Nondiscrimination

Policy

Equal employment opportunities shall be provided to all persons regardless of their race; color; religion or religious affiliation; national origin; sex or sexual orientation; gender identity or expression; age; ancestry; marital or parental status; physical or mental disability unrelated to ability; arrest record; military status or unfavorable military discharge; order of protection status; being a victim of domestic or sexual violence; citizenship status, provided the individual is lawfully able to work in the United States; use of lawful products while not at work; genetic information; pregnancy, childbirth or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide job requirement; or other legally protected category.

No person will be denied employment by the District and no adverse employment action will be taken against an employee because of a characteristic protected by law, or, where applicable, association with persons in a protected category, except in circumstances where a bona fide occupational qualification applies or as otherwise allowed by State or federal law.

The Board will not tolerate discrimination toward or by its employees, students, visitors, vendors, or any other individual that may be conducting business with the District. Discrimination not only is unlawful but demeans the individual discriminated against and can create an intimidating, hostile or offensive working environment and create a negative atmosphere in which all employees are affected.

All employees have a right to report, and are encouraged to report, reasonable suspicions of discrimination causing problems in the workplace, based on a good faith belief that the activities are in violation of State or federal law or District policy. Supervisors are required to make such reports. The report will be promptly investigated, even if those issues have their origin in social media.

An employee found to have engaged in discrimination, based on a preponderance of the evidence, is subject to discipline, up to and including discharge. Any person making a knowing or malicious false accusation(s) regarding prohibited conduct likewise will be subject to disciplinary action, up to and including discharge.

Retaliation against another or aiding, abetting, compelling or coercing retaliation against another (collectively “retaliation”) for filing a complaint of discrimination or participating in an investigation of a complaint shall not be tolerated. Any retaliation committed by the accused or any other person against a person bringing a complaint or participating in an investigation will be cause for disciplinary action, up to and including discharge.

When disciplinary action is taken, principles of progressive discipline and terms of a collective bargaining agreement may be taken into consideration, when appropriate.
Coordinator for Nondiscrimination, including Title IX

To implement this policy, the Superintendent shall appoint a Coordinator for Nondiscrimination, who also shall serve as the District’s Title IX Coordinator (Coordinator). Additionally, the Superintendent or his/her designee may appoint a core group of administrators to serve as Complaint Managers to assist the Coordinator in investigating complaints of discrimination, false accusations or retaliation. If, however, the report involves the Coordinator, the Superintendent or his/her designee shall fulfill this role. If the report involves the Superintendent, the Board’s legal counsel shall manage the investigation, in consultation with the Board President.

The Coordinator may be contacted for information or filing of a complaint at:

Coordinator for Nondiscrimination/
Title IX Coordinator
Waukegan Public Schools
1201 North Sheridan Road
Waukegan, IL  60085
Telephone: 224-303-1025
Nondiscrimination_coordinator@wps60.org

The Superintendent or his/her designee also shall take reasonable measures to publish and update as necessary, the name and contact information of the Coordinator and the Complaint Managers on the District’s website, in applicable District handbooks and in any posting on District bulletin boards.

RULES AND REGULATIONS

Definition

Discrimination is verbal, physical or visual conduct that denigrates or shows hostility or aversion toward an individual because of a characteristic protected by law and/or 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.

Discrimination may include, but is not limited to the following: derogatory or demeaning comments, jokes or personal questions; epithets, slurs, or negative stereotyping; threatening, harassing, intimidating or hostile acts directed against an employee or an employee’s family, friends, or acquaintances; and written or graphic material (such as pictures, posters, cartoons, or jokes) 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 is circulated in the workplace or
during work hours in any manner, including through use of social media or the District’s electronic networks. Discrimination may also include any conduct or comments directed toward a fellow employee in retaliation for his/her reporting suspected misconduct or questionable practices by any other employee, visitor or student, or participation in investigation of complaints of discrimination.

Notification of Policy and Grievance Procedure

1. **On Request:** Within seven (7) school business days of inquiry, the Coordinator or his/her designee shall send a copy of the District’s written grievance procedure to the person making the inquiry. The Superintendent or his/her designee shall be notified of any pattern of requests that may arise over time.

2. **Other:** Procedures for reporting good faith beliefs of unlawful discrimination, false accusations or retaliation will be posted on the bulletin board in staff lounges of each building, along with other postings required by State or federal law, and in employee handbooks, if any. This policy and the District’s “Uniform Grievance Procedure” policy 2110 also shall be posted on the District’s website.

Grievance Procedure

Good faith reports of suspected unlawful harassment may be filed with the Coordinator, at the address, telephone number or email address in this policy or as set forth in the District’s “Uniform Grievance Procedure” policy 2110. Complaints received will be investigated and resolved in accordance with the District’s “Uniform Grievance Procedure” policy 2110.

Record Maintenance

Reports of complaints and investigation outcomes shall be retained in the applicable employee and/or administrator files, in accordance with the District’s record maintenance obligations.

Training

The Superintendent or his/her designee shall ensure new employees receive appropriate training regarding the prevention of discrimination and the District’s policy prohibiting discrimination. Periodic refresher and update training shall be provided to all employees.

Source: 50 ILCS 250/1 et seq. **Local Records Act**
105 ILCS 5/10-20.7 Appoint Teachers and Fix Salaries
105 ILCS 5/10-21.1 Employment of Teachers
105 ILCS 5/10-22.4 Dismissal of Teachers
105 ILCS 5/10-23-5 Educational Support Personnel Employees
105 ILCS 5/24-4 Discrimination Prohibited; Violation; Penalty
Source: (cont.)

105 ILCS 5/24-7 Discrimination on Account of Sex
410 ILCS 130/40 Discrimination Prohibited (*Compassionate Medical Cannabis Pilot Program Act*)
410 ILCS 513/25 Use of Genetic Testing Information by Employers
740 ILCS 23/5 *Illinois Civil Rights Act of 2003*
740 ILCS 137 Right to Breastfeed Act
740 ILCS 174 et seq. *Illinois Whistle Blower Act*
775 ILCS 5/1-101 et seq. *Illinois Human Rights Act*
820 ILCS 55/5 Discrimination For Use of Lawful Products Prohibited
820 ILCS 70/1 et seq. *Employee Credit Privacy Act*
820 ILCS 105/4(b) Minimum Wage Law
820 ILCS 112/1 et seq. *Equal Pay Act of 2003*
820 ILCS 180/20(f) & 180/30 Victims’ Employment Sustainability; Prohibited Discriminatory Acts (VESSA)
820 ILCS 260/1 et seq. *Nursing Mothers in the Workplace Act*
820 ILCS 40/1 et seq. *Personnel Records Review Act*
III. Const. art. I § 3 Freedom of Religion
III. Const. art. I § 17 No Discrimination in Employment and the Sale or Rental of Property
III. Const. art. I § 18 No Discrimination on the Basis of Sex
III. Const. art. I § 19 No Discrimination Against Individuals with Disabilities
8 USC §1324a(b) *Immigration Reform and Control Act*
20 USC §1681 et seq. Title IX of the *Education Amendments of 1972*
29 USC §206(d) *Equal Pay Act of 1963*
29 USC 2079(f)(1) Reasonable Break Time for Nursing Mothers
29 USC §621 et seq. *Age Discrimination in Employment Act*
29 USC §791 et seq. Rehabilitation Act of 1973
38 USC §4301 et seq. *Uniformed Services Employment and Reemployment Rights Act*
42 USC §6102 et seq. *Age Discrimination Act of 1975*
42 USC §2000d et seq. Title VI of the *Civil Rights Act of 1964*
42 USC §2000e(k) *Pregnancy Discrimination Act*
42 USC §2000e-2(a)(1) Title VII of the *Civil Rights Act of 1964*
42 USC 2000e-10 Posting of Notice, Penalties
42 USC §12111 et seq. Title I of the *Americans with Disabilities Act of 1990*

Cross Ref.: 2110 Uniform Grievance Procedure
4002 Harassment Prohibited
4101 Recruitment, Selection And Appointment
4102 Employment Qualifications
4103 Employment Qualifications – Background Checks
4306 Duties – Teachers
6020 Equal Educational Opportunity and Nondiscrimination
Cross Ref.: (cont.)

6021 Harassment of Students Prohibited
6022 Students with Disabilities Under Section 504
6046 Prohibition Against Bullying
7000 et seq. Special Education Policies

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