

# SHALER AREA SCHOOL DISTRICT

No: 549

SECTION: CLASSIFIED EMPLOYEES

TITLE: UNLAWFUL HARASSMENT

ADOPTED: NOVEMBER 14, 2001

REVISED: OCTOBER 13, 2010; FEBRUARY 16, 2011

549. UNLAWFUL HARASSMENT	
1. Purpose	<p>The Board strives to provide a safe, positive learning climate for employees in the schools. Therefore, it shall be the policy of the District to maintain an educational environment in which harassment in any form is not tolerated.</p>
2. Authority 43 P.S. Sec. 951 et seq 20 U.S.C. Sec. 1681 et seq 42 U.S.C. Sec. 2000e et seq 42 U.S.C. Sec. 2000ff et seq 29 CFR Sec. 1606.8(a)	<p>The Board prohibits all forms of unlawful harassment of employees by all District students and staff members, contracted individuals and vendors, and volunteers in the schools.</p> <p>The Board encourages employees who have been harassed to promptly report such incidents to the designated employees.</p> <p>The Board directs that complaints of harassment be investigated promptly, and corrective action be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of harassment.</p>
3. Definitions 42 U.S.C. Sec. 2000ff et seq 29 CFR Sec. 1606.8 (a)	<p>For purposes of this policy, harassment of a student consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, disability, sexual orientation, religion or genetic information when such conduct:</p> <ol style="list-style-type: none"><li>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.</li><li>2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.</li><li>3. Otherwise adversely affects an individual's employment opportunities.</li></ol>

<p>29 CFR Sec. 1604.11 (a)</p>	<p>For purposes of this policy, sexual harassment of an employee shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> <li>1. Acceptance of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is a term or condition of an individual’s continued employment.</li> <li>2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.</li> <li>3. Such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of creating an intimidating, hostile, or offensive working environment.</li> </ol> <p>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 students, abusive language, innuendoes, references to sexual activities, overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student’s ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.</p>
<p>4. Delegation of Responsibility</p>	<p>The District shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment of employees will not be tolerated, by means of distribution of written policy and publication in handbooks</p> <p>The District shall provide training for staff concerning all aspects of unlawful harassment.</p> <p>Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.</p> <p>Each employee shall be responsible to respect the rights of district staff and to ensure an atmosphere free from all forms of unlawful harassment.</p>

<p>5. Guidelines</p>	<p>The building principal shall be designated to receive harassment complaints. If the building principal is the subject of the complaint, the complainant shall report the complaint directly to the Superintendent or designated administrator.</p> <p>When an employee believes that s/he is being harassed, the employee should immediately inform the harasser that the behavior is unwelcome, offensive, or inappropriate. If the unwelcome, offensive, or inappropriate behavior continues, the employee shall follow the established complaint procedure.</p> <p><u>Complaint Procedure – Employee/Third Party</u></p> <p>Step 1 – Reporting</p> <p>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.</p> <p>If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.</p> <p>The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.</p> <p>Step 2 – Investigation</p> <p>Upon receiving a complaint of unlawful 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.</p> <p>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.</p> <p>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.</p> <p>Step 3 – Investigative Report</p> <p>The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, 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</p>
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<p>Pol. 317</p>	<p>recommended disposition of the complaint.</p> <p>The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.</p> <p>Step 4 – District Action</p> <p>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 not prohibited by law, inform the complainant.</p> <p>Disciplinary actions shall be consistent with Board policies, administrative regulations and procedures, applicable collective bargaining agreements, and state and federal laws.</p> <p>If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action.</p>
<p>Pol. 317, 417, 517</p> <p>Pol. 218, 233</p> <p>Pol. 218</p>	<p><u>Discipline</u></p> <p>A substantiated charge against a District staff member shall subject such staff member to disciplinary action, including discharge.</p> <p>A substantiated charge against a District student shall subject such student to disciplinary action, consistent with the Student Code of Conduct, and may include educational activities and/or counseling.</p> <p>If it is concluded that an employee has made false accusations, such employee shall be subject to disciplinary action, including termination.</p> <p><u>Appeal Procedure</u></p> <ol style="list-style-type: none"> <li>1. If the complaint or accused is not satisfied with the Superintendent’s decision, the employee may file an appeal to the Board of School Directors.</li> <li>2. The Superintendent or designee shall review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare a written response to the appeal. Copies of the response shall be provided to the complainant, the accused, building principal, and others directly involved, as appropriate.</li> </ol> <p>References:</p>

	<p>Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.</p> <p>Federal Anti-Discrimination and Civil Rights Laws –</p> <p>    20 U.S.C. Sec. 1681 et seq. (Title IX)</p> <p>    42 U.S.C. Sec. 2000e et seq. (Title VII)</p> <p>Genetic Information Nondiscrimination Act of 2008 – 42 U.S.C.     Sec. 2000ff et seq.</p> <p>Harassment Regulations and Guidelines</p> <p>    Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)</p> <p>Board Policy – 000, 104, 317</p> <p style="text-align: right;">cag</p>
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