

Document Status: Draft Update

General Personnel

5:20 Workplace Harassment Prohibited

The School District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including [PRESSPlus1](#) harassment. District 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*.

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

Sexual Harassment Prohibited [PRESSPlus2](#)

The School District shall provide a workplace environment free of ~~unwelcome sexual advances, requests for sexual favors, and other verbal, or physical, or other conduct~~ or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

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

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 which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Complaint ~~Enforcement~~ [PRESSPlus3](#)

~~A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge. 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).~~

Employees are encouraged to promptly report information regarding violations of this policy. Employees may choose to report to a person of the employee'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 ~~employees~~ ~~persons~~, ~~who~~ 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.

~~Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy 2:260, Uniform Grievance Procedure. Employees may choose to report to a person of the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.~~

Whom to Contact with a Report or Complaint [PRESSPlus4](#)

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 5:20, *Workplace Harassment Prohibited*

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. [PRESSPlus5](#)

Nondiscrimination Coordinator:

Name Robert J. Ciserella, Business Mgr./CSBO
 Address District Office
 6950 N. East Prairie Rd.
 Lincolnwood, IL 60712
 Email rciserella@sd74.org
 Telephone No. 847-675-8234

Complaint Managers:

Name	Robert J. Ciserella, Business Mgr./CSBO	Dr. Kim Nasshan, Superintendent
Address	District Office 6950 N. East Prairie Rd. Lincolnwood, IL 60712 rciserella@sd74.org	District Office 6950 N. East Prairie Rd. Lincolnwood, IL 60712 knasshan@sd74.org
Telephone No.	847-675-8234	847-675-8234

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.R. Part 106§1604.11.

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, 118 S.Ct. 2257 524 U.S. 742 (1998).

Crawford v. Metro. Gov't of Nashville & Davidson County, 129 S.Ct. 846 555 U.S. 271 (2009).

Faragher v. City of Boca Raton, 118 S.Ct. 2275 524 U.S. 775 (1998).

Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 503 U.S. 60 (1992).

Harris v. Forklift Systems, 114 S.Ct. 367 510 U.S. 17 (1993).

Jackson v. Birmingham Board of Education Educ., 125 S.Ct. 1497 544 U.S. 167 (2005).

Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 477 U.S. 57 (1986).

Oncale v. Sundown Offshore Services, 118 S.Ct. 998 523 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, 908 N.E.2d 39 233 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), 7:20 (Harassment of Students Prohibited)

ADOPTED: September 10, 2002

REVISED: May 4, 2010; November 7, 2013, January 22, 2014; May 1, 2014, July 23, 2015; September 14, 2015

PRESSPlus Comments

PRESSPlus 1. Added to clarify that harassment is a form of discrimination. **Issue 96, October 2017**

PRESSPlus 2. The State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a), amended by P.A. 100-554, requires school districts to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment by January 15, 2018. Though that date has passed, there are no penalties in the law for failing to pass the resolution by that date. The policy must include, at a minimum: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/); and (4) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

For more information, please see the footnotes available by logging into PRESS Online at www.iasb.com. **Issue 97, January/February 2018**

PRESSPlus 3. School districts are not required to train employees regarding workplace harassment, including sexual harassment; however, it is best practice. For districts that wish to provide such trainings, best practices suggest annual trainings work best, including on applicable board policies and procedures, what constitutes workplace harassment, complaint and enforcement mechanisms, and employees' legal rights. **Issue 97, January/February 2018**

PRESSPlus 4. 5 ILCS 430/70-5(a), amended by P.A. 100-554, requires that a school board policy prohibiting sexual harassment include details for reporting an allegation of sexual harassment, including options for making a confidential report to a supervisor and an ethics officer. 5 ILCS 430/20-23 defines *ethics officers* as being designated by State agencies under the jurisdiction of the Executive Ethics Commission. School districts are not State agencies (5 ILCS 430/1-5) and do not have ethics officers; thus, this sample policy substitutes Complaint Manager for ethics officer. **Issue 97, January/February 2018**

PRESSPlus 5. While the names and contact information are required by law to be listed in policy, they are not part of the adopted policy and do not require board action. This allows for additions and amendments to the names and contact information when necessary. It is important for updated names and contact information to be inserted into this policy and regularly monitored. Best practice is that throughout the district's board policy manual, the same individual be named as Nondiscrimination Coordinator. In contrast, Complaint Managers identified in individual policies may vary depending upon local district needs. **Please ensure that the contact information shown here is accurate. If changes are necessary, choose Adopted with Additional District Edits as the Save Status and make the changes in Edit Mode. Issue 96, October 2017**