



# NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

Board of Education Policy 5-20

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## **PERSONNEL** **SEXUAL AND OTHER HARASSMENT**

It is the policy of New Trier Township High School District 203 to provide an educational and employment environment free from harassment, including that based on race, color, religion, gender, sexual orientation, national origin, ancestry, marital status, age, disability or any other characteristic protected by law. Such harassment is a violation of Federal, State and local law.

### **Definition of Harassment**

Harassment includes any unwelcome verbal or physical conduct or communication that creates an intimidating, hostile or offensive working environment or that unreasonably interferes with an individual's work performance. With respect to sexual harassment, it also includes unwelcome sexual advances or requests for sexual favors when (1) submission to such conduct is made either explicitly or implicitly a term or condition of the receipt of educational or employment benefits, or (2) submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting that individual. The following are examples of conduct that constitute harassment, but should not be considered exhaustive.

1. Uninvited and unwelcome joking, teasing, taunting or other remarks or conduct that degrade an individual or group of individuals based on any of the categories protected by this policy;
2. Uninvited and unwelcome letters, telephone calls, e-mails or displays of material of a sexual nature; or
3. Uninvited and unwelcome deliberate touching, sexually suggestive looks, inquiries into sexual lifestyle or pressure for sexual favors and/or dates.

### **Regulations**

1. It shall be a violation of Board of Education policy for an employee to harass a student or other employee based on race, color, religion, gender, sexual orientation, national origin, ancestry, marital status, age, disability or any other

characteristic protected by law, or to engage in conduct which would contribute to such harassment.

2. It shall also be a violation of the policy for an employee to retaliate against a student or other employee for instituting a good-faith complaint of harassment, or for an employee to complain of harassment without a good-faith basis.
3. Violation of this policy may result in discipline, up to and including discharge, in accordance with the provisions of any applicable collective bargaining agreement.

### **Complaints or Grievances**

There are no express time limits for initiating complaints under this Board policy; however, every effort should be made to file complaints as soon as possible while memories are fresh and witnesses continue to be available. The complaint will be handled confidentially, with the facts made available only to those who need to know in order to investigate and resolve the matter.

1. Employees who feel comfortable doing so should directly inform the person engaging in the harassment that such conduct or communications are unwelcome and offensive and must stop.
2. Instead, or in addition, aggrieved employees should bring their complaint to the Director of Human Resources or to any other administrator with whom they feel comfortable. In addition, any employee who feels that he or she has witnessed any discrimination prohibited by this policy, or is being discriminated against in violation of this policy, should submit a written complaint, or otherwise complain, to the District's Director of Human Resources. If an employee is not comfortable reporting the discrimination to the District's Director of Human Resources, or if an employee believes that the Director of Human Resources is the person discriminating against that employee, then the employee should report the discrimination to another District administrator. Even if the administrator to whom the employee complains is not normally responsible for handling discrimination complaints, that person is obligated to notify the appropriate individual(s) of the complaint.
3. The administrator who receives a harassment complaint should inform the complainant of his or her rights under this policy and ensure that the complaint is brought to the attention of the District's Director of Human Resources or the Superintendent.

4. Unless the Superintendent assigns responsibility to another individual, the District's Director of Human Resources will immediately initiate an investigation of the complaint, determine whether it is supported by the evidence and, if so supported, take appropriate disciplinary action if discipline is minor, or recommend appropriate disciplinary action to the Superintendent.
5. Within 10 school attendance days of the date on which the complaint is brought, the administrator responsible for investigating the complaint shall submit to the Director of Human Resources or the Superintendent a report that shall include the following (at a minimum):
  - The date the complaint was received;
  - The complainant's name;
  - The name of each alleged harasser;
  - A description of the conduct that resulted in the complaint (a written, signed statement by the complainant describing relevant events should be obtained whenever possible);
  - A statement detailing the scope of the investigation undertaken, including the names of witnesses interviewed and the results; and
  - A statement of any corrective measures taken and, if applicable, the dates these measures were taken and the results achieved.
6. The Superintendent will take appropriate action and obtain Board approval, where necessary.
7. If the complainant is a bargaining unit member and the alleged harasser is a supervisor, the employee may institute a complaint in the form of a formal grievance. A grievance may also be filed if the administration fails to take prompt action in response to an informal complaint.

**Legal References:**

**42 U.S.C., Sections 2000e to 2000e-17**

**42 U.S.C., Sections 12101 to 12213**

**29 U.S.C., Sections 621 to 634**

**775 ILCS 5/2-105**

**Cross Reference: Policy 7.25**

**Adopted: 1/21/92**

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