

Book	Policy Manual
Section	(P) PERSONNEL
Title	Policy P300 - Harassment
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Policy Number: P300

Title: Harassment

Section: Personnel – All Employees - Welfare

I. Purpose

The Joint Committee recognizes the importance of professional conduct in the workplace. It is the Joint Committee's intent to maintain a work environment free from any hostile, oppressive, intimidating, or offensive elements of discrimination. It is the policy of EASTERN in maintaining a positive learning and working environment to prohibit any form of harassment based on race, color, national origin/ethnicity, veteran status, gender, age, disability, sexual orientation, gender identity/expression, or religion.

EASTERN maintains that all forms of unlawful harassment breach the trust that is expected and required in order for members of the educational community to be free to learn and work. All forms of sexual and/or other unlawful harassment of or by EASTERN employees; of or by other EASTERN employees, EASTERN students, contracted individuals, vendors, volunteers, and other third parties in the school, on school property, and/or in connection with any school-sponsored event is strictly prohibited and shall constitute a violation of this policy. This policy covers harassment by and of EASTERN employees.

Complaint procedures regarding harassment are set forth in the Procedures accompanying this Policy.

II. Definitions

“Unlawful harassment” shall consist of verbal, written, graphic, or physical conduct relating to an individual’s race, color, national origin/ethnicity, veteran status, gender, age, disability, sexual orientation, gender identity/expression, or religion when such conduct:

Is sufficiently severe, persistent, or pervasive that it affects an individual’s ability to perform job functions or creates an intimidating, threatening, or abusive work environment; and/or

Has the purpose or effect of unreasonably interfering with an individual’s work performance; or

Otherwise adversely affects an individual’s employment opportunities.

“Sexual harassment” shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when any one of the following criteria is met:

Submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s employment or a student’s academic status.

Submission or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual.

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or student's school performance or creating an intimidating, hostile, or offensive educational environment.

Sexually harassing conduct in the workplace, in a school or school setting, including but not limited to school activities such as field trips, school events, school conveyance vehicles, etc., whether committed by administrative, supervisory, non-supervisory personnel, or students, is prohibited. Sexually harassing conduct on school technology is also a violation. Such conduct can take many forms including, but not limited to:

Sexual flirtations, touching, or propositions;

Verbal abuse of a sexual nature;

Sexually graphic or suggestive comments regarding an individual's dress or body;

Sexually degrading words to describe an individual;

The display in the workplace of sexually suggestive objects and/or pictures;

Hostile or derogatory remarks;

Physical interference with movement or work;

Any conduct that has the effect of unreasonably interfering with the employee's or student's ability to work or learn or which creates an intimidating, hostile, or offensive learning or work environment.

III. Employee Responsibility

If possible, an employee who has a harassment complaint should request that the harasser cease the offensive behavior. If that is not possible or in the event the person refuses or the behavior persists, the employee should initiate a formal complaint. The employee shall report the complaint promptly to his/her immediate supervisor. Should the employee have a complaint against his/her immediate supervisor, the employee should present the complaint to the supervisor's superior.

IV. Administrative Responsibility

It is the responsibility of the administrator to act immediately on any such concern, being careful to document all actions taken. Any supervisor or administrator who receives a complaint of harassment shall immediately report such complaint to the Director. Complaints of harassment shall be investigated promptly by the Director or designee. Confidentiality of all parties shall be maintained, to the extent possible, which is consistent with EASTERN's legal and investigative obligations. When warranted, corrective action shall be taken, including discipline.

The administration shall report complaints and/or incidents of harassment to law enforcement officials and the district attorney's office as required by law. The Superintendent of Record must be notified of any harassment complaints and advised of any actions taken.

The Director shall ensure that procedures for resolving complaints involving sexual and/or other unlawful harassment of an by employees are developed and made part of the Procedures accompanying this Policy. This policy and the procedures shall be distributed periodically to all employees as applicable and posted in a prominent location in each school building.

V. No Retaliation

There shall be no retaliation against any person who has, in good faith, complained of sexual or other unlawful harassment, assisted in the reporting or investigation of such harassment, served as a witness of the complainant, rejected sexual advances or harassment by others, or who has otherwise taken any reasonable action to stop sexual harassment or other unlawful harassment. Any individual who believes he or she has been subject to retaliation must report the matter immediately to the Director.

Title VII, 42 U.S.C. Sec. 2000e et seq.

Title IX, 20 U.S.C. Sec. 1681

29 CFR Sec. 1606.8 (a)

62 Fed. Reg. 12033 (March 13, 1997)

66 Fed. Reg. 5512 (Jan. 19, 2001)

29 CFR Sec. 1604.11 (a)

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