

NORTHAMPTON AREA SCHOOL DISTRICT

SECTION: NONCERTIFIED EMPLOYEES

TITLE: UNLAWFUL HARASSMENT

ADOPTED: December 5, 2005

REVISED: December 6, 2010

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<p>1. Purpose</p>	<p>The purpose of this policy is to establish guidelines on unlawful harassment and to ensure a safe, positive, working environment.</p>
<p>2. Authority Title VII 42 U.S.C. Sec. 2000e et seq Title IX 42 U.S.C. Sec. 1681 Pa Human Relations Act, 43 P.S. §951 et seq</p>	<p>The Board prohibits all forms of unlawful 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.</p> <p>The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district’s legal and investigative obligations.</p> <p>No reprisals or retaliation shall occur as a result of good faith charges of harassment.</p>
<p>3. Definitions 29 CFR Sec. 1606.8 (a) 62 Fed. Reg. 12033 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)</p> <p>29 CFR Sec.1604.11(a)</p>	<p>For purposes of this policy, harassment shall consist of verbal, internet, written, graphic or physical conduct relating to an individual’s race, color, national origin/ethnicity, gender, age, disability, sexual orientation, religion, or genetic information when such conduct:</p> <ol style="list-style-type: none"> 1. Is sufficiently severe, persistent or pervasive that it affects an individual’s ability to perform job functions or creates an intimidating 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. <p>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:</p> <ol style="list-style-type: none"> 1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual’s continued employment.

<p>4. Delegation of Responsibility</p>	<ol style="list-style-type: none">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. <p>Examples of behavior 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 inappropriate conduct that has the effect of unreasonably interfering with an individual's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.</p> <p>In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board will name the Compliance Officer annually.</p> <p>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.</p> <p>The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.</p> <p>Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.</p> <p>The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:</p> <ol style="list-style-type: none">1. 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.
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<p>5. Guidelines</p>	<p><u>Complaint Procedure - Employee Third Party</u></p> <p><u>Step 1 - Reporting</u></p> <p>Any person (the Complainant) who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to a counselor, teacher, building principal, or supervisor.</p> <p>If the building principal or supervisor is the subject of the complaint, the Complainant shall report the incident to the Superintendent.</p> <p>The complainant is encouraged to use the form available from the building principal or submit a letter containing substantially the same information as the form. Although oral complaints will be accepted on a case by case basis, the Superintendent reserves the right to require a complaint to be submitted in writing,</p> <p><u>Step 2 - Investigation</u></p> <p>Upon receiving a complaint of unlawful harassment, the counselor, teacher, or supervisor shall immediately notify the building principal. The building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint unless the principal is unable to conduct the investigation in which case the Compliance Officer or his/her designee shall conduct the investigation. If the building principal is the subject of the complaint, the counselor, teacher, or supervisor shall immediately notify the Compliance Officer. The Compliance Officer or his/her designee shall conduct the investigation when the principal is the subject of the complaint.</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><u>Step 3 - Investigative Report</u></p> <p>The building principal (or Compliance Officer) shall prepare a written report within fifteen (15) working 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, whether the complaint is a violation of this policy, and a recommended disposition of the complaint.</p>
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The findings of the investigation shall be provided to the complainant, the accused, and the Superintendent.

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.

Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Any employee found to have engaged in retaliation against an employee or student who has registered a complaint under this policy, or retaliation against any employee or student for assisting in the investigation of any registered complaint, shall be subject to immediate disciplinary action.

Appeal Procedure

1. If the complainant is not satisfied with a finding that there is no violation of this policy or with the corrective action recommended in the investigative report, he/she may submit a written appeal to the Compliance Officer within fifteen (15) working days of receiving the 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) working days. Copies of the response shall be provided to the complainant, the accused, and the building principal who conducted the initial investigation.
4. If the complainant is not satisfied with the Compliance Officer's finding that there is no violation of this policy or with the corrective action recommended in the Compliance Officer's report, he/she may submit a written appeal to the Board of Directors within fifteen (15) working days of receiving the report.
5. The Board of Directors shall review the investigation and the investigative reports and may also conduct a reasonable investigation.

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| | <p>6. The Board of Directors shall prepare a written response to the appeal within fifteen (15) working days. Copies of the response shall be provided to the complainant, the accused, the Superintendent, the Compliance Officer and the building principal who conducted the initial investigation.</p> |
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REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident: _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|----------|--------------------|---------------------------|
| Race | Color | National Origin/Ethnicity |
| Gender | Age | Disability |
| Religion | Sexual Orientation | |

Name of person you believe violated the district's unlawful harassment policy:

If the alleged harassment was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary:

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date