

Pennsbury School District

School Board Policy

Effective Date	Supersedes Index No.	Index No.
08/28/08	4932 as of 7/15/1992	348.1

Title: Employee Harassment

Purpose: The Board strives to provide a safe, positive learning climate for its employees and students. Therefore, it shall be the policy of the District to maintain an employment environment in which harassment in any form is not tolerated.

This document, Index No. 348.1, replaces the previous Index No. 4932 with editorial changes to the policy.

Authority: The Board prohibits all forms of unlawful harassment of employees by other District employee(s), District student(s), contracted individual(s), vender(s), and other third party(s) on District property and/or attending District sponsored events. The Board encourages employees who have been harassed to promptly report such incidents to the designated administrators.

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. Neither reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Policy: For purposes of this policy, **harassment** of an employee or student by an employee or other individuals as detailed in Authority above consists of unwanted and unwelcome verbal, written, graphic or physical conduct related but not limited to an individual's age, race, color, national origin/ethnicity, gender, disability, sexual orientation or religion 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; and/or,
2. Is offensive or objectionable to the recipient and causes the recipient discomfort or humiliation; and/or,

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

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:

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; and/or,
2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; and/or,
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.

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 or unwanted and/or over attention to 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 unreasonable interfering with an employee's ability to work or learn or create an intimidating, hostile or offensive learning or working environment.

**Delegation of
Responsibility:**

The District shall communicate this policy on the District's Web site.

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

Each employee shall be responsible to respect the rights of District staff and to ensure an atmosphere free from all forms of harassment.

The building principal and/or the employee's immediate supervisor shall be designated to receive harassment complaints. Such complaints must be immediately forwarded to the Director of Human Resources in writing. If the building principal or immediate supervisor is the subject of the complaint, the complainant shall report the complaint directly to the Director of Human Resources or Chief Executive Officer/Superintendent.

**Complaint
Process:**

When an employee believes that she/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 process.

1. An employee shall report a complaint of harassment, orally or in writing, to the building principal and/or his/her immediate supervisor, who shall inform the employee of his/her rights and of the complaint process.
2. The building principal and/or immediate supervisor immediately shall notify the Director of Human Resources and the Chief Executive Officer/Superintendent. With the guidance of the Director of Human Resources, the building principal and/or immediate supervisor, shall conduct an impartial, thorough and confidential investigation of the alleged harassment.

In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated.

3. The Director of Human Resources shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The findings of the investigation shall be provided to the complainant, the accused, the Chief Executive Officer/Superintendent and others directly involved, as appropriate.
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.

Discipline:

A substantiated charge against a District staff member shall subject such staff member to disciplinary action, including termination.

If it is concluded that an employee has made false accusations, such employee shall be subject to disciplinary action, including termination.

**Appeal
Process:**

1. If the complainant or accused is not satisfied with the decision of the Human Resources Director, the employee may file a written appeal to the Chief Executive Officer/Superintendent.
2. The Chief Executive Officer/Superintendent shall review the initial investigation and report and may also conduct a investigation into the

matter, if the Chief Executive Officer/Superintendent deems such investigation is necessary. She/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.

3. Nothing contained in this policy shall prevent an employee from filing a complaint with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, the police, or other legal authorities.

No Retaliation: There shall be no retaliation against any person who has, in good faith, complained of unlawful harassment, reported a complaint, assisted in the reporting of such a complaint, served as a witness or representative of the complainant, rejected sexual advances or harassment by others, or who has otherwise taken any reasonable action to stop unlawful harassment. Any individual who believes he or she has been subject to retaliation must report the matter immediately to the Chief Executive Officer/Superintendent and/or the Director of Human Resources.

Responsible Administrator: Director of Human Resources