SPRING-FORD AREA SCHOOL DISTRICT

SECTION: CLASSIFIED EMPLOYEES
TITLE: UNLAWFUL HARASSMENT
ADOPTED: March 25, 1995
REVISED: November 26, 2012

548. UNLAWFUL HARASSMENT

1. Purpose
   It is the policy of the Spring-Ford Area School district to maintain an employment environment in which harassment in any form is not tolerated.

2. Authority
   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.

   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.

   No reprisals or retaliations shall occur as a result of good faith charges of harassment.

3. Definition
   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:

   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.
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.

### 4. Guidelines

#### Procedures

**Step 1 – Reporting**

Any employee who believes s/he or another employee has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to his/her immediate supervisor, Superintendent or the Director of Human Resources.

The complainant is encouraged to use the report form; however, oral reports and other written reports will also be accepted.

The complaint, and the identity of the complainant and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law.
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<th>Step 2 – Investigation</th>
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| Each complaint will be promptly investigated by the Director of Human Resources; which will be done by means of an internal investigation, OR an Administrative Committee investigation (a determination will be made in collaboration with building administration and the Superintendent).

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.

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<th>Step 3 – Investigative Report</th>
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| The investigator shall prepare a written report at the conclusion of the investigation. The report shall include a summary of the investigation, a determination of whether the complaint had been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Copies of the report shall be provided to the complainant and the accused.

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<th>Step 4 – Sanctions</th>
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| Reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment or work assignments.

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 which may include disciplinary action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with Board policies and district 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, including termination.
SPRING-FORD AREA SCHOOL DISTRICT

UNLAWFUL HARASSMENT/SEXUAL HARASSMENT COMPLAINT FORM

The Complainant’s Name: _______________________________________________________________

The Respondent’s Name:  ________________________________________________________________

1. The Complainant alleges that:

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2. The Complainant alleges that the unlawful harassment/sexual harassment (check one):
   - [ ] Took place on or about _________________________________
   - [ ] Is of a continuing nature which has persisted up to and including the present.

3. The Complainant seeks the following relief:

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

4. Explain how you would like this resolved:

   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________
5. Additional information to be considered as part of this complaint:

_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

________________________________________, Complainant, hereby acknowledges that he/she is the Complainant herein; that he/she has read the foregoing Complaint and knows the contents thereof; that to the best of his/her knowledge, information, and belief the facts alleged are true and correct.

Complainant Signature: ________________________________ Date: ____________________

Complainant’s Contact Information:

Phone Number: ________________________________ Email Address: ________________________________

Address: _____________________________________________________________________________

Preferred Method of Communication: _____________________________________________________