

PERSONNEL

GENERAL PERSONNEL - WORKPLACE HARASSMENT PROHIBITED

The School District expects the workplace environment to be productive, respectful, and free of unlawful 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, 500.08, *Equal Employment and Minority Recruitment*.

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

Sexual Harassment Prohibited

It is the policy of School District 93 to provide employees with an employment environment free of verbal, physical, or other conduct or communications constituting sexual harassment as defined and otherwise prohibited by this policy or by State and federal law.

It shall be a violation of this policy for any School District employee, any person who is authorized to recommend or take personnel actions affecting a School District employee, or any person who is authorized to transact business or perform other acts or services on behalf of the District:

1. To make unwelcome sexual advances or requests for sexual favors or engage in other unwelcome verbal, physical, or other conduct of a sexual nature when:
 - a. submission to such conduct by an employee is made either explicitly or implicitly a term or condition of the employee's employment;
 - b. submission to or rejection of such conduct by an employee is used as the basis for an employment decision affecting such employee; or
 - c. such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.
2. To recommend, impose, grant, withhold, or refuse to take any personnel action consistent with his or her duties and responsibilities because of sexual favors.
3. To harass another person because of his or her sexual orientation.
4. To disregard allegations of sexual harassment covered by this policy, whether reported by the employee who is the subject of the alleged harassment or a witness thereto, or to fail to take immediate corrective action in the event misconduct has occurred.

Making a Complaint

Any violation of this policy will result in swift and severe discipline of all responsible parties. Such discipline may include discharge from employment.

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.

PERSONNELGENERAL PERSONNEL - WORKPLACE HARASSMENT PROHIBITED

Aggrieved employees who feel comfortable in doing so should directly inform the person engaging in harassing conduct or communications that such conduct or communications are offensive and must cease.

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 296, *Uniform Grievance Procedure*. If a claim is reported using Board policy 296, then the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy 500.20 *Workplace Harassment Prohibited*. Reports may also be made using SafeSchools Alert, an anonymous tip reporting system.

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

| | |
|-----------|---|
| Name | Cathy Brennan, Assistant Superintendent for Human Resources |
| Address | 230 Covington Drive Bloomington, IL 60108 |
| Email | cbrennan@ccsd93.com |
| Telephone | 630-539-3230 |

Complaint Managers:

| | | |
|-----------|---|--|
| Name | John Benedetti, Assistant Superintendent for Business Services | Crysta Morrissey, Assistant Superintendent for Student Services |
| Address | 230 Covington Drive Bloomington, IL 60108 | 230 Covington Drive Bloomington, IL 60108 |
| Email | benedej@ccsd93.com | morrisc@ccsd93.com |
| Telephone | 630-539-3290 | 630-539-3157 |

Investigation Process

Supervisors, Building Principals, or administrators who receive a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. A supervisor or administrator who fails to promptly forward a report or complaint may be disciplined, up to and including discharge.

PERSONNEL

GENERAL PERSONNEL - WORKPLACE HARASSMENT PROHIBITED

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment. The District shall investigate alleged workplace harassment when a Complaint Manager becomes aware of an allegation, regardless of whether a written report or complaint is filed.

Enforcement

A violation of this policy by an employee may result in discipline, up to and including discharge. A violation of the policy by a third party will be addressed in accordance with the authority of the Board in context of the relationship of the third party to the District, i.e., vendor, parent, invitee, etc. Any 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 296 *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 Ill. 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 Manager.

Employees who retaliate against others for reporting or complaining of violations 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 Fair Employment Practice Agencies

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

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

LEGAL REF.: Title VII of Civil Rights Act, 42 U.S.C. §2000e, *et seq.*, 29 C.F.R. Part 1601;
Title IX of the Education Amendments, 20 U.S.C. §1681 *et seq.*, 34 C.F.R. Part 106;

PERSONNELGENERAL PERSONNEL - WORKPLACE HARASSMENT PROHIBITED

State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a);
Illinois Human Rights Act, Section 2-102 and 2-102 (775 ILCS 5/2-101(E), and
5/2-102(D, E-5); and 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 Board of Education, 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
(2009);
Vance v. Ball State University, 570 U.S. 421 (2013).

CROSS REF.: 296, 500.08, 500.19, 701

Adopted: March 10, 1983
Revised: February 13, 1992
Revised: March 12, 1998
Revised: September 26, 2002
Updated: October 11, 2002
Revised: June 23, 2003
Updated: July 23, 2009
Revised: August 11, 2011
Updated: August 14, 2014
Revised: September 8, 2016
Revised: October 25, 2018