

RIVERSIDE SCHOOL DISTRICT

SECTION: ADMINISTRATIVE
EMPLOYEES

TITLE: UNLAWFUL HARASSMENT

ADOPTED: December 7, 1992

REVISED: September 9, 2002
November 13, 2018

	348. UNLAWFUL HARASSMENT
1. Purpose	It is the policy of the Riverside School District to maintain an employment environment in which harassment in any form is not tolerated.
2. Authority Authority Title VII 42 U.S.C. Sec. 2000e et seq Title IX 20 U.S.C. Sec. 1681	<p>The Board prohibits all forms of unlawful harassment of employees by all district students and staff members, contracted individuals, vendors, volunteers and third parties in schools. The Board encourages employees 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 retaliations shall occur as a result of good faith charges of harassment.</p>
3. Definitions 29 CFR Sec. 1606.8 (a) 62 Fed. Reg. 12033 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)	<p>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, gender, age, disability, sexual orientation, or religion 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, hostile, or offensive work environment.2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or work environment.3. Otherwise adversely affects an individual's employment opportunities.

29 CFR Sec. 1604.11
(a)

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; sexually motivated physical conduct or verbal, written, graphic communications, or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive work environment (i.e., the conduct is sufficiently serious to limit an employee's ability to participate in or benefit from the work environment.)

Examples of conduct that may constitute sexual harassment include but are not limited to, unwelcome sexual physical contact; unwelcome ongoing or repeated sexual flirtation, advances, propositions, or remarks; sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions; graphic comments about an individual's dress or body; sexually degrading jokes, notes, stories, gestures, or pictures; spreading sexual rumors; touching an individual's body or clothes in a sexual way; displaying sexual objects; pictures, cartoons, calendars or posters; impeding or blocking movement in a sexually intimidating manner; 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.

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.

Ethnic harassment includes the repeated, unwelcome and offensive use of any derogatory word, phrase or action characterizing a given racial or ethnic group that creates an intimidating, hostile, or offensive educational environment.

4. Guidelines

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.

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.

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 a written report 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 findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

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.

Pol. 317, 417, 517

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, 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.

The Compliance Officer for the Riverside School District is:
Superintendent of Schools
Riverside School District
300 Davis Street, Taylor, PA 18517
(570) 562 - 2121

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)

Genetic Information Nondiscrimination Act of 2008 – 42 U.S.C. Sec. 2000ff et seq

Harassment Regulations and Guidelines

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

UPDATED: September 14, 2015



**SB Policy 348. ATTACHMENT
UNLAWFUL HARASSMENT
COMPLAINT FORM**

REPORTING:

- 1.) An employee or third party who believes that 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.
- 2.) If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

Name of Employee Filing Complaint: _____

Name of Employee Offender: _____

Date(s) Episode(s)/Event(s) Took Place: _____

Names of any Witnesses to Episode/Event: _____

Please Provide a Detailed Description of the Circumstances(s), Event(s), Place(s) and Manner in which you were harassed, offended or otherwise demeaned (please use the back of the form or an attachment):

In completing this form, I: <check one>

- ☐ I USED THE BACK OF THIS FORM
☐ I USED A SEPARATE ATTACHMENT AND I SIGNED THE ATTACHMENT
☐ I DIDN'T PROVIDE ANY ADDITIONAL DETAILS

In signing below as testimony to the above Statement and Information, I hereby state that the information provided is to the best of my ability true and accurate and made of my own volition:

Signature of Employee

Date

COMPLIANCE OFFICER (SUPERINTENDENT)
Riverside School District
300 Davis Street
Taylor, PA 18517
(570) 562 - 2121

