

5:20 Workplace Harassment Prohibited

The School District expects the workplace environment to be productive, respectful, and free of unlawful harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, age, citizenship status, disability, or other protected status identified in Board policy [5:10](#), *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy [7:20](#), *Harassment of Students Prohibited*.

Sexual Harassment Prohibited

The School District shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (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 substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

Making a Complaint; Enforcement

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge. An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing bona fide complaints or providing information about harassment is prohibited (see Board policy [2:260](#), *Uniform Grievance Procedure*).

Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board policy [2:260](#), *Uniform Grievance Procedure*. Employees may choose to report to a person of the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

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:

Assistant Superintendent for Curriculum & Instruction

Harlem School District
8605 North Second St.
Machesney Park, IL 61115
815 654 4500

Complaint Managers:

Assistant Superintendent for Business & Operations

Harlem School District
8605 North Second St.
Machesney Park, IL 61115
(815) 654-4500

Human Resources Manager

Harlem School District
8605 North Second St.
Machesney Park, IL 61115
(815) 654-4500

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](#).

Ill. Human Rights Act, [775 ILCS 5/2-101\(E\)](#), [5/2-102\(D\)](#), [5/5-102](#), and [5/5-102.2](#).

56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.

[Burlington Industries v. Ellerth](#), 118 S.Ct. 2257 (1998).

[Crawford v. Metro. Gov't of Nashville & Davidson County](#), 129 S. Ct. 846 (2009).

[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).

[Porter v. Erie Foods International, Inc.](#), 576 F.3d 629 (7th Cir. 2009).

[Sangamon County Sheriff's Dept. v. Ill. Human Rights Com'n](#), 908 N.E.2d 39 (Ill., 2009).

[Vance v. Ball State University](#), 133 S. Ct. 2434 (2013).

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

APPROVED: January 13, 2014

5:50 Drug- and Alcohol-Free Workplace; Tobacco Prohibition

All District workplaces are drug- and alcohol-free workplaces. All employees are prohibited from engaging in any of the following activities while on District premises or while performing work for the District:

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being under the influence of an alcoholic beverage.
3. Possession or use of medical cannabis.

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees.
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy.

Tobacco Prohibition

All employees are covered by the conduct prohibitions contained in policy [8:30](#), *Visitors to and Conduct on School Property*. The prohibition on the use of tobacco products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location. *Tobacco* shall have the meaning provided in section 10-20.5b of the School Code.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the School Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.:

Americans With Disabilities Act, [42 U.S.C. § 12114](#).

Compassionate Use of Medical Cannabis Pilot Program, [410 ILCS 130/](#).

Controlled Substances Act, [21 U.S.C. § 812](#); [21 C.F.R. §1308.11 - 1308.15](#).

Drug-Free Workplace Act of 1988, [41 U.S.C. §8101](#) *et seq.*

Safe and Drug-Free School and Communities Act of 1994, [20 U.S.C. § 7101 et seq.](#)

Drug-Free Workplace Act, [30 ILCS 580/](#).

[105 ILCS 5/10-20.5b](#).

CROSS REF.: [8:30](#) (Visitors to and Conduct on School Property)

APPROVED: April 7, 2014

5:120-AP-2 Administrative Procedure - Employee Conduct Standards

Professional and ethical behavior is expected of all District staff members. The standards listed below serve as a notice of expected conduct. The standards are intended to protect the health, safety, and general welfare of students and employees, ensure the community a degree of accountability within the School District, and define misconduct justifying disciplinary action. The listed standards are not a complete list of expectations, and depending on the factual context, an employee may be disciplined for conduct that is not specifically listed. The conduct standards apply to all District employees to the extent they do not conflict with an applicable collective bargaining agreement; in the event of a conflict, the provision is severable and the applicable bargaining agreement will control.

All school employees shall:

1. Exhibit positive examples of preparedness, punctuality, attendance, self-control, language, and appearance.
2. Exemplify honesty and integrity. Violations of this standard include, but are not limited to, falsifying, misrepresenting, omitting, or erroneously reporting the professional qualifications of oneself or another individual or information submitted in connection with job duties or during the course of an official inquiry/investigation.
3. Maintain a professional relationship with all students, both in and outside the school and attend all in-service trainings on educator ethics, teacher-student conduct, and school, employee-student conduct for all personnel ([105 ILCS 5/10-22.39](#)). Violations of this standard, include but are not limited to: (a) committing any act of child abuse or cruelty to children; (b) engaging in harassing behavior; (c) soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student; and (d) furnishing tobacco, alcohol, or illegal/unauthorized substance to any student or allowing a student under his or her supervision to consume alcohol or an illegal/unauthorized substance.
4. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and violence, and free from bias and discrimination. Violations of this standard include, but are not limited to: (a) using alcohol or illegal or unauthorized substances when on school property or at school-sponsored events, or whenever engaged in job responsibilities; (b) using or possessing medical cannabis in a school bus or on school grounds; (c) unless specifically permitted by the Firearm Concealed Carry Act, carrying a firearm on or into any District controlled building, real property, or parking area, or any transportation vehicle paid for in whole or in part with public funds; (d) failing to report suspected cases of child abuse or neglect or of gender harassment; (e) knowingly failing to report hazing to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement; and (f) tolerating student-on-student bullying, harassment, or teen dating violence.
5. Honor the public trust when entrusted with public funds and property by acting with a high level of honesty, accuracy, and responsibility. Violations of this standard include, but are not limited to: (a) misusing public or school-related funds; (b) failing to account for funds collected from students or parents/guardians; (c) submitting fraudulent requests for reimbursement of expenses or for pay; (d) co-mingling District or school funds with personal

funds or checking accounts; and (e) using school property without the approval of the supervising school official.

6. Maintain integrity with students, colleagues, parents/guardians, community members, and businesses concerning business dealings and when accepting gifts and favors. Violations of this standard, include but are not limited to, soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.

7. Respect the confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements. Violations of this standard include, but are not limited to: (a) disclosing confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law; and (b) disclosing confidential information restricted by State or federal law.

8. Demonstrate conduct that follows generally recognized professional standards and attend all in-service trainings on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel ([105 ILCS 5/10-22.39](#)). Unethical conduct is any conduct that impairs the employee's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

9. Comply with all State and federal laws and rules regulating public schools and School Board policies, including but not limited to: [2:105](#) (*Ethics and Gift Ban*), [5:10](#) (*Equal Employment Opportunity and Minority Recruitment*), [5:20](#) (*Workplace Harassment Prohibited*), [5:30](#) (*Hiring Process and Criteria*), [5:50](#) (*Drug- and Alcohol-Free Workplace; Tobacco Prohibition*), [5:60](#) (*Expenses*), [5:90](#) (*Abused and Neglected Child Reporting*), [5:100](#) (*Staff Development Program*), [5:120](#) (*Ethics and Conduct*), [5:130](#) (*Responsibilities Concerning Internal Information*), [5:140](#) (*Solicitations By or From Staff*), [5:170](#) (*Copyright*), [5:180](#) (*Temporary Illness or Temporary Incapacity*), [5:200](#) (*Terms and Conditions of Employment and Dismissal*), [5:230](#) (*Maintaining Student Discipline*), [5:280](#) (*Duties and Qualifications*), [5:290](#) (*Employment Termination and Suspensions*), [6:235](#) (*Access to Electronic Networks*), [7:20](#) (*Harassment of Students Prohibited*), [7:190](#) (*Student Discipline*), [7:340](#) (*Student Records*), and [8:30](#) (*Visitors to and Conduct on School Property*).

Conviction of any employment disqualifying criminal offense listed in Section 5/21-23a of the School Code will result in dismissal.

Before disciplinary action is taken, the supervisor will conduct a fair and objective investigation to determine whether the employee violated a standard or other work rule and the extent that any violation impacts educational or operational activities, effectiveness, or efficiency. Discipline must be appropriate and reasonably related to the seriousness of the misconduct and the employee's record. Any applicable provision in a contract, bargaining agreement, or State law will control the disciplinary process.

APPROVED: April 7, 2014