§ 7.595. Education.

Commonwealth employees will be educated in sexual harassment issues. Education may consist of written materials, formal training, educational videos, orientation sessions, workplace discussions or individual counseling. Commonwealth employees will be provided with a copy of this policy and shall sign an acknowledgement that they have received and reviewed the policy.
THE GOVERNOR

PART I. GOVERNOR'S OFFICE
[4 PA. CODE CH. 7]

[EXECUTIVE ORDER NO. 2002-4]

[32 Pa.B. 2988]

Prohibition of Sexual Harassment in this Commonwealth

May 3, 2002

Whereas, sexual harassment is a form of discrimination that undermines the integrity of the employment relationship and/or service delivery; and

Whereas, the Commonwealth of Pennsylvania, Pennsylvania's largest employer, has an obligation to assertively address sexual harassment issues in the workplace; and

Whereas, sexual harassment shall not be tolerated in Commonwealth workplaces under any circumstances; and

Whereas, this Administration is committed to providing a work environment where employees, applicants for employment, or individuals receiving services from the Commonwealth shall not be subjected to sexual harassment; and

Whereas, to prevent sexual harassment in the workplace, all managers, supervisors, and employees must be made aware of the Commonwealth's sexual harassment policy, the steps to take when concerns arise, and our commitment to address instances of sexual harassment aggressively and equitably.

Now, Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby adopt and reaffirm the Commonwealth's sexual harassment policy.

Mark J. Schweiker

Governor

Fiscal Note: GOV 02-4. No fiscal impact; (8) recommends adoption.
Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter NN. PROHIBITION OF SEXUAL HARASSMENT IN THIS COMMONWEALTH

Sec.

7.591. Prohibition.
7.592. Prohibited actions.
7.593. Disciplinary action.
7.595. Education.
7.596. Workplace environment.
7.597. Complaint mechanism.
7.598. Oversight and resolution of complaints and appeals.
7.599. Commonwealth policy.
7.600. Cooperation by State agencies.
7.601. Rescission.


A department, board, commission or other agency under the Governor's jurisdiction may not tolerate sexual harassment by a Commonwealth employee against another employee, applicant for employment, or client or other person receiving services from or conducting business with the Commonwealth. Sexual harassment in Commonwealth work settings is strictly forbidden. Further, a department, board, commission or other agency under the Governor's jurisdiction may not tolerate acts of sexual harassment by persons not employed by the Commonwealth within Commonwealth offices or upon employees of the Commonwealth in the performance of their duties. Sexual harassment is a violation of Federal and State law. Therefore, all Federal and State laws relating to sexual harassment or sex discrimination, or both, will be enforced.

§ 7.592. Prohibited actions.

(a) Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature when:

(1) Submission to or rejection of the conduct is made either explicitly or implicitly a term
or condition of an individual's employment.

(2) Submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individuals.

(3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(b) Prohibited sexual harassment may include actions by members of the opposite sex of an employee as well as members of an employee's own sex. Prohibited sexual harassment may include actions which are overtly sexual or facially neutral if the actions constitute gender-based discrimination.

§ 7.593. Disciplinary action.

A Commonwealth employee who engages in or knowingly condones sexual harassment related to Commonwealth employment shall be subject to disciplinary action, up to and including dismissal.


Retaliation in any form against an employee, applicant for employment, client or person conducting business with or receiving services from the Commonwealth who exercises his right to make a good faith complaint under this subchapter or who cooperates in an investigation of any complaint is strictly prohibited, and will itself be cause for appropriate disciplinary action.

§ 7.595. Education.

Commonwealth employees will be educated in sexual harassment issues. Education may consist of written materials, formal training, educational videos, orientation sessions, workplace discussions or individual counseling. Commonwealth employees will be provided with a copy of this policy and shall sign an acknowledgement that they have received and reviewed the policy.

§ 7.596. Workplace environment.

Agency heads shall create a workplace environment which encourages discussion of sexual harassment issues, where employees are educated and sensitized to sexual harassment, and where individuals with sexual harassment questions or complaints are provided with a response which is clear, impartial and timely.

§ 7.597. Complaint mechanism.

The Secretary of Administration shall require each agency to have an effective complaint mechanism, which ensures that an employee does not have to complain to the alleged harasser, and which provides for prompt and effective investigation of complaints. The Secretary of Administration shall also have the authority to issue Management Directives and establish rules necessary to carry out the mandates of this subchapter.
§ 7.598. Oversight and resolution of complaints and appeals

The Office of Administration, Bureau of Equal Employment Opportunity, shall provide appropriate oversight and resolution of complaints.

§ 7.599. Commonwealth policy.

This subchapter and Management Directive 505.30, Prohibition of Sexual Harassment in Commonwealth Work Settings, constitute the Commonwealth's sexual harassment policy.

§ 7.600. Cooperation by State agencies.

Commonwealth departments, boards, commissions and other agencies under the Governor's jurisdiction shall cooperate fully with the Secretary of Administration and provide assistance and information, as needed, in the implementation of this subchapter.


Executive Order 1999-3, Prohibition of Sexual Harassment in the Commonwealth is rescinded.

### 219. STUDENT COMPLAINT PROCESS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title: STUDENT COMPLAINT PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADOPTED</td>
<td>October 18, 2000</td>
</tr>
<tr>
<td>REVISED</td>
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</table>

#### 1. Purpose
The Board recognizes that students have the right to request redress of complaints. In addition, the Board believes that the inculcation of respect for lawful procedures is an important part of the educational process. Accordingly, individual and group complaints shall be recognized, and appropriate appeal procedures shall be provided.

#### 2. Definition
For purposes of this policy, a student complaint shall be one that arises from actions that directly affect the student’s participation in an approved educational program.

#### 3. Authority
The Board and its employees will recognize the complaints of students, provided that such complaints are submitted according to the guidelines established by Board policy.

#### 4. Guidelines
The student should first make the complaint known to the staff member most closely involved or, if none is identifiable, his/her guidance counselor; and both shall attempt to resolve the issue informally and directly.

For complaints which must move beyond the first step, the student shall prepare a written statement of his/her complaint which shall set forth:

1. **Specific nature of the complaint and a brief statement of the facts giving rise to it.**
2. **Manner and extent to which the student believes s/he has been adversely affected.**
3. **Relief sought by the student.**
4. **Reasons why the student feels s/he is entitled to the relief sought.**

The complaint may then be submitted, in turn, to the building principal, the Superintendent and the Board, with ten (10) days allowed at each level for hearing of the complaint and preparation of a response.
At each level the student shall be afforded the opportunity to be heard personally by the school authority.

At each step beyond the first, the school authority hearing the complaint may call in the student's parent.

The student may seek the help of a parent or guardian at any step.
248. UNLAWFUL HARASSMENT

1. Purpose

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

2. Authority

43 P.S.
Sec. 951 et seq
Title IX
20 U.S.C.
Sec. 1681 et seq
29 CFR
Sec. 1606.8(a)

The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.

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 investigatory obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

3. Definitions

29 CFR
Sec. 1606.8(a)

For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.

2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.

3. Otherwise adversely affects an individual's learning opportunities.
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:

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student’s academic status.

2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.

3. Such conduct deprives a student of educational aid, benefits, services or treatment.

4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student’s school performance or creating an intimidating, hostile or offensive educational environment.

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent or Designee as the district’s Compliance Officer.

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.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.

2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.

4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

5. Guidelines

**Complaint Procedure – Student/Third Party**

**Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or a district employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to submit a written complaint, but oral complaints shall be acceptable.

**Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

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.

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.
Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) 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 and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

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. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.

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) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

4. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.
References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination Law – 20 U.S.C. Sec. 1681 et seq. (Title IX)

Harassment Regulations and Guidelines

   Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

   Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties

Board Policy – 103, 103.1, 806
## CRESTWOOD SCHOOL DISTRICT

### 326. COMPLAINT PROCESS

<table>
<thead>
<tr>
<th>1. Purpose</th>
<th>Effective management of district operations requires reasonable and effective means of resolving conflicts which may arise among management level employees. This policy is established to reduce potential areas of disagreement, and to establish and maintain recognized two-way channels of communication between the Board and management.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Authority</td>
<td>The Board adopts this policy to facilitate proper and equitable solutions to complaints at the lowest appropriate level, and to establish orderly procedures within which solutions may be pursued.</td>
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<tr>
<td></td>
<td>There shall be no reprisals of any kind taken against any employee because of participation in or support of a complaint.</td>
</tr>
<tr>
<td>3. Definition</td>
<td><strong>Complaint</strong> - any unresolved problem concerning application or interpretation of State laws or regulations; policies or rules of the Board; and administrative procedures.</td>
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<td><strong>A Day</strong> - A day is any day that the district administrative offices are open for business and for which an administrator is contracted to work.</td>
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<tr>
<td>4. Guidelines</td>
<td>Complaints should be discussed in private, informal conference between the parties involved or with the complainant’s immediate supervisor/administrator.</td>
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<td>At least two (2) private meetings should take place between the parties before the complaint is taken to the next higher level of authority.</td>
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<tr>
<td></td>
<td>A complainant may be represented or accompanied at the higher levels of authority by anyone of his/her choosing.</td>
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</tbody>
</table>
If the same complaint or substantially the same complaint is made by more than one administrator against one respondent, only one administrator, on behalf of self and the other complainants, should pursue the complaint through the prescribed procedure. Names of all complainants shall appear on all documents related to settlement of the complaint.

The time limit provided for in this policy may be extended by mutual agreement of the parties. Any decision not pursued within the time limits from one level to the next level shall be considered settled on the basis of the last decision and not subject to further appeal.

Level One - Immediate Supervisor

Within seven (7) days after the occurrence giving rise to the complaint and following an informal discussion as outlined, the complainant must present his/her complaint in writing to the immediate supervisor.

This statement shall be a clear, concise expression of the complaint; the rule, policy or law for which there is an alleged violation; circumstances on which the complaint is based; person(s) involved; decision rendered at the private conference; and remedy sought.

Copies of this statement may be sent to any individuals who were present.

Within five (5) days the immediate supervisor shall communicate his/her decision in writing to the complainant. If the supervisor does not respond within the time limit, the complainant may appeal to the next level.

Either party to the complaint shall have the right to request a personal conference in order to resolve the complaint. Either party may request the presence of one (1) conferee.

Level Two - Superintendent

Within seven (7) days after receiving the decision of the administrator in Level One, the complainant may appeal the decision to the Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level One.

Within seven (7) days after delivery of the appeal, the Superintendent shall investigate the complaint, giving all persons who participated in Level One a reasonable opportunity to be heard.
Within seven (7) days after delivery of the appeal, the Superintendent shall submit his/her decision in writing, together with the supporting reasons, to the complainant and the administrator involved.

**Level Three - Discussion with the Board**

Within seven (7) days after receiving the decision of the Superintendent, the complainant may appeal the decision in writing to the Board.

The Board shall schedule the matter for a hearing at an executive session to be held within ten (10) days following receipt of the appeal.

The complainant and his/her conferee shall be present at the hearing.

Within ten (10) days the Board will submit its decision in writing, together with supporting reasons, to the complainant. A copy shall be furnished to the administrator(s) involved.

The decision of the Board is final.

**Miscellaneous Provisions**

All documents, communications and records dealing with processing a complaint shall be filed in a separate file and shall not be kept in the personnel file of any of the participants.

In the event a complaint is filed late in the school year, both parties shall endeavor to expedite procedures to the maximum extent possible so that the process may be completed as soon after the school term as practicable.
CRESTWOOD
SCHOOL DISTRICT

SECTION: ADMINISTRATIVE EMPLOYEES
TITLE: UNLAWFUL HARASSMENT
ADOPTED: October 18, 2000
REVISED: March 17, 2011

348. UNLAWFUL HARASSMENT

1. Authority

The Board strives to provide a safe, positive working climate for its administrative, professional and support employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.

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.

The Board directs that complaints of harassment shall be investigated promptly, and corrective action taken when allegations are substantiated. 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.

For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual’s race, color, national origin/ethnicity, sex, age, disability, sexual orientation, religion or genetic information 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.
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.

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:

1. Acceptance of such conduct is made, explicitly or implicitly, 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 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.

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 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 an employee's ability to work or creates an intimidating, hostile or offensive working environment.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent or designee as the district’s Compliance Officer.

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.

Each employee shall be responsible to maintain a working environment free from all forms of unlawful harassment.
The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

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.

3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

4. Guidelines

   **Complaint Procedure – Employee/Third Party**

   **Step 1 – Reporting**

   An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

   If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

   The complainant is encouraged to submit a written complaint, but oral complaints shall be acceptable.

   **Step 2 – Investigation**

   Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

   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.

   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.
Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) 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 and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

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. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.

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

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.

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) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination and Civil Rights Laws –

  20 U.S.C. Sec. 1681 et seq. (Title IX)

  42 U.S.C. Sec. 2000e et seq. (Title VII)


Harassment Regulations and Guidelines

  Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

Board Policy – 104, 317
1. Purpose

It is the Board's intent to establish reasonable and effective means of resolving difficulties which may arise among employees, to reduce potential areas of complaints, and to establish and maintain recognized two-way channels of communication between supervisory personnel and professional employees for situations not covered by the terms of a collective bargaining agreement.

2. Authority

The Board adopts this policy to facilitate proper and equitable solutions to complaints at the lowest appropriate level, and to establish an orderly procedure within which solutions may be pursued.

There shall be no reprisals of any kind taken against any employees or their representatives because of support of or participation in a complaint.

3. Definition

**Complaint** - any unresolved problem or interpretation of State laws or regulations; policies or rules of the Board; and written administrative procedures.

4. Guidelines

Complaints should be discussed in private, informal conferences between the parties involved.

At least two (2) private meetings should take place between the parties before the complaint procedure is invoked.

A complainant may be represented or accompanied at any higher level of authority by anyone of his/her choosing.

If the same or substantially the same complaint is made by more than one employee against one respondent, only one employee, on behalf of him/herself and the other complainants, may process the complaint through the adjustment procedure. Names of all complainants shall appear on all documents related to settlement of the complaint.
The time limits provided for in this policy may be extended by mutual agreement of the parties. Any decision not appealed within the time limits from one level to the next level shall be considered settled on the basis of the last decision and not subject to further appeal.

Level One - Immediate Supervisor

Within seven (7) days after the occurrence giving rise to the complaint, and following an informal discussion as outlined, the complainant must present his/her complaint in writing to the supervising administrator.

This statement shall be a clear, concise expression of the complaint; the rule, policy or law for which there is an alleged violation; circumstances on which the complaint is based; person(s) involved; decision rendered at the private conference; and the remedy sought.

Copies of this statement may be sent to any individuals who were present.

Within five (5) days the administrator shall communicate his/her decision in writing to the employee. If the administrator does not respond within the time limit, the complainant may appeal to the next level.

Either party to the complaint shall have the right to request a personal conference in order to resolve the problem. Either party may request the presence of one (1) conferee.

Level Two - Superintendent/Assistant Superintendent

Within seven (7) days after receiving the decision of the administrator at Level One, the complainant may appeal the decision to the Superintendent/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level One.

Within seven (7) days after delivery of the appeal, the Superintendent/Assistant Superintendent shall investigate the complaint, giving all persons who participated in Level One a reasonable opportunity to be heard.

Within seven (7) days after delivery of the appeal, the Superintendent/Assistant Superintendent shall submit his/her decision in writing, together with the supporting reasons, to the complainant and the administrators involved.
Level Three - The Board

Within seven (7) days after receiving the decision of the Superintendent/Assistant Superintendent the complainant may appeal the decision in writing to the Board.

The Board shall schedule the matter for a hearing at an executive session to be held within ten (10) days following receipt of the appeal.

The complainant and his/her conferee shall be present at the hearing.

Within ten (10) days the Board will submit its decision in writing, together with supporting reasons, to the complainant. A copy shall be furnished to the administrators involved.

The decision of the Board is final.

Miscellaneous Provisions

All documents, communications, and records dealing with processing a complaint shall be filed in a separate file and shall not be kept in the personnel file of any of the participants.

In the event a complaint is filed late in the school year, both parties shall endeavor to expedite procedures to the maximum extent possible so that the process may be completed as soon after the school term as practicable.
448. UNLAWFUL HARASSMENT

1. Authority

The Board strives to provide a safe, positive working climate for its administrative, professional and support employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.

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.

The Board directs that complaints of harassment shall be investigated promptly, and corrective action taken when allegations are substantiated. 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.

For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, religion or genetic information 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.
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.

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:

1. Acceptance of such conduct is made, explicitly or implicitly, 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 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.

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 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 an employee's ability to work or creates an intimidating, hostile or offensive working environment.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent or designee as the district's Compliance Officer.

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.

Each employee shall be responsible to maintain a working environment free from all forms of unlawful harassment.
The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

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.

3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

4. Guidelines

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to submit a written complaint, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

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.

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.
Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) 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 and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

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. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.

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

Pol. 317, 417, 517

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.

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) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination and Civil Rights Laws –

20 U.S.C. Sec. 1681 et seq. (Title IX)

42 U.S.C. Sec. 2000e et seq. (Title VII)


Harassment Regulations and Guidelines

Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

Board Policy – 104, 317, 417, 517
| 1. Purpose | It is the Board's intent to establish reasonable and effective means of resolving difficulties which may arise among employees, to reduce potential areas of complaints, and to establish and maintain recognized two-way channels of communication between supervisory personnel and classified employees for situations not covered by the terms of a collective bargaining agreement. |
| 2. Authority | The Board adopts this policy to facilitate proper and equitable solutions to complaints at the lowest appropriate level, and to establish an orderly procedure within which solutions may be pursued. There shall be no reprisals of any kind taken against any employees or their representatives because of support of or participation in a complaint. |
| 3. Definition | **Complaint** - any unresolved problem or interpretation of State laws or regulations; policies or rules of the Board; and written administrative procedures. |
| 4. Guidelines | Complaints should be discussed in private, informal conferences between the parties involved or with the appropriate administrator. At least two (2) private meetings should take place between the parties before the complaint procedure is invoked. A complainant may be represented or accompanied at any higher level of authority by anyone of his/her choosing. If the same or substantially the same complaint is made by more than one employee against one respondent, only one employee, on behalf of him/herself and the other complainants, may process the complaint through the adjustment procedure. Names of all complainants shall appear on all documents related to settlement of the complaint. |
The time limits provided for in this policy may be extended by mutual agreement of the parties. Any decision not appealed within the time limits from one level to the next level shall be considered settled on the basis of the last decision and not subject to further appeal.

**Level One - Immediate Supervisor**

Within seven (7) days after the occurrence giving rise to the complaint, and following an informal discussion as outlined, the complainant must present his/her complaint in writing to the supervising administrator.

This statement shall be a clear, concise expression of the complaint; the rule, policy or law for which there is an alleged violation; circumstances on which the complaint is based; person(s) involved; decision rendered at the private conference; and the remedy sought.

Copies of this statement may be sent to any individuals who were present.

Within five (5) days the administrator shall communicate his/her decision in writing to the employee. If the administrator does not respond within the time limit, the complainant may appeal to the next level.

Either party to the complaint shall have the right to request a personal conference in order to resolve the problem. Either party may request the presence of one (1) conferee.

**Level Two - Superintendent/Assistant Superintendent**

Within seven (7) days after receiving the decision of the administrator at Level One, the complainant may appeal the decision to the Superintendent/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level One.

Within seven (7) days after delivery of the appeal, the Superintendent/Assistant Superintendent shall investigate the complaint, giving all persons who participated in Level One a reasonable opportunity to be heard.

Within seven (7) days after delivery of the appeal, the Superintendent/Assistant Superintendent shall submit his/her decision in writing, together with the supporting reasons, to the complainant and the administrators involved.
Level Three - The Board

Within seven (7) days after receiving the decision of the Superintendent/Assistant Superintendent the complainant may appeal the decision in writing to the Board.

The Board shall schedule the matter for a hearing at an executive session to be held within ten (10) days following receipt of the appeal.

The complainant and his/her conferee shall be present at the hearing.

Within ten (10) days the Board will submit its decision in writing, together with supporting reasons, to the complainant. A copy shall be furnished to the administrators involved.

The decision of the Board is final.

Miscellaneous Provision

All documents, communications, and records dealing with processing a complaint shall be filed in a separate file and shall not be kept in the personnel file of any of the participants.
## CLASSIFIED EMPLOYEES

### UNLAWFUL HARASSMENT

**ADOPTED:** October 18, 2000  
**REVISED:** March 17, 2011

### 548. UNLAWFUL HARASSMENT

<table>
<thead>
<tr>
<th>No. 548</th>
<th>Authority</th>
<th>Definitions</th>
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<tbody>
<tr>
<td>1. Authority</td>
<td>The Board strives to provide a safe, positive working climate for its administrative, professional and support employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.</td>
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<tr>
<td>2. Definitions</td>
<td>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.</td>
<td></td>
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</tbody>
</table>
| 43 P.S.  
Sec. 951 et seq  
20 U.S.C.  
Sec. 1681 et seq  
42 U.S.C.  
Sec. 2000e et seq  
42 U.S.C.  
Sec. 2000ff et seq  
29 CFR  
Sec. 1606.8(a) | The Board directs that complaints of harassment shall be investigated promptly, and corrective action taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. |
| 29 CFR  
Sec. 1606.8(a) | No reprimals nor retaliation shall occur as a result of good faith charges of harassment. |
| 42 U.S.C.  
Sec. 2000ff et seq  
29 CFR  
Sec. 1606.8(a) | For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, religion or genetic information 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. |
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.

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:

1. Acceptance of such conduct is made, explicitly or implicitly, 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 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.

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 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 an employee's ability to work or creates an intimidating, hostile or offensive working environment.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent or designee as the district's Compliance Officer.

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.

Each employee shall be responsible to maintain a working environment free from all forms of unlawful harassment.
The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

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.

3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

4. Guidelines

**Complaint Procedure – Employee/Third Party**

**Step 1 – Reporting**

An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to submit a written complaint, but oral complaints shall be acceptable.

**Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

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Harassment Regulations and Guidelines

Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

Board Policy – 104, 317, 417, 517
Employers should:

- Make employees aware of the Equal Employment Opportunity Commission and its role in enforcing the law.
- Provide training on anti-harassment policies.
- Establish clear policies against harassment.
- Encourage employees to report incidents.
- Investigate all complaints promptly.
- Take appropriate action against perpetrators.
- Provide a safe and comfortable workplace.
- Consider implementing a mentorship program.

Advice to Employees:

- If you are being harassed, document the incidents in detail.
- Report the behavior to a supervisor or designated person.
- Seek support from a colleague or union representative.
- Consider seeking legal advice.
- Take steps to mitigate any negative impact on your work or personal life.

Physical Harassment:

- Touching or physical conduct that is unwanted or offensive.
- Creating a hostile work environment.
- Engaging in sexual harassment.

Sexual Harassment:

- Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- Creating a hostile work environment.

Examples of Sexual Harassment:

- Comments about a person's sexual orientation.
- Sexual innuendo or jokes.
- Soliciting sexual favors in return for a job or promotion.
- Exposing oneself in a sexual manner.

Sexual Harassment: Inappropriate Behavior:

- Looking at someone in a sexual manner.
-aking or touching someone's body in a sexual manner.
- Making sexual comments about someone's appearance.
- Asking someone for a sexual favor.

Sexual Harassment: Inappropriate Acts:

- Touching someone in a sexual manner.
- Asking someone for a sexual favor.
- Making sexual comments about someone's appearance.
- Asking someone for a sexual favor.

Sexual Harassment: Inappropriate Acts:

- Touching someone in a sexual manner.
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Two Important Stops!

www.phrc.state.pa.us

This web site offers an inside look into the Pennsylvania Human Relations Commission. Emphasis is placed on providing information to individuals that may need answers to the questions “Have I been a victim of discrimination and do I need to file a complaint?” In response to a high volume of requests for information materials, all of the Commission’s publications and most recent annual reports are also available. The web site also features a Frequently Asked Questions section, plus a historical look back the Commission’s beginnings, how it functions, the responsibilities it has and the role it plays for the Commonwealth of Pennsylvania. Other program functions include a Legal section for recent Commission public hearing opinions and information on Housing and Commercial Property. Directions to each of the Commission’s four offices are also available on-line.

The second aspect of the web site is the bias-related incidents and the community services aspect of the Commission’s work. Bias-related incident statistics are available as is information on the state’s Hate Crime Law and the PA Inter-Agency Task Force on Civil Tension, which the Commission coordinates. Links are provided in education and community services to key state and national organizations that promote messages of equity, understanding, tolerance and respect for others.

www.stopbias.org

This web site provides quick access to information and resources for effective prevention and response to a wide range of bias-related incidents in Pennsylvania—from name-calling, to inter-group tensions, organized hate group activity or even hate crimes. Law enforcement officials; religious and community leaders; school and university students, teachers, administrators and parents; media journalists and elected leaders can all benefit from the site’s content.

The web site also offers a new, additional avenue for the reporting of bias-related incidents. The information gathered from these reports provides the building blocks for awareness and for the development of helpful strategies that can be offered to schools and communities throughout our Commonwealth.