

## 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 actual or perceived race, color, religion, national origin, ancestry, sex, sexual orientation, age, citizenship status, disability, pregnancy, marital status, order of protection status, military status, or unfavorable discharge from military service, nor shall they engage in harassment or abusive conduct on the basis of an individual's other protected status identified in Board Policy, 500.08, *Equal Employment and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy 701, *Harassment of Students Prohibited*.

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. The District provides annual sexual harassment prevention training in accordance with State 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.

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.

PERSONNELGENERAL PERSONNEL - WORKPLACE HARASSMENT PROHIBITEDMaking 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 and non-employees (persons who are not otherwise employees and are directly performing services for the District pursuant to a contract with the District, including contractors and consultants) are encouraged to promptly report information regarding violations of this policy. Individuals may choose to report to a person of the individual'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 individuals 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 Safe Schools Helpline, 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

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#### 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.

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 the Nondiscrimination Coordinator or 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.

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The Superintendent shall also use reasonable measures to inform staff members, applicants, and non-employees of this policy, which shall include posting on the District website and 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;  
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 (E-1), 5/2-102(A), (A-10), (D-5),5/2-102 (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. Sundowner 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

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