

SECTION: CLASSIFIED EMPLOYEES
 TITLE: UNLAWFUL HARASSMENT
 ADOPTED: August 22, 1988
 REVISED: June 24, 1999

SOUDERTON AREA SCHOOL DISTRICT

548. UNLAWFUL HARASSMENT	
<p>1.Purpose</p>	<p>The Board strives to provide a safe, positive working climate for its employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.</p>
<p>2.Authority Sec. 703 of Title VII of Civil Rights Act of 1964; Sec. 5(a) PHRC Act; Title IX of the 1972 Education Amendments</p>	<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. The Board encourages employees who have been harassed to promptly report such incidents to the designated administrators.</p> <p>The Board directs that complaints of harassment shall be investigated promptly, and corrective action shall be taken when allegations are verified. 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.</p>
<p>3.Definitions OCR Guidelines on Sexual Harassment, Fed. Reg. Vol. 62, #49; PHRC Guidelines; PA Bulletin Vol. II, #5 Policy Memo Office of</p>	<p>The term harassment includes but is not limited to repeated, unwelcome and offensive slurs, jokes, or other verbal, graphic or physical conduct relating to an individual's race, color, religion, ancestry, sex, sexual orientation, national origin, age or handicap/disability which create an intimidating, hostile or offensive working environment.</p> <p>Ethnic harassment includes the repeated, unwelcome and offensive use of any derogatory word, phrase or action characterizing a given racial or ethnic group that creates an intimidating, hostile or offensive working environment. Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and</p>

<p>Civil Rights USDE March 1997</p>	<p>other inappropriate verbal or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> 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. 2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual. 3. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment. <p>Examples of 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 a employee's ability to work or which creates an intimidating, hostile or offensive learning or working environment.</p> <p>The district shall annually inform all classified personnel that unlawful harassment will not be tolerated, by means of:</p> <ol style="list-style-type: none"> 1. Distribution of written policy. 2. Posting of notice/signs. <p>The district shall provide training for classified staff concerning all aspects of unlawful harassment.</p>
<p>4. Delegation of Responsibility</p>	<p>Each staff member shall be responsible to maintain a working 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>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 the Director of Human Resources.</p>
<p>5. Guidelines</p>	<p>When an employee believes that s/he is being harassed, the employee should immediately inform the harasser that his/her behavior is unwelcome, offensive or</p>

<p>Pol. 317 417 517</p> <p>Pol. 218 233</p> <p>Pol. 317 417 517</p>	<p>inappropriate. If the unwelcome, offensive or inappropriate behavior continues, the employee shall follow the established complaint procedures.</p> <p><u>Complaint Procedure</u></p> <p>1. An employee shall report a complaint of harassment, orally or in writing, to the building principal or a designated employee, who shall inform the employee of his/her rights and of the complaint process.</p> <p>2. The building principal immediately shall notify the Superintendent or designated administrator and shall conduct an impartial, thorough and confidential investigation of the alleged harassment.</p> <p>In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated.</p> <p>3. The building principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. Copies of the report shall be provided to the complainant, the accused, the Superintendent and others directly involved, as appropriate.</p> <p>4. If the investigation results in a substantiated charge of harassment, the district shall take prompt corrective action to ensure the harassment ceases and will not recur.</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 discipline code, and may include educational activities and/or counseling services related to unlawful harassment.</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> <p>If the complainant or accused is not satisfied with the principal's decision, s/he may file a written appeal to the:</p> <p>1. Superintendent.</p>
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	<p>2. Director of Human Resources.</p> <p>3. The Superintendent and/or Director of Human Resources 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.</p>
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INTERNAL GUIDELINES FOR HANDLING SEXUAL HARASSMENT COMPLAINTS (EMPLOYEE)

STEP I: THE COMPLAINT

1. Initial Meeting with Complainant. A committee of at least three (3) individuals, assigned by the Superintendent, should meet with the Complainant within five (5) workdays of the date in which a complaint is made regarding sexual harassment. The purpose of this meeting is to assist the Complainant in formulating a written complaint and to explain the sexual harassment procedures.

2. Notification of Charges to Respondent. A letter will be sent to the Respondent within ten (10) workdays of the filing of the Complaint advising the Respondent that charges have been filed and forwarding a copy of the Complaint to the Respondent. In addition, the letter should advise the Respondent of the investigation procedures and that the Respondent may file a written response to the Complaint within ten (10) calendar days of receipt of the Complaint. Notice to the Respondent will be sent by certified mail, return receipt requested, or in lieu of sending a letter by certified mail, the Human Resources, Title IX Coordinator can meet in person with the Respondent.

STEP II: INVESTIGATION

1. Meeting with Complainant. The Committee will meet within thirty (30) to forty (40) calendar days from the date of filing of the Complaint. If possible, the meeting should not be scheduled until the time period has elapsed for the Respondent to submit a written response to the Complaint. The purpose of the meeting is to ask questions of the Complainant, to clarify the allegations made, and to obtain the supporting facts.

In addition, at that meeting, the Committee should be prepared to discuss both the Complaint and the written response filed, if any, with the Complainant.

2. Meeting with Witnesses. If there are witnesses to any alleged incident of sexual harassment, the Committee should make arrangements to meet with those witnesses.

3. Meeting with Respondent. The Committee will make arrangements to meet with the Respondent to discuss the Complaint and Respondent's answer, if any. The meeting should be held within ten (10) workdays of the date of the meeting with the Complainant. The purpose of the meeting is to elicit additional facts from the Respondent and to obtain a clarification as to Respondent's position on the charges filed. If appropriate, alternative methods of conciliation should be discussed with the Respondent.

STEP III: FINDINGS

1. Decision. In consultation with the solicitor, a decision should be reached whether there is or is not probable cause for the charges of sexual harassment by the Committee.

2. Findings of Fact and Conclusions of Law. After a decision has been reached whether or not there is probable cause for the charges alleged, the Solicitor shall prepare a report under the signature of the district Title IX Coordinator. The report should detail specific findings of fact and conclusions of law which support the decision whether or not there is probable cause for the charges alleged.

3. Notice of Report. The report should be submitted to the following persons:

(a) Complainant

(b) Respondent

(c) Superintendent of the School District

STEP IV: CONCILIATION/DISCIPLINE

If the investigation reveals that sexual harassment has occurred, the district Title IX Coordinator should notify the Respondent to cease and desist from the specific discriminating acts or practices. The Superintendent will review the Committee's report and make a determination of appropriate action that should be taken against the person who has violated the Sexual Harassment Policy of the Souderton Area School District.

SOUDERTON AREA SCHOOL DISTRICT

EMPLOYEE SEXUAL HARASSMENT COMPLAINT FORM

DEFINITIONS

Complainant Person filing a charge of sexual harassment.

Respondent Person or persons responsible for alleged sexual harassment.

Sexual Harassment Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct or written communication of a sexual nature when made by any member of the Souderton Area School District to another staff member when:

1. Submission to such conduct is either made explicitly or implicitly a term or condition of an individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decision affecting the individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.

Sexual harassment may include, but is not limited to, the following:

1. Verbal harassment or abuse;
2. Pressure for sexual activity;
3. Repeated remarks to a person with sexual or demeaning implications;
4. Unwelcomed touching;
5. Suggesting or demanding sexual involvement accompanied by implicit or explicit threats concerning one's grades, job, etc.

COMPLAINT

The Complainant is:

The Respondent is:

[Redacted]

1. The Complainant alleges that _____

[Redacted]

2. The Complainant alleges that the sexual harassment (check one):

Took place on or about

[Redacted]

Is of a continuing nature which has persisted up to and including the present.

3. The Complainant seeks the following relief: _____

[Redacted area]

_____, Complainant, hereby acknowledges that he/she is the Complainant herein; that he/she has read the foregoing Complaint and knows the contents thereof; that to the best of his/her knowledge, information, and belief the facts alleged are true and correct.

DATE: _____

Complainant