



## **4001.1: NON-DISCRIMINATION AND HARASSMENT**

**I. Unlawful Discrimination and Unlawful Harassment Prohibited.** The District is committed to offering employment opportunities to its employees in an environment that is free from unlawful discrimination and unlawful harassment and will not tolerate unlawful discrimination or unlawful harassment. All employees are responsible for creating and maintaining an environment free of such unlawful discrimination and unlawful harassment. The District does not discriminate on the basis of race, color, religion, national origin, gender, marital status, disability, age, sex, sexual orientation, gender, gender identity, or on any other basis prohibited by federal, state, or local laws (hereinafter “protected status”).

**A. Unlawful discrimination is defined as unfavorable or disparate treatment of a person or class of persons when that person’s protected status is a factor in such unfavorable or disparate treatment.**

**B. Disparate or unfavorable treatment of similarly situated employees is not necessarily unlawful discrimination. Treating a person unfavorably in comparison to other similarly situated employees may be unlawful when that person’s protected status is a factor in the disparate or unfavorable treatment.**

**II. Retaliation Prohibited.** Retaliation is also strictly prohibited and shall be grounds for discipline. There shall be no retaliation by the District or its personnel against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of unlawful discrimination or unlawful harassment. The initiation of a complaint in good faith about behavior that may violate the District’s policies shall not result in any adverse action to complainant.

**III. Personnel Complaints.** Complaints by District personnel regarding unlawful discrimination or unlawful harassment (excluding sexual harassment) shall follow the procedures of District Rule 4001.2. Staff complaints regarding sexual harassment shall follow the procedures of District Rule 4001.3.

**IV. Students Sexually Harassed or Discriminated Against by District Personnel.** Students or parents of students complaining of unlawful discrimination or unlawful harassment by District personnel or other students shall report such conduct to the building principal and shall follow the complaint procedures of District Rule 5010.2. Student complaints regarding sexual harassment shall follow the procedures of District Rule 5010.3.

**V. Definitions.**

**A. “Unlawful Harassment” is defined as unwelcomed repetitive conduct affecting the work environment with the effect of unreasonably interfering with the ability of an employee to perform his or her job and creates an intimidating, offensive or hostile work environment, which is based in whole or in part on the employee’s protected status.**

**B. “Complainant” shall mean a person employed by the District or an individual performing contracted services under the control and supervision of the District, and who reports to the District under this Rule that he/she has been unlawfully discriminated against or unlawfully harassed.**

C. “Adverse action” includes, but is not limited to, any form of physical or verbal intimidation or threat, unjustified job loss close in time to the complainant’s reaction to unlawful discrimination or unlawful harassment, unjustified increase in work responsibility without compensation or training close in time to the complainant’s reaction to unlawful discrimination or unlawful harassment, and any other unjustifiable work-related treatment that is adverse to the complainant and is a result of his or her reaction to unlawful discrimination or unlawful harassment.

D. “Retaliation” shall include, but is not limited to, adverse action against a complainant for his or her reaction to unlawful discrimination or unlawful harassment, or against any person who, in good faith, reports, or otherwise participates in an investigation or inquiry taken by the person responsible for the unlawful discrimination or unlawful harassment, or by any other party so long as the adverse action is the result of the complainant’s reaction to unlawful discrimination or unlawful harassment.

E. “Title IX Coordinator” shall mean the District’s Associate Superintendent of Human Resources.

#### **Date of Adoption**

August 16, 1982

#### **Date of Revision**

September 20, 1993

November 20, 1995

March 17, 1997

June 2, 2003

September 20, 2010

July 2, 2012

July 9, 2018

November 16, 2020

#### **Related Policies and Rules**

[1100.4: Notice of Non-Discrimination](#)

[4001: Non-Discrimination and Harassment](#)

[4001.2: Non-Discrimination and Harassment Complaint Procedure](#)

[4001.3: Sexual Harassment Complaint Procedure](#)

[4100: Recruitment, Selection, and Non-Discrimination](#)

[4163.3: Remedial Action Investigation/Procedure](#)

[5010: Non-Discrimination and Harassment](#)

[5010.1: Non-Discrimination and Harassment](#)

[5010.2: Discrimination and Harassment Complaint Procedure](#)

[5010.3 Sexual Harassment Complaint Procedure](#)

**5020: Equal Educational Opportunity**

**5020.1: Equal Educational Opportunity**

**6002: Non-Discrimination**

## **Legal Reference**

**Nebraska Fair Employment Practice Act (Neb. Rev. Stat. §48 1101 et seq.)**

**Neb. Rev. Stat. §79-544; 79-896; 79-820; 79-801; 79-802; 48-901 to 48-912**

**Age Discrimination in Employment Act**

**Title VII Civil Rights Act**

**Rehabilitation Act 1973 and Rehabilitation Act Amendments**

**Title IX of the Education Amendments of 1972**

**34 C.F.R. §§ 106.30, 106.44, 106.45 (2020)**

**The Americans with Disabilities Act of 1990**

**Equal Employment Opportunity Act**

**Nebraska Equal Opportunity in Education Act (Neb. Rev. Stat. §79-2,114 to 79-2,124)**