



To All Department of Education Employees and Applicants for Employment

This brochure was created to provide you with information concerning the Department of Education's Non-Discrimination Policy, also known as Board of Education Policy #1110-11. On September 1, 2005, the Board of Education repealed Policy #5513 and adopted this new policy. Information contained in this brochure will assist you with understanding your civil rights and responsibilities.

The DOE is an equal opportunity employer committed to a workplace that practices respect, celebrates diversity, and is free of any form of illegal discrimination.

Should you have any questions concerning this topic, or for further assistance, please contact the DOE's Civil Rights Compliance Office staff who will be able to provide you with additional information.

Very truly yours,

Kathryn S. Matayoshi, Interim Superintendent



Policy

The Department of Education strictly prohibits any form of discrimination, including harassment, based on a person's membership in a protected class. Protected classes covered by this policy include:

- Race
- Color
- Sex
- Religion
- National Origin
- Ancestry
- Age
- Physical or Mental Disability
- Sexual Orientation
- Marital Status
- Arrest & Court Record
(except as permissible under State law)
- Income Assignment for Child Support
- National Guard Absence
- Uniformed Service
- Breastfeeding
- Citizenship Status

The Department of Education expressly prohibits retaliation against anyone engaging in protected activity. Protected activity is defined as anyone who files a complaint of discrimination, participates in complaint proceedings dealing with discrimination, inquires about their rights under discrimination laws, or otherwise opposes acts of discrimination.



Regulations

Under this policy, discriminatory harassment is any unwelcome behavior based on a person's protected class which is sufficiently severe or pervasive and has the purpose or effect of either unreasonably interfering with the person's work performance or creating an intimidating, hostile, or offensive work environment.

The Civil Rights Compliance Office (CRCO) shall coordinate this policy.

Administrators, Managers, and Supervisors are responsible for maintaining a workplace free of harassment and discrimination, shall take immediate and appropriate action reasonably calculated to end the harassment upon witnessing or receiving report(s) of harassment, and should immediately consult with the CRCO for appropriate action once they know about a potential discriminatory situation. Any administrator, manager, or supervisor who engages in discriminatory conduct shall be investigated once it is made known to CRCO personnel.

Employees and applicants have a responsibility to refrain from engaging in any behavior that violates this policy while at work and during work-related functions. Employees who experience or observe any job-related harassment or believe they have been treated in a discriminatory manner are expected to report the incident(s) to management in order to correct and prevent harassment.



Procedures

Who may file a complaint?

Any employee or applicant who believes that he/she is or was subjected to harassment

based on a protected class is encouraged to immediately inform a supervisor or CRCO personnel within 300 days of the alleged discrimination. Co-workers may also file a complaint of discrimination based upon the incidents they may have witnessed.

How to file a complaint?

Any individual may file a complaint with a supervisor or CRCO personnel. Documentation, including witness names and contact information, as well as other relevant information should be provided with the complaint.

How will the investigation results be communicated?

Notification of the investigation conclusion should be given to both complainant and respondent. A final investigation report will be provided to the Principal/Complex Area Superintendent, Director, and Superintendent.

Where else can an employee file a complaint?

The U.S. Equal Employment Opportunity Commission, the U.S. DOE-Office for Civil Rights, U.S. Department of Justice, U.S. Department of Labor, and Hawaii Civil Rights Commission, or any other applicable federal/state agency.

Who will conduct the investigation?

Management shall forward any and all complaints of discrimination directly to the DOE's CRCO. The CRCO will be responsible for conducting investigations into possible allegations of discrimination involving applicants and employees.

What happens after the investigation?

If there is a violation of policy, procedure, and/or misconduct, management, in consultation with the DOE's Office of Human Resources, Labor Relations Office, will make recommendations on any disciplinary action and the requisite manager will implement it.

Contact Information

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DEPARTMENT OF EDUCATION STATE OF HAWAII

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