

Employee Complaint Process: Definitions

Accused: The person or entity that is alleged to have discriminated against, unlawfully harassed, or bullied the target (see also Alleged Harasser).

Alleged Harasser: The person or entity that is alleged to have discriminated against, unlawfully harassed, or bullied the target (see also Accused).

Bullying/Cyberbullying: *Systemically and chronically* inflicting physical hurt or psychological distress on an employee through unwanted and repeated written, verbal or physical behavior, including any threatening, insulting, or dehumanizing gesture that:

1. Is severe or pervasive enough to create an intimidating, hostile, or offensive work environment;
2. Cause discomfort or humiliation; OR
3. Unreasonably interferes with the individual's work performance or participation

Complainant: A person who has initiated a complaint.

Complaint: Assertion or claim of a violation of district policy or a state or federal law or regulation prohibiting discrimination or harassment on the basis of race, color, national origin, religion, age, gender/sex, genetic information, marital status or disability.

Complaint Procedures: School Board Policies 1122.04, 2260.02, 3122.04 and 4122.04 include procedures for filing a complaint of alleged discrimination.

Confidentiality: Confidentiality will be maintained to the extent possible and within the scope of those persons who have a right to know, which shall include the complainant and the person(s) against whom the complaint is directed until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

Equity Manager: The District's designated Title IX Coordinator.

Incivility: Low-intensity deviant behavior, not based on a protected class, with the ambiguous intent to harm the target. Uncivil behaviors are characteristically rude and discourteous, display a lack of regard for others and show a lack of respect for the target. Examples of incivility include making insulting comments, spreading false rumors, social isolation and abrasive communication.

Investigator: Person designated or assigned by the Equity Manager the responsibility of investigating a formal complaint of discrimination, unlawful harassment or bullying.

Non-Reprisal: No reprisal or adverse action will occur as a consequence of initiating a discrimination complaint. Federal and state laws strictly forbid any form of reprisal or retaliation against a complainant or parties-in-interest in connection with the filing of a complaint of employment discrimination or unlawful harassment. Any form of retaliation for the filing of a complaint will be subject to immediate disciplinary action, up to and including dismissal.

Protected Class: A group of people qualified for special protection based on federal or state law. Protected classes includes: sex/gender, race, color, national origin, religion, disability, marital status, and genetic information.

Representation: The complainant, the person against whom the complaint is filed, and all parties in interest may be heard personally, or may be represented or accompanied by a person of their choice to serve as their representative.

Supervisor: For purpose of this procedure, the school principal for school personnel and the manager for employees in other district organizational units (i.e. FNS Manager, Senior Supervisors, Directors, etc.).

Target: The person(s) who has been reportedly discriminated against, unlawfully harassed or bullied based on one or more protected class.

Timelines: Timelines for completion of various steps in this procedure are designed to facilitate prompt resolution of the complaint; extensions of time may be obtained through mutual agreement of the parties. Any complaint not appealed to the next step of the process within the prescribed time limits will be considered resolved on the basis of the response at the preceding step.

Unlawful Harassment: Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee on the basis of a protected class, which is sufficiently *severe, persistent, or pervasive* that it:

1. Places an employee in reasonable fear of harm to his/her person or damage to his/her property;
2. Has the effect of substantially interfering with an employee's work performance; OR
3. Has the effect of substantially disrupting the orderly operation of the worksite or school.

Workday: Any day that district offices are open for business. Unless specifically stated otherwise, all references to days mean work days.