

Provo City School District

Policy Series 5000: Personnel



Policy No. 5150

Workplace Harassment

The Provo City School District Board of Education is committed to maintaining a learning and working environment that is free from harassment, racism and cultural insensitivity. The District prohibits any form of harassment. No student, employee, parent, or community member should experience harassment, racism or cultural insensitivity within the learning or working environment of our facilities. This policy applies to all school-sponsored activities on campus as well as off-campus events, programs, athletic events, or internships. The District will follow the procedures and guidelines outlined by the Equal Employment Opportunity Commission (EEOC).

Definition

Unlawful harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Genetic Information Nondiscrimination Act (GINA) of 2008 and other federal authority. Harassment is unwelcome conduct that is based on race, color, sex (whether or not of a sexual nature and including same-gender harassment, gender identity harassment and sexual orientation harassment), religion, national origin, disability, age and/or genetic test results.

Harassment becomes unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Harassment Is Not

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. The District recognizes that not every annoying event constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties.

Retaliation

Anti-discrimination laws also prohibit harassment against individuals:

1. In retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation proceeding, or lawsuit under these laws; or
2. In opposing employment practices that they reasonably believe discriminate against

individuals in violation of these laws.

Offensive Conduct

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Circumstances of Harassment

The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Types of Harassment

Listed below are common methods of harassment that are prohibited:

Racial/Skin Color Harassment

1. Any verbal, written, psychological, or physical conduct based on race or skin color that creates an intimidating, hostile or offensive environment.
2. Racial jokes, ethnic slurs, offensive or derogatory comments, and stereotyping

Sexual Harassment

1. Any verbal, written, psychological, or physical conduct of a sexual nature that creates an intimidating, hostile or offensive environment.
2. Any suggestion, request, demand, or pressure for sexual involvement accompanied by an implied or explicit threat of obtaining or retaining employment.
3. Any unwanted sexual advance or request that may include but is not limited to:
 - a. Derogatory, demeaning, or offensive jokes, teasing, or comments of a sexual nature
 - b. Graphic remarks or sexual comments about an individual's body
 - c. Sexually suggestive or obscene telephone calls, e-mail, texts, letters, notes or invitations.
 - d. Sexually suggestive or obscene pictures, cartoons, posters, or objects
 - e. Grabbing, pinching, or touching of private areas
 - f. Deliberate cornering, shouldering, or brushing
 - g. Sexual gestures, unwanted pats, or hugs, or any unwanted touching
 - h. Any form of sexual threat, intimidation, or exploitation
 - i. Spreading of sexual rumors
 - j. Actual or attempted sexual assault, molestation, or rape
 - k. Sexist remarks or gender-based stereotyping
 - l. Subtle pressure for sexual activity or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment

Religious Harassment

1. Any verbal, written, psychological, or physical conduct based on the practice of,

membership in, or persuasion towards, a specific religion or sincerely held religious belief, even if atheist or agnostic, that creates an intimidating, hostile, or offensive environment.

2. Any forced and/or involuntary conversations or preaching about religious topics in the workplace.

National Origin/Ethnic Harassment

1. Any verbal, written, psychological, or physical conduct based on the country of origin that creates an intimidating, hostile, or offensive environment.
2. Any verbal, psychological or physical conduct based on an ethnic group who share common language, culture, ancestry, and or similar social characteristics that creates an intimidating, hostile, or offensive environment (including actions against anyone who does not belong to a particular ethnic group.
3. Any verbal, psychological or physical conduct based on the physical, linguistic, and/or cultural characteristics closely associated with a national origin group that creates an intimidating, hostile, or offensive environment.
4. Any verbal, psychological or physical conduct based on the perception that a person is believed to be a member of a particular ethnic group that creates an intimidating, hostile, or offensive environment.

Disability Harassment

1. Any verbal, written, psychological, or physical conduct based on a disability that creates an intimidating, hostile, or offensive environment.
2. Any act, based on disability that negatively affects employment.

Age Harassment

1. Any verbal, written, psychological, or physical conduct based on age that creates an intimidating, hostile, or offensive environment.
2. Any act, based on age that negatively affects employment.

Gender/Gender Identity/Sexual Orientation Harassment

1. Any verbal, written, psychological, or physical conduct based on gender, gender identity or sexual orientation that creates an intimidating, hostile, or offensive environment.
2. Any act based on gender, gender identity or sexual orientation that negatively affects employment.

Legal References:

Synopsis:

Title VII of the Civil Rights Act of 1967

Americans with Disabilities Act (ADA) of 1990

Age Discrimination in Employment Act of 1967

Genetic Information Nondiscrimination Act of 2008

Utah Administrative Rule R539

Services for People with Disabilities

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