

OLYMPIC ESD 114 BOARD POLICY

ANTI-HARASSMENT

POLICY 5011

The Olympic ESD 114 (OESD) Board of Directors (Board) is committed to a work environment in which all individuals are treated with respect and dignity. Every OESD employee shall have the right to work in an atmosphere that is free of bias, prejudice and harassment.

OESD prohibits any unlawful discriminatory practices, including harassment, based on race, color, religion, national origin, ancestry, sex (including pregnancy, sexual orientation and gender identity or expression), age, disability, marital status, citizenship, genetic information, military status, or other characteristic protected by law except insofar as such factors are valid occupational qualifications.

DEFINITIONS

Harassment

For the purposes of this policy, harassment is defined as, but not limited to, verbal, written, visual (including photos, pictures, illustrations, etc.) or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, ancestry, sex (including pregnancy, sexual orientation and gender identity or expression), age, disability, marital status, citizenship, genetic information, military status, or other characteristic protected by law or that of his/her relatives, friends or associates, and that:

1. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. otherwise adversely affects an individual's employment opportunities.

Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. Sexual harassment includes but is not limited to unwelcome conduct or communication of a sexual nature such as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

1. submission to the conduct is made explicitly or implicitly a term or condition of the staff member's employment; or
2. submission or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. the conduct has the purpose or effect of unreasonably interfering with the staff member's work performance or otherwise creates an intimidating, hostile or offensive working environment.

Hostile Work Environment

A "hostile environment" for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidation, hostile, or abusive.

Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; 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 employer's premises or circulated in the workplace, on OESD time or using OESD equipment via email, phone (including voice messages), text messages, tweets, social networking sites or other means.

REPORTING PROCESS

When possible, OESD encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The ESD recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Any employee who believes that he/she has been subjected to harassment on the job shall bring this to the immediate attention of his/her immediate supervisor, the Human Resources /Compliance Officer or any OESD administrator with whom he/she feels comfortable in discussing the matter. OESD encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

All staff are responsible for receiving informal complaints and reports of harassment, sexual harassment, and/or hostile work environment and informing appropriate OESD administrators of the complaint. All staff are also responsible for directing complainants to the formal complaint process provided in OESD Administrative Procedure 5011P.

OESD shall take prompt, effective, remedial action within its authority on reports, complaints, and grievances alleging sexual harassment, harassment based on other protected characteristics, or hostile work environment that come to the attention of OESD, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

Sexual harassment, harassment based on protected class, or hostile work environment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientation and/or safety training. This policy shall be posted at OESD work sites in a place accessible to staff, students, and volunteers.

The Superintendent is directed to develop and implement procedures for receiving, investigating and resolving or reports of sexual harassment, harassment based on protected class, and hostile work environment. The Board shall be advised of all formal complaints that are filed with the Superintendent.

Legal Reference:

Sec 703 Title VII: Civil Rights Act of 1964

29 CFR 1604.11: Sexual Harassment

Title IX – U.S. Department of Education

RCW 9A.36.080 Malicious harassment- definition and criminal penalty

RCW 28A.640.020 WAC Regulations, guidelines to eliminate discrimination – Sexual harassment policies

WAC 392-190-056 – Sexual harassment Definitions

WAC 392-190-057 – Sexual harassment policy – required criteria – Sexual harassment

Date Adopted: October 20, 1988

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