

General Personnel

5:20 Workplace Harassment Prohibited

The Cooperative expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. Cooperative employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, age, citizenship status, disability, or 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 7:20, *Harassment of Students Prohibited*.

Sexual Harassment Prohibited

The Cooperative shall provide a workplace environment free of verbal, physical or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

Cooperative 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, 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 are encouraged to promptly report information regarding violations of this policy. Employees may choose to report to a person of the employees 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 employees, 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 policy, in addition to any response required by this policy 5:20, *Workplace Harassment Prohibited*.

The Executive Director shall insert into this policy the names, addresses, and telephone numbers of the Cooperative's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

Name: Nancy Sporer Address: 1304 Ronzheimer Ave., St. Charles, IL 60174 Email: nancy.sporer@d303org Telephone: 331-228-4928

Complaint Managers:

Name: Nancy Sporer Address: 1304 Ronzheimer Ave., St. Charles, IL 60174 Email: nancy.sporer@d303.org Telephone: 331-228-4928	Name: Timothy Stoudt Address: 1304 Ronzheimer Ave., St. Charles, IL 60174 Email: Timothy.Stoudt@d303.org Telephone: 331-228-6034
--	--

Investigative Process

Supervisors, Building Principals, or administrators who receive a report or complaint of harassment must properly forward the report or complaint to Nondiscrimination Coordinator or Complaint Manager. A supervisor or administrator 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 Cooperative's duty to investigate and maintain workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment. The Cooperative shall investigate alleged workplace harassment when a Complaint manager becomes aware of an allegation, regardless of whether a written report or complaint is files.

Enforcement

A violation of this policy may result in discipline, up to an including discharge. A violation of this policy by a third party will be assessed in accordance with the authority of the Board in the context of the relationship of the third party of the Cooperative, i.e. vendor, parent, invitee, etc. An 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 Illinois 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 Manger.

Employees who retaliate against others for reporting or complaining of violati0ons 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 Employment Practice Agencies.

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

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

LEGAL REF.: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq., implemented by 29 C.F.R. §1604.11.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., implemented by 34 C.F.Enforcement R. Part 106.

State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a)

Ill. Human Rights Act, 775 ILCS 5/2-101(E), 5/2-102(D), 5/2-102(E-5), 5/5-102, and 5/5-102.2.

56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.

Burlington Industries v. Ellerth, 524 U.S. 742 (1998).

Crawford v. Metro. Gov't of Nashville & Davidson County, 555 U.S. 271 (2009).

Faragher v. City of Boca Raton, 524 U.S. 775 (1998).

Franklin v. Gwinnett Co. Public Schools, 503 U.S. 60 (1992).

Harris v. Forklift Systems, 510 U.S. 17 (1993).

Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005).

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).

Oncale v. Sundown Offshore Services, 523 U.S. 75 (1998).

Porter v. Erie Foods International, Inc., 576 F.3d 629 (7th Cir. 2009).

Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n, 233 Ill.2d 125 (Ill.. 2009).

Vance v. Ball State University, 133 S. Ct. 2434 (2013).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:125 (Personal Technology and Social Media; Usage and Conduct), 7:20 (Harassment of Students Prohibited)