

EMPLOYEE ANTI-HARASSMENT

Prohibited Harassment

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to harassing conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will ~~vigorously~~ enforce its prohibition against harassment based on the traits of sex (including transgender status, change of sex, sexual orientation, or gender identity), race, color, ethnicity, national origin, creed, ancestry, religion, marital status, disability, genetic information or any other characteristic that is protected by Federal and State civil rights laws (hereinafter referred to as "Protected Characteristics"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, student-to-employee, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take ~~immediate~~ **appropriate** steps calculated to end the harassment, prevent its reoccurrence, and, if applicable, remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, administrators, students, teachers, staff, volunteers, Board members, agents, contractors, or other persons.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a school employee on the basis of the employee's Protected Characteristics that:

- A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;
- C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting or pinching, obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
- J. any employee who makes a sexual advance toward or requests a sexual favor from a student or accepts a sexual advance made by a student or a request for sexual favor from a student may also be guilty of a criminal offense as set forth in the Illinois Criminal Code.

Not all behavior with sexual connotations constitutes sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Sexual relationships between staff members, where one (1) staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and students is expressly prohibited. Any school staff member who engages in sexual conduct with a student may be disciplined up to and including termination and may also be guilty of the criminal offenses as set forth in Illinois Criminal Code.

Age Harassment

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disabling condition, or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, will not adversely affect the complaining individual's employment unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the Compliance Officer, Principal, member of District Administration or Superintendent. If the complaint involves the Superintendent or a Board member, the report should be made to () Board (X) Board Legal Counsel.
- B. Teachers, administrators, and other school officials who have or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the Compliance Officer, Principal, member of District Administration or Superintendent. If the complaint involves the Superintendent or a Board member, the report should be made to () Board (X) Board Legal Counsel.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to Compliance Officer, Principal, member of District Administration or Superintendent. If the complaint involves the Superintendent or a Board member, the report should be made to () Board (X) Board Legal Counsel.

- D. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in the administrative guidelines shall prevent any person from reporting harassment directly to the Superintendent.

- E. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, each school's Building Principal shall be advised to designate both a male and a female Anti-Harassment Compliance Officers for receiving reports of harassment prohibited by this policy. At least one (1) Anti-Harassment Compliance officer or other individual shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

[NOTE: School Districts are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

(Name)

(Name)

(School District Title)

(School District Title)

(Telephone Number)

(Telephone Number)

(Office Address)

(Office Address)

(E-mail Address)

(E-mail Address)

The names and titles of these individuals will be published annually: **[NOTE: Select more than one (1) option.]**

- in the parent and staff handbooks.
- in the School District Annual Report to the public.
- on the School District's web site.
- on each individual school's web site.
- in the School District's calendar.
- ___Staff Newsletter_____.

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process.

The CO will prepare recommendation or will oversee the preparation of such recommendations by a designee for Superintendent or, in the event the alleged harasser is the Superintendent, for the () Board President (X) School Board Attorney. All members of the School District community must report incidents of harassment that are reported to them to the CO within two (2) calendar days of learning of the incident.

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one(1) of the COs. Thereafter, the CO must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the CO or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to harassment or has witnessed harassment of another may seek resolution of his/her complaint through the procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant," may file a complaint, either orally or in writing with a teacher, Principal, CO, Superintendent, or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who shall assume the role of the CO for such complaints.

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, Superintendent, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process as described herein, the CO should keep the parties informed of the status of the investigation and the decision making process.

All written complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be actively engaging in, harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the complainant to assess his/her position to the proposed action. If the complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) business days of receiving a complaint, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment. The COs recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. **(X)** The CO may consult with the School Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

The Complaint process set forth above is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of harassment with the United States Department of Education, Office for Civil Rights, the Illinois Department of Human Rights, Illinois Human Rights Commission, or the Equal Employment Opportunity Commission.

To obtain further information and/or assistance you may contact:

U.S. Department of Education

Office of Civil Rights
Chicago Office, Citigroup Center
500 W. Madison St., Suite 1475
Chicago, Illinois 60661
(312) 730-1560
Fax: (312) 730-1576
TTY: (877) 521-2172

Illinois Department of Human Rights

100 West Randolph Street
Suite 10-100
Chicago, Illinois 60601
(312) 814-6200

222 South College
Floor 1
Springfield, Illinois 62704
(217) 785-5100

Illinois Human Rights Commission

100 West Randolph
Suite 5-100
Chicago, Illinois 60601
(312) 814-6269

Stratton Office Building
Suite 404
Springfield, Illinois 62706
(217) 785-4350

Federal Equal Employment Opportunity Commission

500 West Madison Street
Suite 2000
Chicago, Illinois 60661
1-800-669-4000
Fax: (312)-869-8220
TTY: (312)-869-8001

Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and all witnesses ~~as much as possible~~, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the investigation process should be advised that their identities may be disclosed to the respondent.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the School Board's records retention policy. Any records which are considered student records in accordance with the State or Federal law will be maintained in a manner consistent with the law.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation/Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement and any appropriate State or Federal agencies, with prior consultation with the Superintendent or () Board President **(X)** School Board Attorney. After such report has been made, the Superintendent shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the Superintendent, such knowledge should be reported by the CO to local law enforcement and any appropriate State or Federal agencies, with prior consultation with the () Board President **(X)** School Board Attorney. After such report has been made the () Board President **(X)** School Board Attorney shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent () Board President **(X)** School Board Attorney.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the CO, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines and shall provide training for District students and staff on an annual basis, and at such other times as the Board in consultation with the Superintendent determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

105 ILCS 5/10-20.14, 5/27-23.7
23 Ill. Admin. Code Part 200
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
20 U.S.C. 1681 et seq., Title IX of Education Amendments Act
42 U.S.C. 1983
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635
29 U.S.C. 6101, The Age Discrimination Act of 1975
National School Boards Association Inquiry and Analysis – May 2008