

SECTION: CLASSIFIED EMPLOYEES

TITLE: SEXUAL HARASSMENT

ADOPTED:

REVISED: MAY 10, 1999

# SENECA VALLEY SCHOOL DISTRICT

<p>1. Purpose</p> <p>2. Definition</p>	<p style="text-align: center;">548. SEXUAL HARASSMENT</p> <p>It is the policy of the Seneca Valley School District that all employees should enjoy a working environment free from all forms of discriminations, including sexual harassment/abuse/misconduct. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtones or conduct, either verbal or physical.</p> <p>It is illegal and against the policies of this district or any employee, male or female to <b>sexually harass</b> another employee by:</p> <ol style="list-style-type: none"> <li>1. Making acceptance of unwelcomed sexual advances or request for sexual favors or other verbal or physical conduct of a sexual nature, a term or condition of any employee's continued employment;</li> <li>2. Making submission to or rejection of such unwelcome sexual conduct by an individual a basis for employment decisions affecting the employee, including but not limited to any job benefit; or</li> <li>3. Having the purpose or effect of substantially interfering with an employee's performance or creating an intimidating, hostile or offensive working environment by such conduct.</li> </ol> <p><b>Sexual harassment</b> may include, but is not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Verbal harassment or abuse.</li> <li>2. Pressure for sexual activity.</li> <li>3. Repeated remarks to a person with sexual or demeaning implications.</li> <li>4. Unwelcomed touching (e.g., pinching or patting).</li> <li>5. Unwelcomed flirtations, including those of a sexual nature.</li> </ol>
--	--

<p>3. Authority U.S. Civil Rights Act of 1964, Title VII EEOC Regulations Published at 29 CFR Sec. 1604</p> <p>Pol. 317, 417</p> <p>4. Guidelines</p>	<p>6. Graphic verbal commentaries or innuendo about a person's body.</p> <p>7. Displaying sexually suggestive objects or pictures.</p> <p>8. Using obscene remarks or gestures.</p> <p>9. Sexually oriented teasing, double entendres, and jokes.</p> <p>10. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's job, promotion, etc.</p> <p>Sexual harassment lowers morale and is damaging to the work environment; it is also illegal. Therefore, the district will treat sexual harassment like any other form of employee misconduct and it will not be tolerated.</p> <p>The Board prohibits all forms of sexual harassment of employees by all district students and staff members, contracted individuals and vendors, and volunteers in the schools.</p> <p>The district shall enforce disciplinary action against any person who threatens or insinuates, either explicitly or implicitly, that any employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any condition of employment or career development. This discipline may include termination.</p> <p>The district recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination based on all facts in a case.</p> <p>The district is responsible for informing employees of their rights, and developing appropriate rules and/or regulations for reporting and administering this policy.</p> <p>Each school year, staff and secondary students shall be notified of the identity of the individual designated to receive sexual harassment complaints from staff and students in that building. Staff and students shall be informed that the designated individual is available to receive sexual harassment complaints, answer questions</p>
---	--

<p>Pol. 317, 417, 517</p>	<p>concerning sexual harassment, and assist in resolving problems within the building which may involve sexual harassment. Sexual harassment complaint forms shall be made available in each school office for individuals who would prefer to file such complaints in writing.</p> <p><u>STEP 1 - Building Level</u></p> <p>A complaint of sexual harassment by anyone, including employees, students or visitors must be brought to the attention of the building principal. If the complaint involves that principal, then the complainant must bring it to the attention of the Superintendent.</p> <p>The designated administrator shall immediately notify the Superintendent of any complaints of sexual harassment. All complaints will be promptly investigated and special privacy safeguards will be applied to the same.</p> <p>The designated administrator will investigate all harassment complaints and will determine the underlying facts by interviewing all parties having direct or indirect knowledge of the basis of the complaint (see attached forms). The investigation will include an interview of the complainant, the accused and other persons having knowledge of the incident(s). The investigator shall make a written record of his/her investigation which shall include the dates of all meetings/interviews, the basic content of all meetings/interviews, and the names and addresses of those present at all meetings/interviews.</p> <p>At STEP 1 the administrator shall attempt to resolve the matter. Any resolution arising from a substantiated charge of harassment must contain corrective action to ensure that the harassment will not recur.</p> <p>At the conclusion of STEP 1, the designated administrator shall forward the records of the investigation, the recommendations and the resolution, if any, to the Superintendent. If this action does not resolve the matter or if the complaint is not resolved to the satisfaction of either party, the complaint shall be referred to the Superintendent.</p> <p>A full report of the investigation and recommendations shall be sent to the Superintendent who will determine what disciplinary action, if any, shall be taken. If disciplinary action is warranted, it shall be done in accordance with the Public School Code, existing law and applicable collective bargaining agreements. In cases where employees are guilty of harassment, disciplinary action could be oral or written reprimand, suspension, or discharge.</p>
---------------------------	---

<p>Pol. 317, 417, 517</p>	<p><u>STEP 2 - Superintendent Level</u></p> <p>If the complaint is not resolved in the satisfaction of either party at STEP 1, the party will submit a detailed statement of those reasons for dissatisfaction to the Superintendent. Upon receiving such written statement, the Superintendent will inform the complainant and the accused of an informal administrative conference. If either party is a student, his/her parents/guardians will also be informed of the administrative conference.</p> <p>During the informal administrative conference, the complainant and the accused will have the right to be represented by competent counsel of their choice at their expense, or, if the accused is an employee, by his/her union representative. The purpose for this informal administrative conference is to review the complaint, all investigation records and the reasons for dissatisfaction of the party(s).</p> <p>Should the informal administrative conference be resolved in favor of the accused, no further action will be necessary except that the charges and resolution may be placed in the accused's and complainant's files if the accused so requests; otherwise, the charges and all written records relating to the same will be sealed and impounded, except for official use by the Seneca Valley School District. Release from impounding for use by persons other than the Seneca Valley School District may be made only upon formal action of the Seneca Valley Board of School Directors or court order.</p> <p>Both parties shall receive written notice of the decision rendered or the recommendation of discipline within ten (10) days of the informal administrative conference.</p> <p>If the accused is judged to be guilty as charged, appropriate disciplinary action will be taken or recommended by the Superintendent.</p> <p>Disciplinary action involving an employee may include written reprimand, transfer or suspension or the Superintendent may recommend to the Board the demotion or dismissal of the employee. In the event of a recommended dismissal of an employee, the Superintendent may suspend the employee without pay until the proposed dismissal is acted upon by the Board, if a decision is later made in favor of the accused employee, back pay and benefits will be provided.</p> <p>Recommendations for demotion, dismissal or suspension without pay of an accused employee, together with a detailed statement of charges on which the proposed discipline is based, shall be given to the employee and shall be presented to the</p>
---------------------------	--

Board in writing. Employees subject to discipline or dismissal shall have the right to challenge such discipline or dismissal in accordance with the rights granted by the Public School Code and any applicable Collective Bargaining Agreement.

STEP 3 - Board Level

Board hearings will be conducted according to the following procedures: Disciplinary action will be taken in accordance with the Public School Code and any applicable collective bargaining agreements. Hearings will be conducted consistent with applicable law.

Following the hearing, the Board shall prepare a written decision which shall adjudicate the charges and, if the accused is found guilty of the charges, shall include appropriate disciplinary action (STEP 2). A written notice and copy of the decision shall be sent by registered mail to the accused and the complainant within ten (10) days after such hearing is concluded. A copy of the decision will be included in the accused's records or personnel file. The accused shall have the right to respond, in writing, to the decision and any resultant disciplinary action and to include such response in his/her student record or personnel file.

Applicability of Procedures

The foregoing procedures are not intended to supersede or circumvent any procedures or rights of employees provided by any applicable State or federal laws or regulations, including the Public School Code and regulations of the Department of Education, or by any collective bargaining agreement or any grievance procedures set forth therein. To the extent the foregoing procedures conflict with any provision of applicable statutes, regulations or collective bargaining agreements, such statute, regulations or collective bargaining agreement shall govern and shall supersede the foregoing procedures.

Resignation of Employment

If an employee chooses to resign in the face of charges made against him/her at any stage in the above procedures and such resignation is accepted by the Board, the written documentation of charges against the employee shall be sealed and impounded, except (i) as otherwise required by law; (ii) for official use by the district; (iii) for use in the defense of unemployment compensation proceedings; or (iv) for use in other judicial or administrative proceedings involving the employee or arising from the alleged misconduct. If there is a request for references or

<p>Title 22 Sec. 49.64e Title 22 Sec. 237.1 et seq 24 P.S. Sec. 20-2070.9</p>	<p>recommendations by or for prospective employees, the reference shall be limited to a statement that the person was employed by the school district, the duration of employment, a description of the assigned duties and a statement that the employee resigned.</p> <p>Notwithstanding the foregoing, the Seneca Valley School District and its commissioned officers shall comply with all statutes and regulations requiring the reporting of employee misconduct to the Department of Education. Retaliation in any form for the filing of a complaint or the reporting of sexual harassment is prohibited and shall not in any way affect the evaluation, status, or work assignments of the person who reports such sexual harassment.</p> <p><u>Confidentiality</u></p> <p>The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the district's legal obligations, and with the necessity to investigate allegations and take corrective action as appropriate.</p> <p><u>Retaliation</u></p> <p>Retaliation in any form for the filing of a complaint or the reporting of harassment is prohibited and shall not in any way affect the evaluation, status or work assignment of the person who reports such harassment. Reprisals or retaliation against those persons filing complaints, regardless of whether disciplinary action is taken, or those persons who cooperated in or conducted an investigation, will not be tolerated and will be dealt with in appropriate disciplinary proceedings.</p> <p><u>False Allegations</u></p> <p>Given the nature of the type of discrimination, the Seneca Valley School District also recognizes that false allegations of sexual harassment can have serious effects on innocent persons. Therefore, false accusations will result in severe disciplinary action comparable to the discipline which could be imposed upon an individual found guilty of harassment.</p>
---	---