

# DRAFT UPDATE

Mid-Valley Special Education Cooperative

5:20

## General Personnel

### 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*.

**Commented [AP1]:** Added to clarify that harassment is a form of discrimination.

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### Sexual Harassment Prohibited

The Cooperative shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical 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 or physical 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; Enforcement

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*).

Aggrieved persons, who 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

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

**Commented [AP2]:** 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 indicate your current Nondiscrimination Coordinator and Complaint Manager information on your PRESS Plus Response Form, attaching additional pages if necessary.

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## **Nondiscrimination Coordinator:**

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

## **Complaint Managers:**

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331-228-6034  
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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.

# ***DRAFT UPDATE***

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.  
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, ~~418 S.Ct. 225~~524 U.S. 742 (1998).  
Crawford v. Metro. Gov't of Nashville & Davidson County, ~~429 S.Ct. 846~~555 U.S. 271 (2009).  
Faragher v. City of Boca Raton, ~~418 S.Ct. 227~~524 U.S. 775 (1998).  
Franklin v. Gwinnett Co. Public Schools, ~~442 S.Ct. 1028~~503 U.S. 60 (1992).  
Harris v. Forklift Systems, ~~444 S.Ct. 367~~510 U.S. 17 (1993).  
Jackson v. Birmingham Board of EducationEduc., ~~425 S.Ct. 1497~~544 U.S. 167 (2005).  
Meritor Savings Bank v. Vinson, ~~406 S.Ct. 2399~~477 U.S. 57 (1986).  
Oncale v. Sundown Offshore Services, ~~418 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, ~~998 N.E.2d 392~~333 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)

ADOPTED: ~~November 6, 2013~~