

# Hardin County Board of Education

Monitoring:  <b>Review: Annually, in March</b>	Descriptor Term:  <b>Discrimination/Harassment of Employees (Sexual, Racial, Ethnic, Religious)</b>	Descriptor Code: <b>5.500</b>	Issued Date: <b>04/11/16</b>
		Rescinds: <b>5.500</b>	Issued: <b>12/12/11</b>

1 Employees shall be provided a work environment free from sexual, racial, ethnic and religious discrimination/  
2 harassment. It shall be a violation of this policy for any employee or any student to discriminate against  
3 or harass an employee through disparaging conduct or communication that is sexual, racial, ethnic or  
4 religious in nature. The following guidelines are set forth to protect employees from discrimination/  
5 harassment.

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7 Employee discrimination/harassment will not be tolerated.<sup>1</sup> Discrimination/harassment is defined as  
8 conduct, advances, gestures or words either written or spoken of a sexual, racial, ethnic or religious  
9 nature which:

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- 11 1. Unreasonably interfere with the individual's work or performance; or
- 12 2. Create an intimidating, hostile or offensive work environment; or
- 13 3. Imply that submission to such conduct is made an explicit or implicit term of employment;
- 14 4. Imply that submission to or rejection of such conduct will be used as a basis for an employ-  
15 ment decision affecting the harassed employee.
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17 Alleged victims of sexual, racial, ethnic and religious discrimination/harassment shall report these inci-  
18 dents immediately.<sup>2</sup> This report should be made to the immediate supervisor except when the immediate  
19 supervisor is the offending party. If the immediate supervisor is the offending party, the report may be  
20 made to a complaint manager identified in Policy 5.501. Allegations of discrimination/harassment shall  
21 be fully investigated (as set forth in *Complaints and Grievances 5.501*). An oral complaint may be sub-  
22 mitted; however, such complaint must be reduced to writing to ensure a more complete investigation.  
23 The complaint should include the following information:

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- 25 Identity of the alleged victim and person accused;
- 26 Location, date, time and circumstances surrounding the alleged incident;
- 27 Description of what happened;
- 28 Identity of witnesses; and
- 29 Any other evidence available.
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31 The privacy and anonymity of all parties and witnesses to complaints will be respected. However,  
32 because an individual's need for confidentiality must be balanced with obligations to cooperate with  
33 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough  
34 investigation or to take necessary action to resolve a complaint, the identity of parties and witnesses  
35 may be disclosed in appropriate circumstances to individuals with a need to know.

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37 A substantiated charge against an employee shall result in disciplinary action up to and including ter-  
38 mination. A substantiated charge against a student may result in corrective or disciplinary action up to  
39 and including suspension.

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There will be no retaliation against any person who reports discrimination/harassment or participates in an investigation. However, any employee who refuses to cooperate or gives false information during the course of any investigation may be subject to disciplinary action. The willful filing of a false report will itself be considered harassment and will be treated as such.

An employee disciplined for violation of this policy may appeal the decision by contacting the Director of Schools.

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Legal References:

1. Title VII; 29 CFR §1604.11
2. Title IX (20 U.S.C. §§ 1681

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Cross References:

- Appeals To & Appearances Before the Board 1.404  
Complaints and Grievances 5.501