

## Employee Complaint Process: Definitions

**Respondent:** The person or entity 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.

**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.

**Civil Rights Compliance Manager:** The person designated as the Compliance Officer, ADA Coordinator, and 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:** A person designated or assigned by the Civil Rights Compliance 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 include 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.

**Respondent** is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged harassment.

**Retaliation:** Any adverse action taken against an employee for engaging in legally protected activity, such as filing a complaint, participating in an investigation, or requesting a reasonable accommodation. Retaliation may include demotion, discipline, reassignment, denial of benefits, or any action that could discourage a reasonable person from engaging in the protected activity. Retaliation is strictly prohibited by law and District policy.

**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 based on 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:** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).