

- CERTIFIED PERSONNEL -**Harassment/Discrimination****DEFINITION**

Harassment/Discrimination is unlawful behavior based on the race, color, national origin, age, religion, marital or parental status, political affiliations or beliefs, sex, sexual orientation, gender identity, gender expression, veteran status, genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or ~~other the opposite~~ sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

Failure by employees, to report, notify, and/or initiate an investigation of alleged harassment/discrimination, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

~~PROCEDURES~~GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made ~~directly~~ to the ~~District Office of Compliance and Investigations~~ ~~Superintendent~~.

If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the ~~District Office of Compliance and Investigations~~ ~~Superintendent~~. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator ~~in the District Office of Compliance and Investigations~~. Complaints of harassment/discrimination, ~~whether verbal or written~~, shall be resolved either through an optional informal resolution process or a formal written complaint, investigation, and resolution process, as set forth JCPS Discrimination Grievance Procedure Handbook ~~lead to a documented investigation and a written report~~. Amicable resolution is encouraged at any stage of proceedings where such resolution is consistent with the provisions and objectives of this policy and related procedures.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Harassment/Discrimination**PROCEDURES GUIDELINES (CONTINUED)**

The Superintendent shall develop grievance/complaint procedures to be made available in the *JCPS Discrimination Grievance Procedure Handbook*, providing for:

1. Investigation of allegations of harassment/discrimination to include the submission of a written report of all findings of an investigation, regardless of the manner in which the complaint is communicated to a District administrator;
2. Establishment of measures to provide confidentiality in the complaint process;
3. A process to identify and employ methods to correct and prevent recurrence of the harassment/discrimination;
4. A process to address the complaint to a higher level of authority if a supervisory staff member is an alleged party in the harassment/discrimination;
5. A process where the provisions of this policy are disseminated in writing annually to all staff and students;
6. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination;
7. Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation; and
8. An appeal of the findings and corrective action to the Superintendent or their designee.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
3. Instances involving sexual violence;
4. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
5. Destroying or damaging an individual's property based on any of the protected categories.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because she/he submits a grievance which she/he believes to be true, assists or participates in an investigation, proceeding, or hearing regarding a charge of harassment/discrimination or opposes language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent or their designee shall take steps to protect employees and students against retaliation.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.113, 03.1325 and/or 09.422.

REFERENCES:

- ¹[KRS 158.156](#); KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII
- 29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII
- 20 U.S.C. 1681, Education Amendments of 1972, Title IX
- 34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX
- Genetic Information Nondiscrimination Act of 2008
- Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25

RELATED POLICIES:

03.113; 03.1325; 03.16; 09.2211; 09.422; 09.42811

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