

General Personnel

Sexual Harassment

The Board of Education prohibits harassment of staff members by other staff members or students in the school environment based on, but not limited to, age, unfavorable discharge from the military, ancestry, religion, gender, race, sexual orientation, color, national origin, and disability. Any staff member who feels that he or she has been harassed may initiate a complaint in accordance with established procedures. The complaint will be promptly investigated and, where substantiated, appropriate corrective action will be taken. Retaliation against any staff member for filing a complaint of harassment or participating in an investigation is prohibited.

1. Definitions

Harassment is an unwelcome physical and/or verbal conduct which may be related to, but is not limited to, one or more characteristics such as age, unfavorable discharge from the military, ancestry, religion, gender, race, sexual orientation, color, national origin and disability, that affects an individual's employment or is severe and/or pervasive enough that it has, or will likely have, the effect of creating a hostile environment. A hostile environment is one that interferes with the ability of a reasonable person to function effectively in the school work environment. Sexual harassment also includes the unwelcome threat by someone in authority to withhold employment opportunities or benefits if sexual favors are not given by a staff member or the promise to provide such opportunities or benefits in exchange for sexual favors. The work/school environment includes school premises, school related activities, and other situations with a close relationship or connection to school.

Conduct that may contribute to creation of a hostile environment includes, but is not limited to, unwelcome touching or other physical contact of a sexual nature, stalking, staring, sexual propositions, belittling or derogatory remarks, jokes, graffiti, or graphic material.

2. Violations

It shall be a violation of this policy for any person in the school work environment to harass a staff member, or for a staff member to harass any other person, including a student, because of any characteristic including, but not limited to, age, unfavorable discharge from the military, ancestry, religion, gender, race, sexual orientation, color, national origin, and disability or for there to be any retaliation against a staff member who has alleged a violation of this policy or who has participated in the investigation of a complaint.

It shall also be a violation of this policy for anyone who is authorized to recommend or take human resources actions affecting a staff member, or who is otherwise authorized to transact business or perform other acts or services on behalf of the district, to:

- A. Request sexual favors or make sexual advances in connection with employment action, whether implicitly or explicitly;
- B. Recommend, grant, or deny any human resources action because of sexual considerations;
- C. Take any form of reprisal against a staff member who has rejected or reported sexual advances;
- D. Fail to take action consistent with this policy on allegations of sexual or other forms of harassment;
- E. Failure to take immediate corrective action in the event misconduct has occurred.

3. Consequences

Violations of this policy by a staff member may result in counseling, conciliation, mediation, participation in the Employee Assistance Program, reprimands, suspensions with or without pay, supervisory measures, transfers, remediation, or discharge. Procedures under this policy shall be applied consistently with any other applicable policy, procedure, or contractual obligation of the district.

4. Complaints

A staff member who believes he or she has been harassed in violation of this policy may initiate a complaint to his or her immediate supervisor or Building Principal/Director, or where necessary, the Associate Superintendent for Human Resources, who in turn shall promptly report the matter to the Building Principal/Director, or where necessary, the Associate Superintendent for Human Resources. An aggrieved staff member alleging sexual or other harassment by anyone with supervisory authority may file a complaint with the Building Principal/Director, or the Associate Superintendent for Human Resources. Any school personnel who believes a violation of this policy may have occurred shall immediately report the matter to the Building Principal/Director, or where necessary, the Associate Superintendent for Human Resources for review and investigation. Any administrator, supervisor, or Building Principal/Director who believes a violation of this policy may have occurred shall immediately report the matter to the Superintendent or Associate Superintendent for Human Resources. A staff member shall be notified within two work days of a complaint made against him or her.

Whom to Contact with a Report or Complaint

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:

Randy Hawley, Associate Supt. for HR
Name
2121 S. Goebbert Rd.
Address
Arlington Hts., IL 60005
847.718.7647
Telephone

Complaint Managers:

Randy Hawley, Associate Supt. for HR
Name
2121 S. Goebbert Rd.
Address
Arlington Hts., IL 60005
847.718.7647
Telephone

Kathy Polach, Employee Relations Supervisor
Name
2121 S. Goebbert Rd.
Address
Arlington Hts., IL 60005
847.718.7651
Telephone

5. Time Limits

Complaints of violations of this policy may be made at any time, but every effort should be made to file complaints as soon as possible, while facts are known and potential witnesses are available.

6. Investigation

Upon receiving a complaint or third-party report of a possible violation of this policy, the Associate Superintendent for Human Resources shall be notified. A bargaining unit member

will not be used to investigate another bargaining unit member. The Associate Superintendent for Human Resources, or designee, shall conduct an investigation to determine whether there is a reasonable basis for believing that the alleged violation has occurred. If the alleged harasser is a student, the assistance of the Associate Superintendent for Student Services shall be obtained. Any investigation shall be conducted and further action taken in accordance with the Board of Education policy 7:20 (Harassment of Students Prohibited). The assistance of the Associate Superintendent for Student Services shall also be obtained when a student is involved in the investigation as a witness. The investigation shall be made expeditiously.

It may include review of any documentary or other relevant evidence, and interviews with the complainant, the alleged offender, and any person believed to have pertinent knowledge concerning the alleged violation. The accused shall have full opportunity to tell his or her side of the story. The accused may be represented by a bargaining unit representative.

The investigator shall take steps to maintain the confidentiality of the investigation.

During the investigation process, the Associate Superintendent for Human Resources, or designee, may negotiate a settlement or other resolution of the complaint.

If there is no resolution or settlement of the complaint and the Associate Superintendent for Human Resources, or designee, determines that there is a reasonable basis for believing that a staff member violated the policy, a hearing shall be held.

7. Hearing

Where it is determined that there is reasonable cause to believe allegations of a violation of this policy, and no resolution or settlement is achieved, action shall be taken. Prior to the imposition of counseling, conciliation, mediation, participation in the Employee Assistance Program, reprimands, suspensions, supervisory measures, transfers, remediation, or discharge, there will be a hearing by the Associate Superintendent for Human Resources, or designee.

Prior to the hearing, the alleged staff offender is entitled to written or verbal notice of the charges.

- A. The hearing shall be held promptly, i.e., within thirty (30) work days.
- B. The alleged offender may be represented by either a bargaining unit representative or an attorney from the bargaining unit.
- C. The Associate Superintendent for Human Resources, or designee, shall provide a written decision.

The decision of the hearing officer will be final.

If the decision is to recommend dismissal to the Board of Education, the staff member may request a hearing with the Board.

8. Miscellaneous

- A. Anyone who, after investigation, is found to have knowingly falsely accused another person of sexual or other harassment may be subject to appropriate disciplinary action.
- B. All staff members receive staff development training in sexual and other harassment awareness.
- C. No one will be retaliated against for reporting sexual and other harassment or for participating in such an investigation.
- D. Every staff member is expected to cooperate and provide information requested during an investigation.

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

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq., 29 C.F.R. §1604.11.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; 34 C.F.R.
§1604.11.
775 ILCS 5/2-101(E) and 5/2-102(D).
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
Jackson v. Birmingham Board of Education, 125 S.Ct. 1497 (2005).
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity
and Minority Recruitment), 7:20 (Harassment of Students Prohibited)

ADOPTED: August 7, 2008