



## **SBA Compliance Checklist**

To ensure that the School 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 policy 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 Officers have been trained in their 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 Compliance Officers. 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 complaint forms and processes for addressing 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 attorney.