

NORTHERN LEHIGH SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: SEXUAL HARASSMENT

ADOPTED: May 10, 1999

REVISED: May 12, 2003

<p>1. Purpose Pol. 448</p> <p>2. Delegation of Responsibility</p> <p>3. Definition OCR USDE March 1997</p>	<p style="text-align: center;">448.1. SEXUAL HARASSMENT</p> <p>The Northern Lehigh School District Board of Directors seeks to establish a work environment free from sexual harassment and all forms of discrimination. Further, the Northern Lehigh School District Board of Directors is opposed to and will not tolerate a hostile, intimidating or offensive work environment resulting from conduct rising to the level of sexual harassment as defined in this policy. No employee, either male or female, should be subjected to unwelcome sexual overtures or conduct, either verbal or physical. This policy establishes a procedure by which all complaints regarding alleged or suspected conduct which is in violation of this policy shall be made and handled and sets out the forms of discipline an employee will be subject to if an employee conducts him/herself in violation of this policy.</p> <p>The Northern Lehigh School District Board of Directors directs the Superintendent and/or his/her designee to implement and carry out this policy.</p> <p>Sexual harassment for purposes of this policy is conduct which involves an unwelcome sexual advance, unwelcome sexual physical contact, request for sexual favors, and other verbal or physical conduct of a sexual nature under one of the following circumstances:</p> <ol style="list-style-type: none"> 1. Submission to such conduct is made explicitly or implicitly a term or condition of a person's employment. 2. Submission or rejection of such conduct by a person is used as a basis for employment decisions affecting such person. 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment including but not limited to slurs concerning sex or gender, jokes concerning sex or gender or degrading comments concerning sex or gender, repeated offensive sexual flirtation, sexual advances, or sexual propositions; unsolicited verbal or written sexual comments; graphic verbal comments about an individual's body; and/or the display in the workplace of sexually suggestive objects or pictures.
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<p>4. Guidelines</p> <p>Pol. 417</p>	<p>Sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcomed social relationship.</p> <p><u>Discipline For Harassment</u></p> <p>An employee whose conduct is determined by the district to constitute sexual harassment as defined in this policy will be subject to disciplinary action up to and including termination.</p> <p><u>False Accusations</u></p> <p>The district recognizes that false accusations of sexual harassment can have serious effects on innocent persons. Therefore, an employee who is determined by the district to have made false accusations of sexual harassment will be subject to disciplinary action up to and including termination.</p> <p><u>Reporting Responsibility</u></p> <p>Employees who believe they have been subjected to sexual harassment as defined by this policy by either an employee or non-employee and have complaints must report such conduct according to the guidelines of this policy. Likewise, employees who believe they have observed sexual harassment as defined by this policy by either employee or non-employee must report such conduct according to the guidelines of this policy.</p> <p><u>Investigation Responsibility</u></p> <p>All employees are expected to cooperate with an investigation. An employee who fails to cooperate with an investigation including but not limited to truthfully responding to all inquiries will be subject to disciplinary action up to and including termination.</p> <p><u>Confidentiality</u></p> <p>Information provided by employees in the course of an investigation will be treated as confidential and only be disclosed to individuals who have a need for the information or when it is required in the course of investigating the complaint.</p> <p><u>Complaint Reporting/Investigation Guidelines</u></p> <p>The following steps have been developed to promptly and properly respond to, investigate and conclude all complaints involving sexual harassment whether or not agreed to by the complainant.</p>
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Step One - An employee who believes that s/he has been subjected to sexual harassment as defined in this policy shall report within fifteen (15) working days of the incident of such conduct to the Superintendent and/or his/her designee. The report may be made by phone, by letter or in person.

Step Two - If not reported in writing, the employee shall complete a complaint in writing, stating completely the basis for the complaint, the names of the persons involved, identities and locations of any possible witnesses and the dates and time of any specific incidents and forward the written complaint to the Superintendent and/or his/her designee. The written complaint must be submitted within five (5) working days of the initial report to the Superintendent and/or his/her designee.

Step Three - The complaint will be investigated promptly by the Superintendent and/or his/her designee and a prompt determination will be made as to the allegations. During the investigation, the district reserves the right to take interim corrective action as deemed necessary by the district pending the final determination of the complaint. The complainant and accused will receive written notice of the determination of the investigation. Where investigations confirm the allegations, the Superintendent and/or his/her designee will take any necessary and appropriate corrective action including disciplinary action as set out in this policy.

Step Four - If the complainant and/or the accused feels unjustly aggrieved by the determination, the aggrieved complainant and/or accused will submit a detailed, written statement to the Superintendent and/or his/her designee indicating why the party is unjustly aggrieved by the determination. The detailed, written statement must be submitted to the Superintendent within fifteen (15) working days of the date of the notice of determination.

Step Five - The Superintendent and/or his/her designee will review all investigative documents and if determined necessary by the Superintendent and/or his/her designee, will promptly conduct further investigation.

Step Six - The Superintendent and/or his/her designee will make a prompt determination as to the aggrieved complainant and/or accused claim and take any necessary and appropriate corrective action including disciplinary action as set out in this policy.

A written notice of determination will be sent to the aggrieved complainant and/or accused.

Waiver of Procedure

The filing of litigation or a complaint with an administrative enforcement agency by the complainant will suspend all processing by the district of an internal complaint filed under this policy regarding the same subject matter and waive any and all rights the complainant is provided under this policy. Upon receipt of any final order by a court or administrative enforcement agency, any and all internal complaints pending with the district regarding the same subject matter will be dismissed.

Retaliation

Retaliation in the form of negative employment actions, against an employee who has reported sexual harassment is strictly forbidden. If an employee believes that s/he is being retaliated against because of a sexual harassment complaint, s/he must notify the Superintendent and/or his/her designee immediately.

Dissemination/Education of Policy

Each new employee shall be provided with a copy of this policy and made aware of its contents upon hire. Further, this policy shall be posted in the central office and all satellite offices and shall be disseminated to all employees of the district once a year.

Miscellaneous

The procedures and rights contained in this policy are not intended to supersede or circumvent any applicable procedures outlined in the School Code of Pennsylvania for determination of competence or any procedures for redress of grievances outlined in the applicable collective bargaining agreement made with the Board.

No provision of this policy shall be construed to supersede any section(s) of the School Code of Pennsylvania or any state or federal laws and/or regulations regarding, inter alia, discipline or separation of employees; nor shall these guidelines in any way be construed so as to limit the intent of other Board policies.