received, the School will enter into the interactive process with the parent (and possibly student) to discuss the need and information that the School will need (discussed below). Once the documentation is provided, the appropriate personnel at the School will assess the accommodation requests and determine what accommodations can/should be provided at school, at home, and through third-party providers. After discussing these issues with the parent and coming to an agreement on the terms, the School will set forth the agreement in an Accommodation Plan, which will be signed by the School and the parent and will be distributed to those persons needing to implement the accommodations.

**Request and Documentation:** For any type of accommodation (including administration of medication at school), the parent must contact the Section 504 Compliance Officer, Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173, or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org) to discuss the need. The Compliance Officer will then assemble the appropriate persons to work through the process. The School will advise the parent of the type of medical documentation needed, which generally will state the student's diagnosis, how the condition limits the student, the recommended accommodations, and the length of time that the accommodation(s) will be needed.

**Release for Communications with Physician:** Sometimes, the documentation received from the physician may raise questions or be unclear as to the recommendations. In that case, the School will request that the parent(s) sign a Release of Information form, permitting the School to contact the medical professional, when necessary. In addition, if there is any cost associated with the physician's cooperation (i.e., to answer a set of questions submitted, etc.), the parent must agree to bear the cost of such process.

**Assessment of Request:** Once the parent's request and medical documentation has been received by the School, appropriate persons within the administration will meet with the

parents to clarify information and to discuss whether the School will be able to implement the accommodation requested. In some cases, the parent may be asked to provide (at the parent's cost) any special or personal equipment needed, training for the school's staff, or other associated matters. In addition, the School may advise the parent that the School will allow a particular accommodation, but the full responsibility for doing so will rest with the parent. For example, if the student needs to medical testing or have certain types of medicines administered during the day that the School believes are beyond the scope of the School's responsibility, the School may allow the parent to make arrangements to visit the campus for the purpose of testing and administering.

**Limitations on Requests:** Please understand that the School is not a medical facility and does not have the personnel, training, or equipment to handle certain types of medical procedures best left to the student, parent, or physician. Examples of accommodations made for students include appropriate classroom locations, extended time on tests, use of computers, and/or dispensing with medication through the Clinic.

**Concerns or Complaints.** If the parent does not believe that the accommodation request has not be handled properly or that the Accommodation Plan has not been implemented properly, the parent should contact the Section 504 Compliance Officer set forth above for further assistance. The parent may also make a complaint to the Office of Civil Rights and/or the Small Business Association as set forth in the SBA Non-Discrimination Policy on the School's website.

# **SBA Policies for Student Handbooks**

## **Lower Campus Policies**

### **Introduction**

Parents, the following policies outline Palm Beach Day Academy's (the "School") policies against Harassment, Discrimination, and Retaliation, and for accommodations for students with disabilities. The policies set forth compliance and investigation procedures pursuant to the School's obligations under the terms of its SBA Paycheck Protection (PPP) Loan. For more information on the School's obligations, please review the SBA Non-Discrimination Compliance Policy on our Website. These policies will be in effect until the SBA PPP Loan has been satisfied in full.

### **No Harassment Policy**

The School is dedicated to fostering an environment that promotes kindness, acceptance, and embraces differences among individuals. The School wants to know whenever anyone at School makes you feel uncomfortable. That could include things that make you feel uncomfortable that are done by another student, a teacher, another adult, a parent, or someone else who is working at or visiting the school.

The School does not allow any type of harassment (including repeated unkindness, meanness, or inappropriate behavior) towards others, including any conduct that is upsetting to someone else or makes it hard for them to learn, including mean comments, jokes, teasing, and other unkind conduct relating to a person's race, color, age, religion, sex, national origin, handicap or disability.

Some examples of things that you are not allowed to do and should not be done to you include:

- Calling other students by mean names or teasing them in ways that are hurtful
- Telling lies about another person
- Grabbing or touching another student's "private parts," or pulling down another student's pants, looking up a girl's dress, or intentionally opening the door on a student who is using the bathroom
- Drawings that show someone's private parts
- Touching other students or adults on their private parts or anywhere on their body when they have asked you to stop
- Pinching, grabbing, or kissing other students or adults at school
- Hugging someone who does not want to be hugged and has asked you to stop
- Telling naughty jokes or jokes you would not want your parents or teacher to hear you telling.
- Rubbing your private parts against someone else's body.
- Making mean or unkind gestures or movements towards another person
- Saying mean things about another person's body

- Telling someone that something bad will happen if they do not do what you tell them to do
- Making fun of or teasing another student because they say they like or love another student. For example, if a girl says she “loves” another boy or girl.
- Taking, sending or posting pictures of your or another student’s private parts or without their clothes on.
- Making fun of or saying unkind things about the color of another person’s skin or their religion (including their religious clothes).
- Making fun of or saying unkind things about someone who is from another country or does not speak English clearly.
- Teasing someone because they need help walking, talking, hearing, learning or seeing. For instance, teasing or making mean comments when someone needs a wheelchair, or they can’t see or hear.
- Teasing someone because they want to dress like or be more like the other gender. For example, teasing a boy who wears dresses or plays with “girl” toys.

Students are not allowed to do these kinds of things when they write, talk, draw or play with other students. Students are also not allowed to do these things out of school, including when talking to other students face-to-face, by phone, text, email, postings on social media (Facebook, Instagram, Snapchat GroupMe, etc.), camera phones, or other forms of technology. The communications can be direct or indirect, such as through friends or others. Any type of mean or threatening behavior, whether on or off campus, on a school bus, or at a school-related event, is not allowed. This type of behavior is not allowed regardless of whether it occurs during the school day or afterwards, or on campus or off School property, and regardless of who was affected by the student’s inappropriate behavior. The School will not permit this type of conduct even when students are joking or consider it to be a prank.

In addition, no teacher, coach, or other employee should be saying or doing any of the things outlined in this policy. They also should not be touching you in any private areas or rubbing your body, back, neck, touching or playing with your hair, asking you to send them photos, text with them, call on the phone, meet you outside of school or in unsupervised areas of school.

If you have seen or heard this kind of behavior, whether it was done to you, to your friend, or to someone else, you should tell a teacher or another adult who works at the School. If you are not sure who to tell at the School, please go see Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173 or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org) and she will help you.

The School will look into the concern raised by the student as confidentially as reasonably possible. Any student found to have violated this policy will be subject to disciplinary action, including dismissal from school for serious violations. Students will not get in trouble, nor will anyone do anything bad to them if they tell their teacher, an adult who works at the school, or Kimberley Belfi about the behavior, or if they cooperate in responding to questions about the behavior. If any student feels that something bad is being done to them because they told about the behavior, they should also tell Kimberly Belfi about that immediately and the School will help to stop that from happening.

## **Non-Discrimination Policy**

The School does not treat students differently because of their race, color, age, religion, national origin, sex, handicap or disability. For example, this means that no matter what color someone's skin is, where they are from, if they are a boy or a girl, or if they have trouble walking, talking, hearing, learning or seeing, they are treated the same as everyone else. If you believe that you, your friend, or someone else, is being treated differently because of one of these reasons or if you want to ask about what discrimination means or what the School does not allow, please talk to: Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173, or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org).

## **Investigation and Anti-Retaliation**

Students will not get in trouble, nor will the School permit anyone do anything bad to them if they tell the School about any behavior that breaks these School rules, or if they answer questions about the behavior. If any student feels that they are being treated badly by anyone at School because they told about the behavior, they should also tell Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173, or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org) about that immediately and the School will help to stop that from happening. Any student who retaliates against another student or is mean to them because they reported improper conduct, will also be subject to discipline, including but not limited to being dismissed from the School.

## **Services for Students with Disabilities**

We understand that there may be circumstances in which a parent may request that the School provide an adjustment or accommodation for a student's medical needs or physical, mental, or learning disability. As the range of requests has grown over the years, the School believes that it is appropriate at this time to outline the School's policy and general guidelines for addressing such requests.

**General Policy:** In general, it is our School's policy to provide accommodations or adjustments for a student's minor needs in circumstances in which the administration determines, in its sole discretion, that doing so is within the reasonable ability of the School and/or its staff and will not result in a significant disruption to the teacher's ability to instruct other students, to classroom or school order and discipline, will not result in a threat of harm to the safety of other students or employees, will not require a fundamental change to our educational environment or mission, and will not impose responsibilities on school employees for which they are not trained or could not reasonably become trained. We also ask parents to realize that, given the size of our school and our available resources, we may not be able to provide all requested accommodations. To the extent we agree to provide accommodations, we may require a sharing of responsibility for the accommodation.

**Interactive Process and Accommodation Plan:** Once a request for accommodation is received, the School will enter into the interactive process with the parent (and possibly student) to discuss the need and information that the School will need (discussed below). Once the documentation is provided, the appropriate personnel at the School will assess the accommodation requests and determine what accommodations can/should be provided at school, at home, and through third-party providers. After discussing these issues with the

parent and coming to an agreement on the terms, the School will set forth the agreement in an Accommodation Plan, which will be signed by the School and the parent and will be distributed to those persons needing to implement the accommodations.

**Request and Documentation:** For any type of accommodation (including administration of medication at school), the parent must contact the Section 504 Compliance Officer, Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173, or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org) to discuss the need. The Compliance Officer will then assemble the appropriate persons to work through the process. The School will advise the parent of the type of medical documentation needed, which generally will state the student's diagnosis, how the condition limits the student, the recommended accommodations, and the length of time that the accommodation(s) will be needed.

**Release for Communications with Physician:** Sometimes, the documentation received from the physician may raise questions or be unclear as to the recommendations. In that case, the School will request that the parent(s) sign a Release of Information form, permitting the School to contact the medical professional, when necessary. In addition, if there is any cost associated with the physician's cooperation (i.e., to answer a set of questions submitted, etc.), the parent must agree to bear the cost of such process.

**Assessment of Request:** Once the parent's request and medical documentation has been received by the School, appropriate persons within the administration will meet with the parents to clarify information and to discuss whether the School will be able to implement the accommodation requested. In some cases, the parent may be asked to provide (at the parent's cost) any special or personal equipment needed, training for the school's staff, or other associated matters. In addition, the School may advise the parent that the School will allow a particular accommodation, but the full responsibility for doing so will rest with the parent. For example, if the student needs to be tested or have certain types of medicines administered during the day that the School believes are beyond the scope of the School's responsibility, the School may allow the parent to make arrangements to visit the campus for the purpose of testing and administering.

**Limitations on Requests:** Please understand that the School is not a medical facility and does not have the personnel, training, or equipment to handle certain types of medical procedures best left to the student, parent, or physician. Examples of accommodations made for students include appropriate classroom locations, extended time on tests, use of computers, and/or dispensing with medication through the Clinic.

**Concerns or Complaints.** If the parent does not believe that the accommodation request has not be handled properly or that the Accommodation Plan has not been implemented properly, the parent should contact the Section 504 Compliance Officer set forth above for further assistance. The parent may also make a complaint to the Office of Civil Rights and/or the Small Business Association as set forth in the SBA Non-Discrimination Policy on the School's website.

# **SBA Policies for Employee Handbook**

## **Introduction**

The following policies outline Palm Beach Day Academy's (the "School") policies against Harassment, Discrimination, and Retaliation, and for accommodations for employees with disabilities. The policies set forth compliance and investigation procedures pursuant to the School's obligations under the terms of its SBA Paycheck Protection (PPP) Loan. For more information on the School's obligations, please review the SBA Non-Discrimination Compliance Policy on our Website. These policies will be in effect until the SBA PPP Loan has been satisfied in full.

## **Harassment**

The School does not and will not tolerate unlawful harassment of its employees or students. The term "harassment" includes, but is not limited to, slurs, jokes, epithets, threats, other offensive remarks, and other verbal, graphic, menacing, or physical conduct relating to an individual's race, color, religion, age, sex, national origin, citizenship status, genetic information, handicap or disability, or any other protected status in accordance with the requirements of all applicable federal, state, and local laws. Prohibited harassment can occur through any type of communications method, including face-to-face communications, phone, text, email, postings on social media (Facebook, Instagram, Snapchat GroupMe, etc.), camera phones, or other forms of technology. Harassment can take place between individuals of the same gender or different genders.

"Harassment" also includes sexual harassment. Examples of sexual harassment include, without limitation:

- Unwanted sexual advances;
- Offering an employment benefit (such as a raise, promotion, or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as a termination or demotion) for an employee's failure to engage in sexual activity;
- Visual conduct, such as leering, making sexual gestures, and displaying or posting sexually suggestive objects or pictures; cartoons or posters;
- Verbal sexual advances, propositions, requests, or comments;
- Sending or posting sexually-related messages, videos, or messages via text, instant messaging or social media;
- Verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations;
- Physical conduct, such as touching, pinching, grabbing, groping, assault, or blocking movement;
- Physical or verbal abuse concerning an individual's sexual orientation, actual or implied;
- Physical or verbal abuse concerning an individual's gender, gender transition, gender identity, or gender expression; and

- Verbal abuse concerning a person's characteristics such as pitch of voice, facial hair or the size or shape of a person's body, including remarks that a male is too feminine or a female is too masculine.

In addition, no faculty member, coach, or other employee is authorized to engage in any type of sexual harassment toward students, including touching, making suggestive comments, gestures, texting, calling students for personal reasons, or meeting with students off campus or in non-public or non-supervised areas on campus. Faculty members, coaches, and other employees are not authorized to make any academic or disciplinary decision based in any way on a student's submission to or rejection of sexual or romantic conduct or advances. No faculty member, coach, or other employee has the authority to suggest to any student that the student's continued attendance or future advancement will be affected in any way because the student enters into or refuses to enter into a form of sexual or other personal relationship with the faculty member or other employee. **Violation of this policy will subject an employee to disciplinary action up to, and including, immediate termination.**

If you feel that you are being harassed in any way by a coworker, parent, student, or employee of a vendor, please immediately contact our compliance officer Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173, or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org).

In addition, if you believe that a student is being harassed in any way by an employee, parent, student, or by an employee of a vendor, you should notify the individual designated above immediately. Any such matter will be promptly investigated, and where appropriate, disciplinary action will be taken.

You will not be penalized in any way for making a good faith report of improper conduct or participating in an investigation. If you believe that you have been retaliated against for making a report under this policy in good faith, please immediately contact the above individual.

Please do not assume that the School is aware of your problem. Please bring your complaints and concerns to our attention so that we can resolve them.

### **Anti-Discrimination**

The School prohibits discrimination, harassment, or retaliation on the basis of race, color, religion, age, sex, national origin, citizenship status, genetic information, handicap or disability or any other protected status in accordance with the requirements of all applicable federal, state, and local laws in admissions, access, employment, tuition assistance, educational policies, or other school administered student programs and activities. Questions regarding the School's compliance with or the application and administration of the School's nondiscrimination policies should be directed to Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173, or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org). Such concern will be investigated and addressed promptly if any violations are identified.

## **Retaliation**

Retaliation against any person for making a good faith report of any actual or potential violation of the School's Anti-Discrimination Policy or Harassment Policy will not be tolerated. Discipline for a violation may be up to and including termination of employment.

## **Disability Accommodations**

The School is committed to complying with the laws protecting qualified individuals with disabilities. The School will provide a reasonable accommodation for any known physical or mental disability of a qualified individual with a disability to the extent required by law, provided the requested accommodation does not create an undue hardship for the School and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the individual. If you require an accommodation to perform the essential functions of your job, you must notify the Section 504 Compliance Officer, Kimberley Belfi, 241 Seaview Avenue, Palm Beach, FL 33480, 561-655-1188 x173, or email her at [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org). Once the School is aware of the need for an accommodation, the School will engage in an interactive process to identify possible accommodations that will enable you to perform the essential functions of the job.

If you believe that you have been treated in a manner not in accordance with this policy, please notify the School immediately, by speaking to the Section 504 Compliance Officer. The Compliance Officer will promptly investigate your concerns and the School will implement appropriate action if there have been violations of this policy. You are encouraged to utilize this procedure without fear of reprisal.

You should also note that you may complain to the Office of Civil Rights or the Small Business Administration as set forth in the SBA Non-Discrimination Policy on the School's website.

This policy extends to all aspects of our employment practices, including but not limited to, recruiting, hiring, discipline, firing, promoting, transferring, compensation, benefits, training, leaves of absence, and other terms and conditions of employment.

## **SBA Non-Discrimination Compliance Policy**

### **(Policy for the School's Website)**

Palm Beach Day Academy (the "School") has received a loan pursuant to the Paycheck Protection Program administered by the Small Business Administration ("SBA"). This policy is intended to demonstrate good faith compliance with the regulations issued by the SBA and by other governmental agencies enforcing the laws that attach to the School due to the School's receipt of federal financial assistance through the SBA loan. This policy shall remain in place from the time the School receives the SBA funding until the loan is paid or forgiven.

#### **School Compliance Officer**

The School identifies the following individual to act as its Title IX and Section 504 Compliance Officer under this policy:

Kimberley Belfi  
561-655-1188 x173  
[kbelfi@pbdays.org](mailto:kbelfi@pbdays.org)

The Compliance Officer shall be responsible for coordinating the School's effort to meet its responsibilities under this policy. The Compliance Officer will receive and investigate any complaints filed under this policy and make recommendations to the Head of School for the prompt and equitable resolution of complaints. The School will provide its Compliance Officer and staff appropriate training on this policy and their obligations hereunder.

#### **Non-discrimination, Anti-harassment, Non-retaliation**

The School acknowledges its obligations to prohibit discrimination, harassment, or retaliation on the basis of race, color, national origin, age, sex, disability/handicap, or religion in admission to its educational programs, activities, and services, and in employment opportunities. Retaliation against an individual for filing a complaint under this policy or participating in the informal or formal resolution is prohibited.

#### **Academic and Non-Academic Services for Persons with Disabilities**

The School remains committed to excellence in educational programming and acknowledges its obligation to ensure that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This includes both academic and non-academic services, such as counseling, extracurricular services, athletics, transportation, health services, recreational activities, clubs, and other activities.

The School will also assess its ability to make reasonable accommodations to disabled individuals to permit such persons to participate in and enjoy the benefits of the School's

programs and activities so long as doing so does not fundamentally alter the nature of the School's program. Individuals who seek an accommodation should contact Kimberley Belfi (Compliance Officer for 504).

### **Employment Obligations for Applicants and Employees with Disabilities**

The School acknowledges its obligation under the SBA regulations and laws applicable to recipients of federal financial assistance to prohibit discrimination against any employee or applicant based upon his/her disability. This obligation extends to all aspects of employment, including the hiring and employment processes.

The School will also assess its ability to make reasonable accommodations to disabled individuals so long as doing so does not create an undue hardship. Individuals who seek an accommodation should contact Kimberley Belfi (the School's Compliance Officer for Section 504).

### **Facilities Access**

The School acknowledges its obligation under the SBA regulations to operate its programs and activities in existing facilities so they are readily accessible to qualified individuals with disabilities. The location in facilities (or movement of classes, meetings, etc. to other facilities) will be scheduled in a manner that will not knowingly deny a student, employee, parent, or visitor with a disability the opportunity to participate on the same basis as such persons without disabilities. Accommodations may be provided to allow access to educational programming or meetings.

### **Complaint Procedure**

#### **Who may make a complaint?**

A person (student, parent, employee, or applicant) may use this complaint procedure to report a concern or allegation that s/he is being denied an equal opportunity to access the School's education programs, activities or services, including employment opportunities.

#### **Who can a complaint be made to?**

A complaint may be reported to the Compliance Officer, an Administrator, or to a staff member. Any complaint received by an Administrator or staff member shall be promptly reported to a Compliance Officer for handling.

#### **How do you file a complaint?**

A complaint may be made verbally or in writing. The School has an SBA Complaint Form available for those who choose to use it.

A complaint may also be filed with the SBA directly by sending a letter to the Administrator, Small Business Administration (SBA), Washington, D.C. 20416.

Or you can file a complaint with the Department of Education's Office of Civil Rights (OCR). OCR's electronic complaint form is at the following website: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

You may also email OCR's [Discrimination Complaint Form](#) or your own signed letter to [ocr@ed.gov](mailto:ocr@ed.gov). If you write your own letter, please include the information identified above.

#### *Are there timelines for filing a complaint?*

Timelines are flexible, but a person with a complaint should try to report it within thirty (30) calendar days after an alleged discriminatory incident. If the complaint is filed directly with the SBA or OCR, it must be filed within 180 days of the alleged discriminatory action.

#### *How long will it take to have a complaint handled?*

While the School will try to handle the complaint as expeditiously as possible, there can be unexpected or unforeseen circumstances that cause delay. Complaints involving a handicap/disability and request for accommodation will be promptly referred to a 504 team for handling. Those complaints that require an investigation will be completed within thirty (30) days of the complaint, if possible. Should more time be required, the Compliance Officer will notify the complainant.

#### *Informal complaint process*

This policy provides an individual the option of filing an informal complaint (verbally or in writing), which allows a fuller range of options in facilitating prompt resolution of an issue(s). It is the choice of the individual complaining whether to initially pursue an informal complaint procedure. The Compliance Officer, or his/her designee, shall explore an informal resolution with the complainant, which may involve providing advice to the complainant on how to handle the issue(s) or reviewing this policy with persons involved in the issue. If the matter involves the conduct of another person, an informal resolution could involve a meeting with the complainant and that person provided both individuals agreed. Resolution through this informal procedure will be promptly explored. At any time, the complainant may request to end the informal procedure to move to the formal complaint process.

#### *Formal complaint process*

An individual may file a formal complaint (verbally or in writing) under this policy. The complainant may use the SBA Complaint Form that the School can provide or should provide the following information: a statement of the complaint that identifies the issue, provides pertinent facts, identifies those involved, and states what remedy is sought. If complainant does not provide a written statement, the Compliance Officer will prepare a statement for the complainant to review for accuracy after interviewing him/her.

The Compliance Officer, or his/her designee ("Investigator") shall begin a formal investigation into a complaint within three (3) business days of receipt. Should the complaint allege another person engaged in discriminatory, harassing, or retaliatory conduct ("respondent"), the Investigator shall notify him/her that a complaint was filed, provide a statement of the nature of

the allegations, and provide a copy of this policy and any other applicable school policy. The Investigator shall interview the complainant and any respondent as well as witnesses reasonably believed to have relevant information. The Investigator shall also consider relevant documents submitted by any person interviewed. The respondent may submit a written response to the complaint within seven (7) calendar days of being notified of the complaint.

At the conclusion of the investigation, the Compliance Officer shall submit the written report of the investigator to the Head of School along with recommendations as to whether and how this policy was violated and a proposed remedy for the situation.

The Head of School (or his/her designee) shall review the Compliance Officer's report and issue a final decision, or, remand the matter back to the Investigator for further investigation. If remanded, the specific areas or issues to be investigated further shall be identified. Once the investigation is complete to the satisfaction of the Head of School, he or she shall issue a final written decision as to whether and how this policy was violated as well as any remedial corrective action that will be taken to redress the matter and prevent further violations. Any corrective action must be age-appropriate and timely. The decision of the Head of School shall be final and shall be communicated to the complainant and respondent separately and simultaneously as directed by the Head of School.

## **Non-Discrimination Notices for Website Posting and Distribution**

### **Notice of Non-Discrimination**

Based on receipt of federal financial assistance through a Paycheck Protection Program loan administered through the U.S. Small Business Administration (SBA) under the CARES Act, the School acknowledges its obligation to prohibit discrimination, harassment, or retaliation on the basis of race, color, religion, age, national origin, sex, citizenship status, genetic information, handicap or disability in admissions, access, employment, tuition assistance, educational policies, or other school administered student and employee programs and activities. Questions regarding the School's compliance with the application and administration of the School's nondiscrimination policies should be directed to Kimberley Belfi - Controller/HR Manager - 241 Seaview Avenue, Palm Beach, FL 33480 - 561-655-1188 x173 - [kbelfi@pbdays.org](mailto:kbelfi@pbdays.org) or to the U.S. Department of Education's Office for Civil Rights (OCR) or to the SBA. Please refer to the School's SBA Non-Discrimination Compliance Policy on the School's website for information on how to file complaints with OCR or the SBA.

This notice will remain in effect until the School has satisfied and paid off the SBA Paycheck Protection Loan.