

ARTS ACADEMY ELEMENTARY CHARTER SCHOOL

Board Policy

CATEGORY: General

POLICY NUMBER: 102

TITLE: Harassment Prohibited

ADOPTED: August 16, 2018

REVISED:

<p>43 P.S. Sec. 951 <i>et seq</i> 20 U.S.C. Sec. 1681 <i>et seq</i> 42 U.S.C. Sec. 2000e <i>et seq</i> 42 U.S.C. Sec. 2000ff <i>et seq</i> 29 CFR Sec. 1606.8(a)</p>	<p>Authority:</p> <p>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 school to maintain an employment environment in which harassment in any form is not tolerated.</p> <p>The Board prohibits all forms of unlawful harassment.</p> <p>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 provided such confidentiality is consistent with the school's legal and investigative obligations.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of harassment.</p>
<p>42 U.S.C. Sec. 2000ff <i>et seq</i> 29 CFR Sec. 1606.8(a)</p> <p>29 CFR Sec. 1604.11(a)</p>	<p>Definitions:</p> <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, sex, age, gender identity, disability, sexual orientation, religion or genetic information when such conduct consists of any of the following:</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, 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. <p>For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written,</p>

graphic or physical conduct of a sexual nature where any of the following are true:

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.

Delegation of Responsibility:

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board shall appoint a Compliance Officer and publicly identify the name of the 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 administrator or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

- Inform the employee or third party of the right to file a complaint and the complaint procedure.
- Refer the complainant to the Compliance Officer, if the Director of Human Resources is the subject of the complaint.

The Director of Human Resources or designee shall be responsible to complete the following duty when receiving a complaint of unlawful harassment:

- Notify the complainant and the accused of the progress at appropriate stages of the procedure.

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 a school administrator.

The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the school administrator shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the Director of Human Resources to investigate the complaint, unless the Director of Human Resources 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 Director of Human Resources or the Compliance Officer 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 –School Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action up to and including dismissal.

Disciplinary actions shall be consistent with Board policies, administrative regulations and procedures 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 up to and including dismissal.

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 Director of Human Resources 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)

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)