

Personnel

Workplace Harassment Prohibited

The School District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, sex, sexual orientation, age, citizenship status, disability, pregnancy, marital status, order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other protected status identified in Board policy 5:10, *Equal Employment Opportunity and Minority Recruitment*.

Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy *2:260 Uniform Grievance Procedure; 2:265 Title IX Grievance Procedure; 7:20, Harassment of Students Prohibited; 7:180 Preventing Bullying, Intimidation and Harassment; and 7:185 Teen Dating Violence Prohibited*.

The District will take remedial and corrective action to address unlawful workplace harassment, including sexual harassment.

Sexual Harassment

The District shall provide a workplace environment free from verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law. The District provides annual sexual harassment prevention training in accordance with State law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes but is not limited to verbal, ~~or~~ physical, or other conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Complaint

Employees and *nonemployees* (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors and consultants) are encouraged to promptly report information regarding violations of this policy. Individuals may choose to report to a person of the individual's same gender. Every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

Aggrieved individuals, if they feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

Whom to Contact with a Report or Complaint

An employee should report claims of harassment, including making a confidential report, to any of the following: his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

Employees may also report claims using Board policy 2:260, *Uniform Grievance Procedure*. If a claim is reported using Board policy 2:260, then the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy.

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator, **Title IX Coordinator**, and Complaint Managers.

Nondiscrimination Coordinator:Dave Palzet, SuperintendentName7450 S. Wolf RoadAddressBurr Ridge, IL 60527708-784-2170Telephone**Complaint Managers:**Dave Palzet, SuperintendentName7450 S. Wolf RoadAddressBurr Ridge, IL 60527708-784-2170TelephoneJennifer Ban, Asst. Supt. Teaching & LearningName7450 S. Wolf RoadAddressBurr Ridge, IL 60527708-784-2177Telephone**Title IX Coordinator:**Dave Palzet, SuperintendentName7450 S. Wolf RoadAddressBurr Ridge, IL 60527708-784-2170Telephone

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks.

Investigation Process

District employee who receives a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. Any employee who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment. ~~The District shall investigate alleged workplace harassment when the Nondiscrimination Coordinator or a Complaint Manager becomes aware of an allegation, regardless of whether a written report or complaint is filed.~~

*For any complaint alleging harassment on the basis of race, color, or national origin, the Nondiscrimination Coordinator or Complaint Manager or designee shall investigate under Board Policy 2:270 *Discrimination and Harassment on the Basis of Race, Color, and National Origin Prohibited*.*

*For any other alleged workplace harassment that does not require action under Board policies 2:265 *Title IX Grievance Procedure*, or 2:270 *Discrimination and Harassment on the Basis of Race, Color, and**

National Origin Prohibited, the Nondiscrimination Coordinator or Complaint Manager or designee shall consider whether an investigation under Board policy 2:260 *Uniform Grievance Procedure*, and/or 5:120 *Employee Ethics; Code of Professional Conduct; and Conflict of Interest*, should be initiated, regardless of whether a written report or complaint is filed.

Reports That Involve Alleged Incidents of Sexual Abuse of a Child by School Personnel

An *alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to policy 5:90 *Abused and Neglected Child Reporting*. In addition to reporting the suspected abuse, the complaint shall also be processed under policy 2:265, Title IX *Sexual Harassment Grievance Procedure*, or policy 2:260, *Uniform Grievance Procedure*.

Enforcement

A violation of this policy by an employee may result in discipline, up to and including discharge. A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the District, i.e., vendor, parent, invitee, etc. Any employee making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge.

Retaliation Prohibited

An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing bona fide complaints or providing information about harassment is prohibited (see Board policy 2:260, *Uniform Grievance Procedure*), and whistleblower protection may be available under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/).

An employee should report allegations of retaliation to his/her immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, and/or a Complaint Manager.

Employees who retaliate against others for reporting or complaining of violations of this policy or for participating in the reporting or complaint process will be subject to disciplinary action, up to and including discharge.

Recourse to State and Federal Fair Employment Practice Agencies

The District encourages all employees who have information regarding violations of this policy to report the information pursuant to this policy. The following government agencies are available to assist employees: the Ill. Dept. of Human Rights and the U.S. Equal Employment Opportunity Commission.

The Superintendent shall also use reasonable measures to inform staff members, applicants, and nonemployees of this policy, which shall include posting on the District website and/or making this policy available in the District's administrative office, and including this policy in the appropriate handbooks.

LEGAL REF.:	<p>Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e <u>et seq.</u>, implemented by 29 C.F.R. §1604.11.</p> <p>Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 <u>et seq.</u>, implemented by 34 C.F.R. Part 106.</p> <p>State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a).</p> <p>Ill. Human Rights Act, 775 ILCS 5/2-101(E) and (E-1), 5/2-102(A), (A-10), (D-5), 5/2-102(E-5), 5/2-109, 5/5-102, and 5/5-102.2.</p> <p>56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.</p> <p><u>Burlington Industries v. Ellerth</u>, 524 U.S. 742 (1998).</p> <p><u>Crawford v. Metro. Gov't of Nashville & Davidson County</u>, 555 U.S. 271 (2009).</p> <p><u>Faragher v. City of Boca Raton</u>, 524 U.S. 775 (1998).</p> <p><u>Franklin v. Gwinnett Co. Public Schools</u>, 503 U.S. 60 (1992).</p> <p><u>Harris v. Forklift Systems</u>, 510 U.S. 17 (1993).</p> <p><u>Jackson v. Birmingham Bd. of Educ.</u>, 544 U.S. 167 (2005).</p> <p><u>Meritor Savings Bank v. Vinson</u>, 477 U.S. 57 (1986).</p> <p><u>Oncale v. Sundowner Offshore Services</u>, 523 U.S. 75 (1998).</p> <p><u>Porter v. Erie Foods International, Inc.</u>, 576 F.3d 629 (7th Cir. 2009).</p> <p><u>Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n</u>, 233 Ill.2d 125 (Ill. 2009).</p> <p><u>Vance v. Ball State University</u>, 133 S. Ct. 2434 (2013).</p>
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