

Cristo Rey Dallas - CWSP Incident and Escalation Protocols

Scope

Protocols related to non-daily routine incidents involving students at their work-place that warrant direct and prompt/immediate CWSP follow up actions.

Definitions

- **Interpersonal Discord** - Interpersonal discord in this context is an adult's inappropriate action that does NOT meet the legal definition of discrimination, harassment, abuse, or the like, but DOES exceed behavior that a reasonable person would find acceptable to direct at a young individual learning in the workplace, or perhaps any person regardless of age.
 - It is not just a personality conflict or failure to nurture (both of which can typically prove a valuable student learning experience through CWSP coaching), but is adult behavior (e.g., insulting tone, language, volume) for which there is no redeeming value for the student.
- **Heightened Scrutiny** - Heightened scrutiny of an adult's inappropriate action(s) is incurred when there is a possibility that such action(s) meet the legal definition of discrimination, harassment, abuse, or the like, whether because of their actual content, or because the recipient of those words/actions are a minor and/or member of a protected class as defined in law.
- **Harassment**
 - Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:
 - a. Physical or mental abuse
 - b. Racial insults.
 - c. Derogatory ethnic slurs.
 - d. Unwelcome sexual advances or touching.
 - e. Sexual comments or sexual jokes.
 - f. Requests for sexual favors used as:
 - A condition of employment, or
 - To affect other personnel decisions, such as more desirable work assignment, offer of holiday/summer work, threat of reporting to CWSP

Prevention

Interpersonal Discord

- Sell the job in a manner that provides a clear job description by which students gain a real opportunity to provide consistent value at the placement through challenging but reasonable expectations (i.e., minimal downtime, boredom, or difficulty meeting expectations)
- Train both students and placement supervisors thoroughly, then match, first, student skill set to job description, and second, supervisor temperament to student needs.
- Be continuously and actively accessible (not just available) to communicate with and counsel both students and supervisors.
- Monitor both student and supervisor daily feedback and follow-up within 24 hours if a supervisor gives a student a rating of 1 or 2, meaning they did not meet expectations that day.

Heightened Scrutiny

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- Know your job partner: during the sales process, were there any red flags, whether during research or interaction, regarding the appropriateness of the environment?
- Know your responsibility: As a Catholic organization involved in the care of minors, all Cristo Rey staff need to attend [training](#) regarding the protection of children; as an educational program, we are also bound by federal and state statutes regarding the [mandatory reporting](#) of child abuse; and as an employer, we have a responsibility to understand and meet the legal requirements for a workplace free of discrimination and harassment.
- Make your responsibility known: train students about discrimination and harassment in the workplace as per our specific [Department of Labor requirements](#), including in that training your CWSP-school's specific protocol(s) for incident reporting, which must be clearly written, with contact information, in the student/family handbook. Make certain appropriately abbreviated training and reporting protocol awareness is **also** provided by the client to their job team(s) during whole team orientations at the start of every school year.

Guiding Principles for Responding

- **Interpersonal Discord**
 - **Timely:** before the close of the next business day, earlier if possible.
 - **Comprehensive:** involves and/or informs as soon as possible all parties that need to know.
 - **Discreet:** does not involve and/or inform any party that does not need to know (i.e., no one whose knowledge is not required for the benefit of the student or the job partner relationship).
 - **Focused:** first, on student well-being and retention; second, to the extent student well-being and retention permits, on job partner satisfaction and retention.
 - **Coordinated:** know, in advance of any events that require a response, who is responsible for ensuring that response is completed successfully. In assigning that responsibility, remember that CWSP is separately incorporated from the school, it is a business, and the nature of its business holds it to a higher standard in terms of labor law awareness and adherence.
- **Heightened Scrutiny**
 - CWSP's response to these incidents also must be timely, comprehensive, discreet, focused, and coordinated as above, but also must adhere to your duly informed reporting protocol crafted in light of the training and legal requirements stipulated in the prevention section. Involve outside employment counsel as appropriate to advise/assist in the investigation.

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Response Protocol Overview

Whenever a report of **Interpersonal Discord** or a situation requiring **Heightened Scrutiny** is made to CWSP, the following steps must be taken promptly:

1. Initial Communication
2. Investigation
3. Review and Decision
4. Final Communication

Decisions should be made with the safety and welfare of the students as the overriding priority. Handling the situation in a way that maintains a constructive relationship with the job partner is an important but secondary consideration.

Response Protocol – Interpersonal Discord

1. Initial Communication (Day 1)

The process is triggered by a student contacting someone within CWSP or CRD to share an upsetting experience with their supervisor or another person at their workplace. That staff member must **immediately notify the CWSP Director who will direct the process** from this point:

- o Either the CWSP Director OR the External Partnership Manager, along with a member of the Student Development and Support team (i.e., two people but not more than two people), will speak to the student to understand what happened and to reassure the student that the situation will be handled appropriately.
- o If the situation does NOT meet the definition of Interpersonal Discord or Heightened Scrutiny, AND the student is willing to work on a resolution with the job partner, then it should be handled through the regular student mentoring process.
 - However, if the student expresses fear or anxiety about continuing to work for that supervisor, or explicitly requests to be reassigned, then it should be treated as a case of Interpersonal Discord.
- o In cases of Interpersonal Discord, the CWSP Director will ensure that the following parties are notified by a member of the CWSP team, either in person or by phone: CRD President, CRD Principal, CRD HR Director, the student's parent/guardian, and Counseling.

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2. Investigation (Days 1-2)

Any reports of Interpersonal Discord must be investigated as a high priority, and documentation of the investigation maintained in the Salesforce system.

The CWSP Director will designate the person to conduct the investigation, most likely the Director, the External Partnership Manager, or another CWSP Manager.

The investigation will be conducted promptly and will involve:

- o **Documenting the initial conversation with the student**, and following up for clarification as appropriate in order to obtain a clear picture of what happened. It is important to approach the student with sensitivity and empathy, while making sure the specifics of what happened are captured.
 - For example, When and where did this happen? What happened? What words or other behavior were used by the supervisor? Were any other people in the room/meeting when it happened? How did it make the student feel? Had anything like this happened before; if so, when and what?
- o **Speaking with anyone else the student says was party to the conversation** to obtain their description of what happened.
- o **Speaking with each of the other students working for the same supervisor**, the next day they are available on campus, to determine whether any have experienced similar behavior.
- o **Reviewing the daily feedback reports** to see if any issues had been reported by either the student or supervisor prior to the incident and, if so, how were they followed up on by CWSP.
- o **Speaking with the Program Manager** at the job partner to share what the student(s) has reported and agree on a plan for talking with the supervisor.
 - If possible, the CWSP Director and the External Partnership Manager should have this conversation with the Program Manager together.
 - If it is already clear that one or more students should immediately be moved away from that supervisor, ask the Program Manager to think about an alternative supervisory structure (either in the same area of the business or a different area).
- o **If agreed to with the Program Manager, talk with the supervisor** to share the student's experience and to understand what happened from his or her perspective.

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3. Review and Decision (Day 2 if possible)

After the investigation has been conducted, the Director CWSP will meet with the Manager who conducted the investigation and anyone else within CRD or CWSP who was directly involved in the situation, or who knows the student well, to review the findings and decide how to proceed.

The decision will be made by the Director CWSP and may involve:

- o Moving one or all students to a different supervisor with the same job partner.
- o Moving one or all students to a job with a different partner, or to a CRD job.

If it is decided that any of the students will continue to work with the supervisor in question, the Director CWSP must feel confident that the risk of the same behavior happening again has been (or will be) mitigated through appropriate and timely conversation with both the Program Manager and the supervisor and on-going support from CWSP.

4. Final Communication (Day 2 or 3)

Once a decision has been made, the Director CWSP will ensure that it is clearly communicated by member(s) of the CWSP team to all parties who need to know:

- o **President, Principal, HR Director:** should all be advised of the decision(s) that have been made. Any concerns or questions raised should be addressed before the decision is communicated to other parties.
- o **Counseling and other CWSP Managers**
- o **Student and Parent/Guardian:** Advise them of the decision and who the student should report to on his or her next work day. Make sure the student and parent/guardian are comfortable with the resolution.
- o **Other Affected Students:** Advise them of their revised supervisory relationships, as needed.
- o **Job partner:** Confirm the revised reporting relationship(s) with the Program Manager. If a new supervisor is assigned, establish initial contact and agree to the arrangements for the transition. If the student is assigned to a job with a different partner, make sure the Program Manager at the new partner is advised and supportive and agrees to the arrangements for the transition.

The Manager assigned to conduct the investigation will document the conversations, investigation findings and decisions in the Salesforce system for future reference.

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Response Protocol – Situations Requiring Heightened Scrutiny

1. Initial Communication (Day 1)

The process is triggered by a student contacting someone within CWSP, or CRD, to share an upsetting experience with their supervisor or another person at their workplace that appears to constitute illegal harassment. **That staff member must immediately notify the CWSP Director.**

- o Either the CWSP Director OR the External Partnership Manager, along with a member of the Student Development and Support team (i.e., two people, but no more than two people), will speak to the student to understand what happened and to reassure the student that the situation will be handled appropriately.
- o If the situation meets the definition of Heightened Scrutiny, the CWSP Director immediately notifies the following parties, either in person or by phone: CRD President, CRD Principal, CRD HR Director, the student's parent/guardian, Counseling and potentially any Cristo Rey personnel whose close relationship at that job partner were critical to its acquisition and who may therefore be likely to hear of the incident through that relationship (so as not to be taken by surprise).
- o **The CRD President will designate a person, or committee formed specifically for this purpose, to conduct the investigation**, most likely in partnership with outside legal counsel.
- o The CWSP Director and CRD President will agree on who will advise the sponsoring executive and Program Manager at the job partner about the allegations, that an investigation is underway and none of the students will be required to work with the partner while the investigation takes place.
- o Situations involving abuse of minors **must** be reported **immediately** to the **Texas Department of Family and Protective Services** at **1-800-252-5400** or in case of emergency to the appropriate police authority by calling 911.

2. Investigation (Days 1-3)

Situations requiring Heightened Scrutiny should be extremely rare, and the investigation will need to be customized to the specific allegations. The investigation will be conducted promptly, possibly in partnership with outside counsel, and will likely involve:

- o **Documenting the initial conversation with the student**, and following up for clarification as appropriate in order to obtain a clear picture of what happened. It is important to approach the student with sensitivity and empathy, while making sure the specifics of what happened are captured.
 - For example, When and where did this happen? What happened? What words or other behavior were used by the supervisor? Were any other people in the room/meeting when it happened? How did it make the student feel? Had anything like this happened before; if so, when and what?

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- o **Speaking with anyone else the student says was party to the conversation/situation** to obtain their description of what happened.
- o **Speaking with each of the other students working for the same supervisor**, to determine whether any have experienced similar behavior, and documenting those conversations.
- o **Speaking with the Program Manager** and/or the most senior executive at the job partner with whom CWSP/CRD has a relationship to share what the student(s) has reported. The CRD President and CWSP Director should make this call together, if possible.
 - Encourage the job partner to initiate their own investigation of the alleged behavior, and to be as transparent as they can be about their findings.
 - If applicable, advise that CRD's investigation is being conducted by outside counsel.
 - If applicable, advise that the situation has been reported to the Texas Department of Family and Protective Services.

3. Review and Decision (before next scheduled work day, if possible)

The President will meet with the person or committee who conducted the investigation to review the findings and decide how to proceed.

- o If the investigation concludes that **the situation did not constitute illegal harassment**, but met the definition of Interpersonal Discord, then the protocol for Interpersonal Discord should be followed.
- o If the investigation concludes that **illegal harassment did occur and/or that the student's allegations of such behavior are credible**, then all students will be removed from working for that job partner until it is determined that a safe work environment can be secured.
 - If the job partner handles the allegations seriously and appropriately and this is determined by CWSP to be a one-off situation and not a broader workplace culture issue, the solution may be to move the students to a different supervisor or department. (Regardless, if the student directly affected is not comfortable returning to the same company, he or she must be placed with a different job partner.)
 - If not, the company is not a good fit for CWSP and the partnership should be ended.
- o If the investigation concludes that the student's allegations are baseless or concocted, the student should be subject to appropriate discipline, including potential expulsion from CRD.

4. Final Communication (before next scheduled work day, if possible)

Once a decision has been made, either the President or CWSP Director or will ensure that it is clearly communicated to all parties who need to know:

- o **Principal and HR Director**
- o **Counseling and other CWSP Managers**

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- o **Student and Parent/Guardian:** Advise them of the decision and who the student should report to on his or her next work day. Make sure the student and parent/guardian are comfortable with the resolution.
- o **Other Affected Students:** Advise them of their revised supervisory relationships, as needed.
- o **Job partner:** Confirm the revised reporting relationship(s) with the Program Manager. If a new supervisor is assigned, establish initial contact and agree to the arrangements for the transition. If students are assigned to a job with a different partner, make sure the Program Manager at the new partner is advised and supportive and agrees to the arrangements for the transition.

The CWSP Director will ensure that the allegations, conversations, investigation findings and decisions are documented in the Salesforce system for future reference.