

**DEPARTMENT OF HUMAN RESOURCES  
Wilmette Public Schools**

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**ACTION ITEM**

**Date: January 22, 2018**

**To: Raymond E. Lechner, Ph.D., Superintendent**

**From: Heather Glowacki, Ed.D., Administrator for Human Resources**

**Subject: Resolution Prohibiting Sexual Harassment and Revised Policies**

**PROPOSED ACTION BY THE BOARD OF EDUCATION**

Motion to approve the attached resolution prohibiting sexual harassment and revised Policies 2:260 *Uniform Grievance Procedure* and 5:20 *Workplace Harassment Prohibited*.

**BACKGROUND**

On November 16, 2017, the governor signed Public Act 100-554 into law. As a result, Policies 2:260 *Uniform Grievance Procedure* and 5:20 *Workplace Harassment Prohibited* needed to be revised within 60 days and are presented to the Board as a first and final read. As a result, it is recommended that these Policies are approved upon first reading as allowed by Board of Education Policy 2:240 *Board of Education Policy Development*. Additionally, a resolution is presented, stating the Board's prohibition of sexual harassment.

**HG/hg**

**Recommended for approval by the Board of Education**



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**Raymond E. Lechner, Ph.D.  
Superintendent of Schools**

**RESOLUTION OF THE  
BOARD OF EDUCATION OF  
WILMETTE PUBLIC SCHOOLS DISTRICT NO. 39**

**REVISING BOARD POLICIES THAT PROHIBIT SEXUAL HARASSMENT  
IN ACCORDANCE WITH PUBLIC ACT 100-554**

**WHEREAS**, the Board of Education of Wilmette Public Schools District No. 39 (“the Board”) currently maintains policies prohibiting sexual harassment of its employees, including Board Policy 2:260 and Board Policy 5:20; and

**WHEREAS**, the 100th General Assembly enacted and the Governor approved Public Act 100-554, effective November 16, 2017, which amended Section 70-5 of the *State Officials and Employees Ethics Act* to require establishment of policies prohibiting sexual harassment; and

**WHEREAS**, Public Act 100-554 requires each governmental unit (including school districts) to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment, specifically containing certain provisions set forth in Section 70-5, within 60 days of the effective date of that Public Act; and

**WHEREAS**, although the Board’s current policies are in substantial compliance with the requirements of Public Act 100-554, the Board desires to make further revisions to clarify and align its policies with the requirements of that Public Act as set forth in Attachments A and B to this Resolution.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board as follows:

**Section 1:** Attachment A is adopted as revised Board Policy 2:260.

**Section 2:** Attachment B is adopted as Board Policy 5:20.

**Section 3:** The Board expects and intends that Board Policy 2:260 and Board Policy 5:20 will be administered in a manner not inconsistent with Section 70-5 of the *State Officials and Employees Ethics Act* and other applicable State and federal laws prohibiting discrimination and harassment in the schools and other workplaces.

**Section 4:** The Board hereby waives the second reading of these policy revisions pursuant to Board Policy 2:240 to ensure timely legal compliance.

**Section 5:** This Resolution shall be in full force and effect immediately upon its adoption.

**ADOPTED** this 22<sup>nd</sup> day of January, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

## Board of Education

### Uniform Grievance Procedure

The Complaint Manager will attempt to resolve complaints without resorting to the grievance procedure. If a formal complaint is filed under this procedure, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this procedure may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

~~It is the intent of District 39 to operate within the laws listed below, however~~ A students, parents/guardians, employees, or community members should notify a District Complaint Manager if ~~they~~he/she believes that the Board of Education, its employees, or agents have violated their rights guaranteed by either of the following laws or when authorized by Board policy engaged in any one of the following:

1. Disability discrimination under (Title II of the *Americans with Disabilities Act* or Section 504 of the *Rehabilitation Act of 1973*);
2. Race discrimination or discrimination on the basis of other protected status (Title VI of the *Civil Rights Act*, 42 U.S.C. §2000d et seq.); or
3. Sexual harassment, or sex discrimination, or sex equity including breastfeeding accommodations for students (*State Officials and Employee Act*, ~~under the~~ *Illinois Human Rights Act*, Title VII of the *Civil Rights Act of 1964*, or Title IX of the *Education Amendments of 1972*), ~~105ILCS 5/2-3.10.~~

Employee grievances arising from alleged violations, misinterpretations, or misapplications of a collective bargaining agreement are not addressed by this policy and are instead addressed through the grievance process set forth in the applicable collective bargaining agreement.

### Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a complaint filed ~~hereunder~~ this policy shall not be impaired by the person's pursuit of other remedies (e.g., criminal complaints, civil actions, etc.). Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy. Employees retain the right to report allegations of sexual harassment to the Illinois Department of Human Rights through means established by that Department, including, but not limited to, a hotline.

### Deadlines

All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

### Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a formal complaint with any District Complaint Manager after attempts at informal resolution have not been successful. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender or, if the complaint is against the Superintendent, may bring the complaint to the President of the Board of Education. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaints alleging bullying and cyber-bullying of students, the Complaint Manager shall process and review the complaint according to Board ~~P~~policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment Preventing Bullying and Other Aggressive Behaviors*. For any complaint alleging sexual harassment or other violation of Board policy 5:20, Workplace Harassment Prohibited, or Board policy 7:20, Harassment of Students Prohibited, the Complaint Manager shall process and review the complaint in accordance with any procedures, protections, or consequences outlined in Board policy 5:20 or 7:20, respectively, in addition to the procedures and any responses required by under this policy.

### Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf as the designated Complaint Manager. If a complaint of sexual harassment contains allegations involving a Complaint Manager, the Superintendent shall appoint another Complaint Manager or another qualified person to undertake the investigation as the designated Complaint Manager. If a complaint of sexual harassment contains allegations involving the Superintendent or a member of the Board of Education, the Board shall appoint a qualified person who is not an employee of the Board to undertake the investigation as the designated Complaint Manager. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant or reporting person will not be disclosed except: (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant or reporting person.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness.

~~The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this procedure about the status of the investigation.~~ Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may extend the deadline if necessary. ~~request an extension of time.~~ If a complaint ~~of sexual harassment~~ contains allegations involving the Superintendent or a member of the Board of Education, the written report shall be filed with the Board ~~of Education,~~ which will make a decision in accordance with the following section of this policy. The Superintendent (or Complaint Manager, if he/she is reporting directly to the Board) will keep the Board informed of all complaints.

### Decision and Appeal

Within 5 business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by U.S. Mail, first class, as well as the Complaint Manager.

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board of Education by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board of Education.

At the request of the Superintendent or the Board, in cases in which an employee alleges sexual harassment, in lieu of issuing a decision, the Superintendent shall issue a recommendation to the Board.

Within 30 school business days of receiving a recommendation from the Superintendent, a report filed directly with the Board of Education by a Complaint Manager, or an appeal of a decision of the Superintendent, the Board shall affirm, reverse, or amend the Superintendent's decision or issue a decision based on the Complaint Manager's report or the Superintendent's recommendation, or direct the Superintendent or Complaint Manager to gather additional information. Within 5 school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

This ~~grievance procedure~~ policy shall not be construed to create an independent right to a hearing before the Superintendent or Board of Education. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

### Appointing Nondiscrimination Coordinator Complaint Managers

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Heather Glowacki

Name

615 Locust Rd., Wilmette, IL 60091

Address

[glowackh@wilmette39.org](mailto:glowackh@wilmette39.org)

Email

847-512-6003

Telephone

Complaint Managers:

Denise Thrasher

Name

615 Locust Rd., Wilmette, IL 60091

Address

[thrashed@wilmette39.org](mailto:thrashed@wilmette39.org)

Email

847-512-6004

Telephone

Tony DeMonte

Name

615 Locust Rd., Wilmette, IL 60091

Address

[demontet@wilmette39.org](mailto:demontet@wilmette39.org)

Email

847-512-6007

Telephone

**Adopted: February 17, 1998**

**Revised: January 22, 2008, June 27, 2016;**

**General Personnel**

**Workplace Harassment Prohibited**

The School District expects the workplace environment to be productive, respectful, and free of unlawful discrimination, including harassment. District employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, age, citizenship status, disability, or other protected status identified in Board Policy 5:10, *Equal Employment Opportunity and Minority Recruitment*. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board Policy 7:20, *Harassment of Students Prohibited*.

**Sexual Harassment Prohibited**

The School District shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and Federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes, but is not limited to, verbal or physical contact. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

The School District will take reasonable remedial and corrective measures in response to sexual harassment of District employees committed by nonemployees when the School District is made aware of such harassment.

**Making a Complaint; Enforcement**

Employees are expected to promptly report information regarding violations of this policy. The School District will take remedial and corrective action to prevent and respond to unlawful employment practices and sexual harassment. There are no express time limits for initiating complaints and reports under this policy; however, every effort should be made to file such complaints and reports as soon as possible, while facts are known and potential witnesses are available.

Aggrieved ~~persons~~ employees, who feel comfortable doing so, should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees should report claims of harassment to the Nondiscrimination Coordinator and/or use the Board Policy 2:260, *Uniform Grievance Procedure*. Employees may choose to report a person of the employee's same sex. There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

### **Whom to Contact with a Report or Complaint**

Employees should report violations of this policy to any of the following:

1. A Complaint Manager
2. The Nondiscrimination Coordinator
3. Any Supervisor
4. Any Administrator.

Employees may choose to report to a person of the employee's same sex.

The Superintendent shall insert into this policy the positions, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

Heather Glowacki

Name

615 Locust Rd., Wilmette, IL 60091

Address

glowackh@wilmette39.org

Email

847-512-6003

Telephone

Complaint Managers:

Denise Thrasher

Name

615 Locust Rd., Wilmette, IL 60091

Address

thrashed@wilmette39.org

Email

847-512-6004

Telephone

Tony DeMonte

Name

615 Locust Rd., Wilmette, IL 60091

Address

demontet@wilmette39.org

Email

847-512-6007

Telephone

Administrator for Human Resources

Position

615 Locust Rd.

Address

Wilmette, IL 60091

847 / 256-2450

Telephone

Complaint Managers:

Administrator for Human Resources

Position

615 Locust Rd.

Address

Wilmette, IL 60091

847-256-2450

Telephone

Business Manager

Position

615 Locust Rd.

Address

Wilmette, IL 60091

847-256-2450

Telephone

Investigation Process

Supervisors or administrators who receive a report or complaint of allegations that this policy has been violated, must refer the report or complaint to the Nondiscrimination Coordinator or Complaint Managers without delay. A supervisor or administrator's failure to forward reports or complaints of violations of this policy, sexual harassment or unlawful employment discrimination without delay may result in discipline, up to and including discharge.

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Employee complaints of sexual harassment will be considered confidential to the greatest extent permitted by law, notwithstanding the School District's duty to investigate and maintain a workplace environment that is productive, respectful, and free of unlawful discrimination, including harassment. The School District reserves the right to investigate alleged violations of this policy at its discretion whenever the District becomes aware of the allegations, regardless of whether a written complaint is filed.

Employee complaints of sexual harassment will be investigated and acted upon in accordance with the procedures set forth in Board policy 2:260, *Uniform Grievance Procedure*. However, any additional procedures, protections, or consequences outlined in this policy shall also apply.

### **Enforcement**

A violation of this policy by an employee may result in discipline, up to and including discharge. An employee's employment, compensation, or work assignment shall not be adversely affected by complaining or providing information about harassment. Retaliation against employees for bringing bona fide complaints or providing information about harassment is prohibited. A violation of this policy by a third party will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to the School District (e.g., vendor, parent, invitee, etc.).

Any person making a knowingly false accusation regarding a violation of this policy harassment will likewise be subject to disciplinary action, up to and including discharge.

### **Retaliation Prohibited**

The School District will not unlawfully take adverse action with the purpose of retaliating against employees for complaining about violations of this policy or assisting others complaints about violations of the policy, including but not limited to providing information or testifying regarding violations of this policy. Employees should report allegations of retaliations under this policy to their supervisors, the Nondiscrimination Coordinator, Complaint Managers, or administrators. During the course of the investigation and for a reasonable period following the completion of the investigation, the Complaint Manager will inform, at regular intervals, the person(s) reporting or filing a complaint under this policy about the status of the investigation and to ensure they have not been retaliated against because of their report or complaint.

Whistleblower protection is available, in accordance with law, under the State Officials and Employees Ethics Act (5 ILCS 430/), the Whistleblower Act (740 ILCS 174/), and the Illinois Human Rights Act (775 ILCS 5/).

Employees who retaliate against others for reporting or complaining of violations of this policy will be subject to disciplinary action, up to and including discharge.

**Recourse to State and Federal Fair Employment Practice Agencies**

The School District encourages all employees who have information regarding violations of this policy to report the information to their supervisors, the Nondiscrimination Coordinator, Complaint Managers, or administrators so the School District can take prompt remedial and corrective action. Government agencies are available to assist employees who believe their employer has committed or permitted violations of state and federal employment laws including the prohibition against employment discrimination and sexual harassment. The Illinois Department of Human Rights and United States Equal Employment Opportunity may be able to assist employees with additional resources including the ability to make confidential reports regarding employment law violations or sexual harassment.

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks.

**Adopted: June 8, 1998**

**Revised: February 23, 2015;**