

Book	Policy Manual
Section	300 Employees
Title	Harassment
Number	348
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Authority

The Board strives to provide a safe, positive working climate for its administrative, professional and support employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.

The Board prohibits all forms of harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages employees and third parties who have been harassed to promptly report such incidents to the designated administrators.[\[7\]](#)[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[8\]](#)

The Board directs that complaints of harassment shall be investigated promptly, and corrective action taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Definitions

Harassment

Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy, handicap/disability or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of harassment on his/her own behalf.

For purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name calling, ridicule or mockery, insults or put downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's employment and which relates to an individual or to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability when such conduct:

- 1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment; or**

2. **Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or**
3. **Otherwise adversely affects an individual's employment opportunities.**

Sexual Harassment

Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:

1. **Submission to such conduct is made explicitly or implicitly, a term or condition of an employee's status; or**
2. **Submission to or rejection of such conduct is the basis for employment decisions affecting the individual; or**
3. **Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.**

Examples of conduct that may constitute sexual harassment include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Federal law declares sexual violence a form of sexual harassment. Sexual violence means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion.

~~For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, religion or genetic information when such conduct:~~[3][8]

- ~~1. **Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment.**~~
- ~~2. **Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.**~~
- ~~3. **Otherwise adversely affects an individual's employment opportunities.**~~

~~For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:~~[9]

- ~~1. **Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment.**~~

2. ~~Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.~~
3. ~~Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.~~

~~Examples of conduct that may constitute sexual harassment include but are not limited to sexual flirtations, advances, threats, demands, rumors, touching or propositions; verbal or physical abuse of a sexual nature; sexually graphic or suggestive comments; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; drawings; pictures; written materials; innuendoes; references to sexual activities; overt sexual conduct or gestures; circulating or showing emails or websites of a sexual nature; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.~~

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits harassment, the Board designates the Superintendent as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and district employees regarding harassment.

Each employee shall be responsible to maintain a working environment free from all forms of harassment.

The building principal shall be responsible to complete the following duties when receiving a complaint of harassment:

1. 1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. 2. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
3. 3. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.
4. 4. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.

~~Inform the employee or third party of the right to file a complaint and the complaint procedure.~~

2. ~~Notify the complainant and the accused of the progress at appropriate stages of the procedure.~~
3. ~~Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.~~

Guidelines

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable. Oral complaints must be followed with a completed and signed complaint form within forty-eight (48) hours.

Step 2 – Investigation

Upon receiving a complaint of harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation:

in which case the Compliance Officer will conduct the investigation.

All building principals must have received basic training on the applicable law, this policy and how to conduct a proper investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigation may involve the review of any other information and materials relevant to the investigation. The person making the report, parties, and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the building principal.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the building principal shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.[26][27][28]

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal investigation.

~~The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.~~

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.~~

Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within ~~fifteen (15)~~ **twenty (20)** days **of the initial report of alleged harassment, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses**

requires the building principal and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

~~from the date the report of harassment is received, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.~~

~~The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.~~

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, **when** if not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with Board policies, administrative regulations and procedures, applicable collective bargaining agreements, and state and federal laws.[6]

If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action.[6]

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the district Solicitor.
2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

1. ~~If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days from the date of the investigative report.~~

- ~~2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.~~
- ~~3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days from the date of appeal. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.~~

Legal

1. 20 U.S.C. 1681 et seq
2. 42 U.S.C. 2000e et seq
3. 42 U.S.C. 2000ff et seq
6. Pol. 317
7. 43 P.S. 951 et seq
8. 29 CFR 1606.8
9. 29 CFR 1604.11
- Pol. 000
- Pol. 104

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Last Modified by Janet Nahay on January 19, 2018