

# Hardeman 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>01/21/00</b>
		Rescinds: <b>GAO</b>	Issued: <b>12/10/92</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 or  
3 harass an employee through disparaging conduct or communication that is sexual, racial, ethnic or religious  
4 in nature. The following guidelines are set forth to protect employees from discrimination/harassment.

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

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- 10 1. Unreasonably interfere with the individual's work or performance; or
  - 11 2. Create an intimidating, hostile or offensive work environment; or
  - 12 3. Imply that submission to such conduct is made an explicit or implicit term of employment;
  - 13 4. Imply that submission to or rejection of such conduct will be used as a basis for an employ-  
14 ment  
15 decision affecting the harassed employee.

16 Alleged victims of sexual, racial, ethnic and religious discrimination/harassment shall report these inci-  
17 dents immediately.<sup>2</sup> This report should be made to the immediate supervisor except when the immediate  
18 supervisor is the offending party. If the immediate supervisor is the offending party, the report may be  
19 made to the Federal Rights Coordinator or the director of schools. Allegations of discrimination/harassment  
20 shall be fully investigated (as set forth in *Complaints and Grievances 5.501*). An oral complaint may be  
21 submitted; however, such complaint must be reduced to writing to ensure a more complete investigation.  
22 The complaint should include the following information:

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

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

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40 There will be no retaliation against any person who reports discrimination/harassment or participates in  
41 an investigation. However, any employee who refuses to cooperate or gives false information during the

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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 Federal Rights Coordinator or the director of schools.

Legal References:

- 1. Title VII; 29 CFR §1604.11
- 2. Title IX (20 U.S.C. §§ 1681-1686)

Cross References:

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