

BOARD POLICY

GAEA

PERSONNEL DISCRIMINATORY HARASSMENT OF EMPLOYEES OR APPLICANTS FOR EMPLOYMENT

AUGUST 17, 2020

Discriminatory harassment of employees or applicants for employment by School District employees, Board members, vendors, contractors or others doing business with the School District, students, parents, invitees, guests, volunteers, etc., will not be tolerated. "Discriminatory harassment" means unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individual's sex, race, color, national origin, age, religion, height, weight, marital status, disability, sexual orientation, sexual identity, or transgender status when (a) submission to the conduct is made a condition of obtaining employment; (b) submission to, or rejection of, the conduct is used as a factor in decisions affecting the individual's employment; or (c) such conduct or communication has the purpose or effect of substantially interfering with the individual's employment, or creates an intimidating, hostile or offensive work environment.

Any employee or applicant who believes that he or she has suffered discriminatory harassment shall immediately report the incident(s) to the Director of Human Resources. In the event the employee or applicant cannot report to the Director of Human Resources, the employee shall report the incident(s) to the Superintendent. In the event that the employee or applicant is charging the Superintendent or a Board member with discriminatory harassment, he or she shall immediately report the incident(s) to the Board President. In the event that the employee or applicant is charging the Board President with such harassment, he or she shall report the incident to the Vice President of the Board. Any employee who has notice of discrimination or harassment on the basis of sex of an employee or applicant shall immediately notify the Title IX Coordinator. Any member of administration who becomes aware of discriminatory harassment of an employee or applicant on the basis of a protected class other than sex shall immediately notify the Director of Human Resources. Reports of discriminatory harassment may be made orally or in writing.

The School District guarantees that an employee or applicant reporting an incident(s) of discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes discriminatory harassment, the totality of their circumstances, the nature of the conduct and the context in which the alleged incident(s) occurred will be investigated. The School District has the responsibility of investigating and resolving complaints of discriminatory harassment. The School District shall first determine whether the complaint concerns allegations of (a) discrimination on the basis of sex in the educational programs and activities which it operates, including employment, admissions, recruitment, referrals, and collective bargaining, or (b) sexual harassment. If the allegations concern either of these matters, then the Director of Human Resources must notify the Title IX Coordinator and the complaint shall be resolved in accordance with the Title IX grievance procedures of Administrative Procedure JAA. If the Title IX grievance procedures are not

applicable based upon the conduct alleged, then the allegations will be investigated in accordance with the procedures set forth Policy GAAA.

In cases where the alleged discriminatory harassment was committed by the Superintendent or a member of the Board of Education, the School District will appoint outside legal counsel to investigate the alleged incident(s). The results of an investigation and any action taken thereon will be communicated to the complaining person.

The School District considers discriminatory harassment to be a major offense which will result in corrective action, regardless of the offender's position with the School District. Corrective action of a School District employee may include disciplinary action, up to and including, termination of employment. Corrective action of a student may include disciplinary action, up to and including, expulsion.

LEGAL REF.: Civil Rights Act and Faragher v. City of Boca Raton, 524 US 775, 118 SCt 2275 141 LEd2d 662 (1998)