

ALLENTOWN SCHOOL DISTRICT

SECTION: CLASSIFIED EMPLOYEES

TITLE: SEXUAL HARASSMENT

ADOPTED: 10/27/94

REVISED: 4/25/96
3/26/98

<p>1. Purpose U.S. Civil Rights Act of 1964 Title VII EEOC Regulations Published at 29 CFR Sec. 1604</p> <p>2. Authority</p> <p>3. Definition</p>	<p style="text-align: center;">548. SEXUAL HARASSMENT</p> <p>While all forms of harassment are prohibited, it is the policy of the district to establish and maintain an educational climate and working environment free from sexual harassment. Sexual harassment is a violation of school district policy, as well as State and federal laws, and it is hereby prohibited.</p> <p>All district employees have a responsibility for maintaining high standards of conduct and ethical behavior. Any employee who engages in conduct which constitutes sexual harassment, as defined in this policy, shall be subject to discipline which may include the termination of employment. Supervisors condoning or failing to act upon sexual harassment claims brought to their attention also may be subject to disciplinary action.</p> <p>Any employee subjected to sexual harassment in the course of her/his employment or as a result of her/his employment with the district is encouraged to report this harassing behavior. Under the terms of this policy, any employee shall have the right to file a complaint about sexual harassment in the work place.</p> <p>Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2. The Guidelines on Discrimination Because of Sex (29 CFR 1604.11) promulgated by the Equal Employment Opportunity Commission (EEOC) provide a basis for this policy. Also applicable are Section 5a of the Pennsylvania Human Relations Act and the implementing Guidelines on Sexual Harassment of the Pennsylvania Human Relations Commission.</p> <p>For the purposes of this policy, sexual harassment is defined by the standards set by the EEOC as:</p> <ol style="list-style-type: none"> 1. Unwelcome sexual advances OR 2. Requests for sexual favors OR
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3. Other unwelcome verbal or physical conduct of a sexual nature, wherein
 - a. submission to such conduct is either explicitly or implicitly a term or condition of her/his employment OR
 - b. submission to or rejection of such conduct is used as the basis of school or work decisions affecting the employee OR
 - c. such conduct has the purpose or effect of unreasonably interfering with the work or school performance of the employee OR
 - d. such conduct has the purpose or effect of unreasonably creating an intimidating, hostile or offensive working or learning environment.

Consequences of Violation(s) of Policy

Any employee who is found to have engaged in conduct constituting sexual harassment shall be subject to discipline which may include discharge. As a condition of continued employment, an employee found to have violated this policy may be required to participate in educational or training activities and/or counseling.

Complaint Procedure

1. Any employee who believes that s/he has been subjected to sexual harassment is encouraged to inform the harasser that the harasser's conduct is unwelcome. A stern rebuke to the harasser and the use of this complaint process are recommended.
2. Any incident of sexual harassment shall be verbally reported by the employee to her/his immediate supervisor OR the Assistant Superintendent, Human Resources and Operations, OR an officer of the employee's Association/Union. If the alleged harasser is the immediate supervisor, the report shall be made to the Assistant Superintendent, Human Resources and Operations. If the alleged harasser is the Assistant Superintendent, Human Resources and Operations, the report shall be made to the Superintendent. All reports shall be made as soon as possible, following the incident.
3. A supervisor or Association/Union officer receiving a report of sexual harassment shall notify the Assistant Superintendent, Human Resources and Operations of the allegation.

4. Complaint forms shall be made available in the offices of each district administrator for individuals who would prefer to file such complaints in writing. A copy of the complaint form is attached to this policy.
5. The filing of a complaint shall not preclude an employee's right to file a complaint with a government agency, nor shall it preclude an employee's right to pursue the complaint through internal proceedings which may include the right to file grievances.

Investigation of Complaint

1. Within no more than ten (10) days, the Assistant Superintendent, Human Resources and Operations shall promptly, neutrally, and thoroughly investigate any and all sexual harassment complaints received or referred by other district staff or Association/Union officers.
2. At the complainant's request, an attempt may be made to informally resolve an allegation of sexual harassment. If informal resolution, satisfactory to the complainant and the administration is reached, no further investigation or action by the district shall be required.
3. Any complaint of sexual harassment which is not informally resolved to the satisfaction of the complainant and the administration, shall result in a formal investigation which shall include, but not be limited to the interview of the complainant, the accused, and any other persons having personal knowledge of the allegations of the complainant. Written statements by the complainant and the accused may be requested in a formal investigation.
4. Any employee involved in an investigation shall maintain strict confidentiality. All communications about a complaint shall be confidential.

Disposition of Complaint

1. The results of an investigation shall be reported in writing to the Superintendent, the complainant, and the accused. Said report shall include a summary of facts, conclusion, and if appropriate, a recommendation for remediation.
2. Where disciplinary action against an employee is warranted, the Assistant Superintendent, Human Resources and Operations, shall recommend said discipline to the Superintendent. The Superintendent shall approve, modify, or reject the recommendation.

3. If it is determined that there is insufficient evidence that sexual harassment has occurred, the parties and the Superintendent shall be so notified. Without the consent of the accused, or by order of court, or as required by legal proceedings, any record of a complaint found to be without basis shall not be released to any individual other than the complainant, the accused, and the Superintendent.
4. If the investigation is inconclusive, that shall be stated in the investigatory report. Neither the accused nor a complainant shall be disciplined based upon an inconclusive investigation.
5. If an accused sexual harasser was found not to be guilty of sexual harassment and if the complaint was found to have been lodged in bad faith, disciplinary action may be imposed upon the complainant.
6. If an employee is not satisfied with the handling of a sexual harassment complaint or the investigation of said complaint, then the employee shall bring the complaint to the attention of the Superintendent.

Retaliation Prohibited

1. Retaliatory behavior against any complainant or any participant in the complaint process is prohibited. Any employee who engages in retaliatory behavior shall be subject to discipline which may include the termination of employment.
2. The initiation of a complaint of sexual harassment shall not reflect negatively on an employee who initiates the complaint, nor shall it affect the employee's rights or privileges.

Notification

1. A copy of this policy shall be distributed to all employees.
2. At the beginning of each school year, each district administrator/supervisor shall review with all employees the procedures for registering a complaint about sexual harassment and the redress which is available.

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