BOE Agenda Item Executive Summary
February 8, 2021

Topic: Second Review: New BOE Policy 0400 - Non-Discrimination Statement and Cross-References in Seven Other Policies

Background Information: This item provides for the Board's second review of the proposed new BOE Policy 0400 - Non Discrimination Statement as well as cross-referencing in seven other identified policies.

The Genetic Information Nondiscrimination Act of 2008 (GINA) is a federal law that prohibits employers from basing employment decisions on information about an individual's genetic tests, tests given a family member, family medical history, requests for or receipt of genetic services, and/or genetic information about a fetus or embryo. GINA also prohibits harassment on the basis of genetic information. For more information, see the U.S. Equal Employment Opportunity Commission's *Fact Sheet: Genetic Information Nondiscrimination Act* in this Appendix.

In the three cases often cited together as *Bostock v. Clayton County*, the United States Supreme Court ruled that discrimination on the basis of sexual orientation, or gender identity, are forms of discrimination "because of sex" as prohibited by Title VII. The district's Statement of Non-Discrimination already prohibits discrimination on these bases; however, a number of other policies which address or refer to harassment and/or discrimination require amendment to ensure consistency with the Statement of Non-Discrimination and the law as articulated in *Bostock*, in the interest of ensuring a safe and supportive environment for district students, parents, teachers, administrators, classified staff, and others.

On January 11, 2021, the Board had its first review of the following policies and requested no further revisions. After the Board's first review, Administration noted that the Equity, Diversity and Magnet Committee mentioned in BOE Policy 0900 is no longer active. Thus, AIP 1 of BOE Policy 0900 is revised to reflect current practices, and AIP 2's reference to the committee is deleted.

Current Policy	New Number	Title
0400	NA	Non-Discrimination Statement – New Policy. The new policy is cross-referenced in the seven policies listed below and controls all BOE policies and other district documents.
0900	NA	Integration and Diversity – Revisions to AIP 1 and 2 as noted above.
0910	NA	Civil Rights Resolution
1115	NA	Sexual Harassment of Employees
1116	NA	Sexual Harassment of Students
1119	NA	Harassment of Students – Briefer policy title does not affect content.
1120	NA	Harassment of Employees – Briefer policy title does not affect content.
4025	4000	Equal Opportunity Employer

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P0400 NON-DISCRIMINATION STATEMENT

BOARD POLICY:

The Wichita Public Schools is committed to ensuring an environment that is free of discrimination and to fostering a climate in which all employees and students may participate, contribute, and grow to their fullest potential.

Harassment and disparate treatment will not be permitted or condoned in Wichita Public Schools.

The Wichita Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, veteran status, genetic information, or other legally protected classifications in its programs and activities.

All Wichita Public Schools employees have the responsibility to support this statement.

Administrative Implemental Procedures:

1. BOE Policies that cross-reference to this BOE Policy P0400 – Non-Discrimination Statement, include the policies below.
   a. 0900 – Integration and Diversity
   b. 0910 – Civil Rights Resolution
   c. 1115 – Sexual Harassment of Employees
   d. 1116 – Sexual Harassment of Students
   e. 1119 – Harassment of Students
   f. 1120 – Harassment of Employees
   g. 4000 – Equal Opportunity Employment
2. If the language of any BOE Policy or Wichita Public Schools publication or other district document is in conflict with this BOE Policy 0400 - Non-Discrimination Statement, this BOE Policy 0400 controls.

3. The following persons have been designated to handle inquiries regarding the non-discrimination statement: Section 504 Coordinator for Adults and Title IX Coordinator for Adults and Students, 903 S. Edgemoor, Wichita, KS 67218, (316) 973-4420, and Section 504 Coordinator for Students, 903 S. Edgemoor, Wichita, KS 67218, (316) 973-4475.

Board counsel has approved this policy as to legal form and content.

Administrative Responsibility: Board of Education
New Policy: **January 5, 2021** P0400

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P0900 INTEGRATION AND DIVERSITY

BOARD POLICY:

The population of the Wichita Public Schools is comprised of individuals from diverse backgrounds and life experiences. This diversity defines each of us individually and collectively. The diversity in the Wichita Public Schools includes but is not limited to race, ethnicity, culture, age, gender, sexual orientation, language, socioeconomic status, religion, disability, or skill level. The Wichita Public Schools honors and provides the broad-based diversity of the District through practices that embrace differences~~,~~ and provides all students high-quality and equitable opportunities.

The Wichita Public Schools shall ensure that there is no discrimination based on ~~but not limited to~~ race, color, national origin, ethnicity, culture, age, sex, gender identity, sexual orientation, language, socioeconomic status, religion, disability, veteran status, genetic information, or skill level in the placement, instruction, and guidance of students; the employment, assignment, training, or promotion of personnel; the provision and maintenance of physical supplies and equipment; the development and implementation of the curriculum, including the activities program; and in all matters relating to the instruction, supervision, administration, and Board policy making.

Administrative Implemental Procedures:

1. It is the responsibility of the Office of Equity, Diversity, Accountability, and Magnet Programs ~~to work cooperatively with the Board of Education~~ to ~~adopt~~ **recommend** specific plans and procedures to provide for an integrated and diverse school system by:
   a. Ensuring that all schools are equitably staffed with highly qualified and experienced teachers.
   b. Ensuring that all students will be met with high expectations and academically rigorous curricula.
   c. Ensuring that all students are provided the opportunity for high quality, equitable and diverse culturally responsive learning experiences.

~~2. The Board of Education will cooperate with the Equity/Diversity and Magnet Committee and other community stakeholders in integration efforts to promote and maintain diverse schools.~~

3. **This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement.**

Latest Revision Date: ~~November 2017~~ **January 26, 2021**
Previous Revision Date: ~~February 2009~~ **November 2017** P0900

~~Updated administratively for alignment purposes: November 2020~~

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P0910 CIVIL RIGHTS RESOLUTION

BOARD POLICY:

The Board of Education hereby agrees to comply with Title IV and Title VI of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, and all requirements imposed by or pursuant to ~~the~~ applicable regulations of the United States Department of Education. The Board of Education ~~further~~ agrees ~~to the regulation~~ that no person in the United States (on the grounds of race, color, age, religion, sex, sexual orientation, gender identity, national origin, veteran status, ~~or handicap~~ disability, or genetic information) shall be excluded from any participation in, denied the benefit of, or otherwise subjected to discrimination under any program, activity, or employment with Unified School District 259.

The following persons have been designated to handle inquiries regarding the non-discrimination statement: Section 504 Coordinator for Adults and Title IX Coordinator for Adults and Students, 903 S. Edgemoor, Wichita, KS 67218, (316) 973-4420, and Section 504 Coordinator for Students, 903 S. Edgemoor, Wichita, KS 67218, (316) 973-4475.

~~Implemental Procedures:~~

~~1. Unified School District 259 adheres to and implements the basic policy in accordance with the following federal and state laws:~~
   ~~a. Civil Rights Restoration Act of 1987 This act overturned the Supreme Court decision in Grove City v. Bell and reinstated the coverage of the following three civil rights laws to an entire school district if any program within the district receives Federal aid:~~
   ~~b. Title VI of the Civil Rights Act of 1964 Prohibits discrimination on the basis of race, color, or national origin by Federal grantees.~~
   ~~c. Title IX of the Education Amendments of 1972 Prohibits sex discrimination by Federal education grantees.~~
   ~~d. Section 504 of the Rehabilitation Act of 1979 Prohibits discrimination against "otherwise qualified" handicapped persons by Federal grantees.~~

~~2. Title IV of the Civil Rights Act of 1964 (public school desegregation)~~
   ~~a. Title VII of the Civil Rights Act of 1964 (prohibits employment discrimination on the basis of race, color, national origin, sex or religion)~~
   ~~b. Equal Pay Act of 1972 (nondiscrimination as to wages on basis of sex)~~
   ~~c. Age Discrimination in Employment Act (nondiscrimination on basis of age in employment)~~
   ~~d. Kansas Acts Against Discrimination (nondiscrimination in employment, housing, and public accommodations on basis of race, religion, color, sex, physical handicap, national origin, or ancestry)~~
   ~~e. Americans with Disabilities Act of 1990 (ADA)~~

~~3. The above list is not intended to be all inclusive and likewise any specific exclusion is not intended. Many of the applicable laws and regulations may duplicate in application to Unified School District 259. Specific appropriation bills are not specifically referred to.~~

~~4. Persons having inquiries regarding Title IX, Section 504 of the Rehabilitation Act of 1979, or the Americans with Disabilities Act may contact the district's Title IX/ADA/504 director,~~

~~903 S. Edgemoor, Wichita KS 67218, 316-973-4616.~~

Latest Revision Date: ~~December 2017~~ **January 5, 2021**
Previous Revision: ~~August 1996~~ **December 2017** P0910

P1115 SEXUAL HARASSMENT OF EMPLOYEES

BOARD POLICY:

USD 259 will not tolerate or ~~sexual harassment. The district will not~~ permit sexual harassment of an employee by another employee, ~~pupil,~~ student, or others. Violation of this policy shall result in disciplinary action against any employee or ~~pupil~~ student involved, including possible termination of the employee and expulsion of the ~~pupil~~ student. Others who violate this policy may be prohibited from being on school property and/or attending school activities, and as appropriate, shall be reported to local law enforcement authorities for appropriate action. Supervisors who fail to follow the policy or fail to investigate complaints shall also be disciplined. Harassment based on sex, gender identity, or sexual orientation will be considered sexual harassment for purposes of this policy.

Administrative Implemental Procedures:

1. The Board of Education adopts the Equal Employment Opportunity Commission's definition of sexual harassment:

   Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment, (2) submission to or rejection of such conduct by an individual is used as a 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 work environment.

   Please note that conduct which has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment may be "sexual harassment" whether or not the person engaging in the conduct intends to create that effect.

   By way of example, but not as an exhaustive illustration, the following conduct by supervisory or non-supervisory personnel can constitute sexual harassment: threatening or insinuating that an employee's submission to or rejection of sexual advances will in any way influence any personal decision regarding that employee's employment, evaluation, wages, advancement, or assigned duties; flirtation, joking, teasing; advances, propositions; continual or repeated verbal abuse of a sexual nature; graphic words of a sexual nature used to describe an individual; lewd, risqué or obscene language; ribald or gender-targeted jokes or cartoons; the display in the work place of sexually suggestive objects or pictures; and, intentional, nonconsensual touching of a sexual nature.

2. Persons who believe they have been subjected to sexual harassment should report the problem to their immediate supervisor.

3. If an employee's immediate supervisor is the subject of the sexual harassment complaint, or for some other reason the employee is uncomfortable discussing the problem with ~~his/her~~ **their** immediate supervisor, the employee may bypass the supervisor and report the alleged harassment directly to the ~~Assistant Superintendent for~~ **Chief** Human Resources **Officer** or designee. Complaints against the Superintendent shall be directed to the Board of Education President or another member of the Board. Board of Education members receiving such complaints may determine to consult Board of Education Legal Counsel and/or report such complaints to appropriate law enforcement agencies.

4. All employees have a duty to report sexual harassment regardless of whether they are a victim or a witness.

5. Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any adverse reflection on the complainant nor will it affect the accused person's employment, compensation, or work assignment, except as reasonably necessary to eliminate the possibility of similar complaints, until an investigation is conducted and a determination is made that it is more probable than not that improper conduct occurred.

6. All complaints will be promptly and thoroughly investigated.

7. If a determination is made that the accused employee, or other person complained against, acted improperly, appropriate action, up to and including termination, shall be taken which is reasonably calculated to end the harassment.

8. Every reasonable effort will be made to keep the specifics of the complaint confidential, consistent with a thorough investigation and appropriate remedial action.

9. False complaints will result in discipline, up to and including termination, or other discipline of the person making the false accusation.

10. This policy shall apply to protect the employee while the employee is performing ~~his or her~~ **their** duties as an employee of the district.

11. **This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement.**

Administrative Responsibility: Human Resources
Latest Revision Date: ~~June 2006~~ **January 29, 2021**
Previous Revision Date: ~~June 2001~~ **June 2006** P1115

~~Updated administratively for alignment purposes: January 2014~~

P1116 SEXUAL HARASSMENT OF ~~PUPILS~~ STUDENTS

BOARD POLICY:

USD 259 will not tolerate sexual harassment of a ~~pupil~~ student by another ~~pupil~~ student, employee, or others. Violation of this policy shall result in disciplinary action against any ~~pupil~~ student or employee involved, including possible expulsion of the ~~pupil~~ student and termination of the employee. Others who violate this policy shall be reported to local law enforcement authorities for appropriate action and may be prohibited from being on school property and/or attending school activities. Administrators who fail to follow the policy or fail to investigate complaints shall also be disciplined. Harassment based on sex, gender identity, or sexual orientation will be considered sexual harassment for purposes of this policy.

Administrative Implemental Procedures:

1. The Board of Education adopts the following definition of sexual harassment for the purpose of this policy:

   Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term of the ~~pupil's~~ **student's** academic opportunities, (2) submission to or rejection of such conduct by a ~~pupil~~ **student** is used as a basis for academic decisions affecting such ~~pupil~~ **student**, or (3) such conduct has the purpose or effect of unreasonably interfering with the ~~pupil's~~ **student's** school performance or it creates an intimidating, hostile or offensive educational environment.

   Please note that conduct which has the effect of unreasonably interfering with a ~~pupil's~~ **student's** school performance or creates an intimidating, hostile or offensive educational environment may be "sexual harassment" whether or not the person engaging in the conduct intends to create that effect.

   By way of example, but not as an exhaustive illustration, the following conduct by ~~pupils~~ **students**, district employees or others can constitute sexual harassment: threatening or insinuating that a ~~pupil's~~ **student's** submission to or rejection of sexual advances will in any way influence any decision regarding that student's grades, class assignments, advancement or assigned duties; flirtation, joking, or teasing, advances, propositions; continual or repeated verbal abuse of a sexual nature; graphic words of a sexual nature used to describe an individual, lewd, risqué or obscene language; ribald or gender-targeted jokes or cartoons; the display on the school grounds of sexually suggestive objects or pictures; and, intentional, nonconsensual touching of a sexual nature.

2. ~~Pupils~~ **Students** who believe they have been subjected to sexual harassment should report the problem to their assigned classroom or homeroom teacher.

3. If a ~~pupils~~ **student's** classroom teacher or homeroom teacher is the subject of ~~a~~ the sexual harassment complaint or for some other reason the ~~pupil~~ **student** is uncomfortable about

discussing the problem with ~~his/her~~ **their** classroom teacher or homeroom teacher, the ~~pupil~~ **student** may bypass the classroom teacher or homeroom teacher and report directly to the building principal or assistant principal or the principal's designee. Complaints against the Superintendent shall be directed to the Board of Education President or another member of the Board. Board of Education members receiving such complaints may determine to consult Board of Education Legal Counsel and/or report such complaints to appropriate law enforcement agencies.

4. All employees have a duty to report sexual harassment regardless of whether they are apprised of it by a ~~pupil~~ **student**, a parent, another employee or are a witness.

5. Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect the accused person's employment, compensation, or work assignment, except as reasonably necessary to prevent similar complaints, until an investigation has been conducted and a determination made that it is more probable than not that improper conduct occurred. The initiation of a complaint shall not adversely affect the status of a ~~pupil~~ **student** complained against, except as reasonably necessary to prevent similar complaints, until an investigation has been conducted and a determination made that it is more probable than not that improper conduct occurred.

6. All complaints will be promptly and thoroughly investigated.

7. If a determination is made that the accused employee, ~~pupil~~ **student**, or other person complained against acted improperly, appropriate action shall be taken which is reasonably calculated to end the harassment, up to and including termination of the offending employee or expulsion of the offending ~~pupil~~ **student**.

8. Every reasonable effort will be made to keep the specifics of the complaint confidential consistent with a thorough investigation and appropriate remedial action.

9. False complaints will result in discipline, up to and including termination or expulsion, or other discipline of the person making the false accusation.

10. This policy shall apply to protect the ~~pupil~~ **student** while the ~~pupil~~ **student** is engaged in any school activity under the control or operation of USD 259.

11. **This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement.**

Administrative Responsibility: Human Resources
Latest Revision Date: ~~June 2006~~ **January 29, 2021**
Previous Revision Date: ~~June 2001~~ **June 2006** P1116

~~Updated administratively for alignment purposes: January 2014~~

P1119 HARASSMENT OF ~~PUPILS~~ STUDENTS ~~BASED ON RACE, COLOR, RELIGION, GENDER, NATIONAL ORIGIN, OR DISABILITY~~

BOARD POLICY:

USD #259 will not tolerate harassment or intimidation of a ~~pupil~~ student based on race, color, religion, gender, national origin, ~~or~~ disability, or genetic information by another ~~pupil~~ student, employee or others. ~~Pupils~~ Students and employees who violate this policy shall, after proper investigation, be subject to sanctions including possible suspension and/or expulsion of the ~~pupil~~ student and termination of the employee. Others who violate this policy shall be reported to local law enforcement agencies for investigation. Administrators who fail to follow the policy or fail to investigate complaints shall also be disciplined.

Administrative Implemental Procedures:

1. All district ~~pupils~~ **students** have the right to work in an environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive, or disruptive.

2. Harassment based on race, color, religion, gender, national origin, ~~or~~ disability**, or genetic information** is discrimination, which violates federal and/or state law. Such harassment is defined as follows:
   a. Harassment is verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of ~~his/her~~ **their** race, color, religion, gender, national origin, age, ~~or~~ disability, **or genetic information,** or that of ~~his/her~~ **their** relatives, friends or associates, and that:
      1. Has the purpose or effect of creating an intimidating, hostile, or offensive school environment; or
      2. Has the purpose or effect of unreasonably interfering with an individual's school performance; or
      3. Otherwise adversely affects an individual's educational opportunities.

      Some examples, but by no means an all-inclusive list, of the types of conduct prohibited by this policy are:
         a) The use of slurs or derogatory remarks referring to a ~~pupil's~~ **student's** status in one of these categories.
         b) Using written material (either printed or in their own handwriting) that is racially, religiously or ethnically divisive or creates ill will or hatred. Examples: clothing, articles, material, publications or any item that denotes Ku Klux Klan, Arian Nation, White Supremacy, Black Power, Confederate flags or articles, neo- Nazi or any "hate" groups (except in purely educational settings, for purely educational purposes).
         c) Being in possession of items depicting or implying racial, ethnic, religious, or disability hatred or prejudice.
         d) Racial, ethnic, religious or disability profiling.

3. The standard for determining whether an intimidating, hostile, or offensive environment is created or the alleged conduct unreasonably interferes with the ~~pupil's~~ **student's** school performance or educational opportunities is whether a reasonable person in the same or

similar circumstances would find the conduct intimidating, hostile or offensive. The determination should give consideration to the perspective of the "reasonable person" of the alleged victim's race, color, religion, etc. A showing of actual psychological harm is not required.

4. ~~Pupils~~ **Students** who believe they have been subjected to harassment or intimidation prohibited by this policy should report the problem to their assigned classroom or homeroom teacher. If a ~~pupil's~~ **student's** classroom or homeroom teacher is the subject of the harassment or intimidation complaint or, for some other reason the ~~pupil~~ **student** is uncomfortable about discussing the problem with ~~his/her~~ **their** classroom or homeroom teacher, the ~~pupil~~ **student** may report directly to the Building Principal, Assistant Principal, or another certificated staff member. Complaints against the Building Principal shall be directed to the Superintendent. Complaints against the Superintendent should be directed to the President of the Board of Education or any other member of the Board of Education. Any parent who believes ~~his or her~~ **their** child has been subjected to harassment or intimidation prohibited hereby should report the problem through the same channels.

5. Staff members shall refer all complaints of harassment or intimidation prohibited by this policy to a building administrator. Complaints regarding harassment or intimidation prohibited by this policy shall be investigated promptly and thoroughly if the alleged offender is a ~~pupil~~ **student** or employee. Appropriate disciplinary and other action shall be taken which is reasonably calculated to end the harassment. If the alleged offender is not a ~~pupil~~ **student** or employee, the complaint shall be forwarded to local law enforcement agencies for investigation.

6. The good faith initiation of a complaint under this policy shall not cause any adverse reflection on the ~~pupil~~ **student** or employee or anyone else who makes it.

7. The initiation of a complaint under this policy shall not adversely affect the job security or status of any employee or status of any ~~pupil~~ **student**, except as reasonably necessary to prevent similar complaints, until the investigation is completed and it is determined that it is more probably true than not that the prohibited conduct did occur.

8. Every reasonable effort will be made to keep the specifics of the complaint confidential consistent with an adequate investigation and appropriate corrective action.

9. Sanctions. Those sanctions listed below are no tolerance minimum sanctions; the principal or designee shall have the discretionary authority to add corrective learning components and/or additional penalties should this be considered appropriate.
   a. ~~Pupils~~ **Students.**
      1) First Offense. The ~~pupil~~ **student** will participate in corrective learning components aimed at eliminating the offending behavior. These components shall consist of learning units such as written/oral reports; participation in a structured class and/or guidance activity; and/or participation in a community-based program, approved by the principal or designee aimed at correcting the offending behavior. In addition, the principal or designee may require an out-of-school suspension and a parent conference prior to the re-admittance of a minor ~~pupil~~ **student**.

2) Second Offense. An out-of-school suspension, with a possible expulsion hearing, and corrective learning components as determined by the principal or designee.
3) Third Offense. A suspension from school pending an expulsion hearing.

b. Employees.
Appropriate remedial action will be taken to punish the offender and to prevent similar misconduct in the future up to and including termination of employment.

c. Others.
Appropriate action will be taken to report the offender to local law enforcement agencies for investigation. In addition, the principal or designee may sanction the offender by prohibiting the offender from being present on school property for a designated period of time and/or from specific school activities.

10. This policy shall apply to protect the ~~pupil~~ **student** while the ~~pupil~~ **student** is engaged in any school-related activity under the control or operation of USD 259.

11. This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement and BOE Policies 1115 – Sexual Harassment of Employees and 1116 – Sexual Harassment of Students.

Administrative Responsibility: Elementary and Secondary Education Offices
New Policy: June 2001
Current Revision: January 5, 2021 P1119

~~Updated administratively for alignment purposes: January 2014~~

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P1120 HARASSMENT OF EMPLOYEES ~~BASED ON RACE, COLOR, RELIGION, GENDER, NATIONAL ORIGIN, AGE OR DISABILITY~~

BOARD POLICY:

Unified School District #259 will not tolerate harassment or intimidation of an employee based on race, color, religion, gender, national origin, age, ~~or~~ disability, veteran status, or genetic information by another employee, a ~~pupil~~ student, or others. Violation of this policy shall result in disciplinary action against any employee or ~~pupil~~ student involved, including possible termination of the employee and expulsion of the ~~pupil~~ student. Others who violate this policy shall be reported to local law enforcement agencies for investigation. Supervisors who fail to follow the policy or fail to investigate complaints shall also be disciplined. Employees who observe conduct in violation of this policy, whether as a victim or as a witness, have a duty to report such a violation to their supervisor or the Chief Human Resources Officer or designee where the supervisor is the person engaging in the harassment.

Administrative Implemental Procedures:

1. All district employees have the right to work in an environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive, or disruptive. Consistent with the District's respect for the rights of each employee, harassment based on race, color, religion, gender, national origin, age, disability**, veteran status, genetic information,** or any other characteristic protected by the laws of the State of Kansas or the United States of America, will not be tolerated.

2. Harassment on the basis of any of these characteristics is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of ~~his/her~~ **their** race, color, religion, gender, national origin, age, disability**, veteran status, genetic information,** or any other characteristic protected by law or that of ~~his/her~~ **their** relatives, friends, or associates and that:
   a. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
   b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or,
   c. Otherwise substantially adversely affects an individual's employment.

3. Harassing conduct includes, but is not limited to:
   a. Epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and, written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the District's premises or circulated in the work place.

4. The standard for determining whether an intimidating, hostile, or offensive, work environment is created or the alleged conduct unreasonably interferes with the victim's work performance or educational opportunities is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile or offensive. The determination should give consideration to the perspective of the "reasonable person" of the alleged victim's race, color, religion, etc. A showing of actual psychological harm is not required.

5. Supervisors are responsible for assuring that no employee is subjected to conduct that constitutes any of the forms of harassment described above.

6. Any individual found to have engaged in harassment as described herein will be disciplined as appropriate, up to and including discharge of employees or expulsion of ~~pupils~~ **students**. Others violating this policy will be reported to local law enforcement agencies for investigation. In addition, the principal or designee may sanction the offender by prohibiting the offender from being present on school property for a designated period of time and/or from specific school activities.

7. Any employee who believes ~~he or she has~~ **they have** been the subject of any form of harassment prohibited herein by a ~~pupil~~ **student**, or any other person that the employee comes into contact with while engaged in the District's business, shall bring the matter to the attention of ~~his or her~~ **their** supervisor, the Chief Human Resources Officer or designee.

8. Any employee who believes ~~he or she has~~ **they have** been the subject of any form of harassment prohibited herein by a ~~pupil~~ **student**, or any other person that the employee comes into contact with while engaged in the District's business, shall bring the matter to the attention of ~~his or her~~ **their** supervisor, the Chief Human Resources Officer or designee.

9. A prompt and thorough investigation of the alleged incident, if the alleged harasser is an employee or ~~pupil~~ **student**, will be conducted to the extent reasonably necessary and possible. Appropriate corrective action will be taken, if warranted, to punish the offender and prevent similar conduct in the future. To the extent consistent with adequate investigation and appropriate corrective action, complaints of harassment will be treated as confidential. If the alleged harasser is not a ~~pupil~~ **student** or employee, the incident shall be reported to local law enforcement agencies for investigation.

10. The District will not, in any way, retaliate against an employee, or others who, in good faith, makes a complaint or report of harassment, or participates in the investigation of such a complaint or report. Retaliation against any individual for in good faith reporting a claim of harassment or cooperating in the investigation of same will not be tolerated and will itself be subject to appropriate discipline.

11. This policy shall apply to protect the employee while the employee is performing ~~his or her~~ **their** duties as an employee of the District.

12. **This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement and BOE Policies 1115 – Sexual Harassment of Employees and 1116 – Sexual Harassment of Students.**

Administrative Responsibility: Human Resources
Latest Revision Date: ~~August 2012~~ **January 29, 2021**
New Policy: ~~June 2001~~ **August 2012** P1120

P~~4025~~ 4000 EQUAL OPPORTUNITY EMPLOYMENT

BOARD POLICY:

Employment for each specific vacancy shall be offered to the individual judged best qualified for the position with no discrimination with regard to race, color, religion, sex, sexual orientation, gender identity, national origin, ~~or~~ age, disability, veteran status, or genetic information ~~or persons with disabilities~~. In meeting staffing needs, the administration shall strive to maintain an equitable balance of employees in the various general categories of positions ~~with regard to race, age, sex, and national origin~~.

Administrative Implemental Procedures:

1. The Human Resources Division will conduct an Equal Opportunity Employment program through recommendations for employment, transfers, assignment changes, and terminations.

2. The Human Resources Division shall be responsible for maintaining employee records with sufficient detail to determine staffing balance or imbalance.

3. **This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement.**

Administrative Responsibility: Human Resources
Latest Revision Date: ~~November 2005~~ **January 5, 2021**
Previous Revision Date: ~~November 1994~~ **November 2005** P~~4025~~ **4000**

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