

MOON AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SEXUAL HARASSMENT

ADOPTED: October 10, 2000

REVISED:

<p>1. Purpose Sec. 703 of Title VII of Civil Rights Act of 1964 Sec. 5(a) PHRC Act Title IX of the 1972 Education Amendments</p> <p>2. Authority</p> <p>3. Definitions EEOC Guidelines on Sexual Harassment Fed. Reg. Vol. 45 #219 PHRC Guidelines</p>	<p style="text-align: center;">248. SEXUAL HARASSMENT</p> <p>It is the policy of the Moon Area School District that all employees, students and others associated with the district should enjoy a working and learning environment free from all forms of discrimination, including sexual harassment.</p> <p>There is hereby established a policy strictly prohibiting all forms of sexual harassment in any work area, learning area, activity area or any other place under the permanent or temporary control of the school district, by or toward any administrative or professional staff member, full or part-time employee, contracted services employee, job applicant, visitor, student, coach, aide or volunteer of the Moon Area School District.</p> <p>Sexual harassment in any work area, learning area, activity area or any other place under the permanent or temporary control of the school district will not be tolerated. Every effort shall be made to maintain a learning and working environment free from all forms of sexual harassment. Appropriate sanctions shall be applied against all proven offenders of this policy.</p> <p>The following terms as defined below shall govern the use of these terms in all school district rules, regulations, procedures, policies or directives, whether written or oral.</p> <p>For the purpose of this policy, as well as in any rules, regulations or directives relative to this policy, academic is defined to include any school-sponsored activity, whether as a participant or as a spectator, including athletics, clubs, or special events.</p>
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An **allegation** is defined as an unproven claim being asserted or declared and which the asserting party undertakes to prove.

Explicit is defined as being unambiguous in expression, or as being so plain and distinct that there is no reason for ambiguity or difficulty in interpretation.

Implicit is defined as being implied, or capable of being understood from something else though unexpressed.

Sexual harassment is defined to include:

1. Any unwelcome sexual advances, request for sexual favors, or other verbal, visual or physical conduct of a sexual nature.
2. An explicit or implicit requirement of submission to sexual advances as a basis for an employment decision.
3. An explicit or implicit requirement of submission to sexual advances as a condition of employment, promotion, grades, or academic or social status.
4. Any case in which submission to or rejection of such conduct is used as the basis for any employment or academic decision affecting any individual.
5. Any case in which such conduct has the purpose or effect of interfering unreasonably with the individual's personal, professional, work or academic performance.
6. Any case in which such conduct creates or tends to create an offensive, hostile, or intimidating work or academic environment.
7. Actual or threatened retaliation against a person who complains or intends to complain of sexual harassment.

Furthermore, the following behavior, if unwelcome, may constitute sexual harassment:

1. Sexual comments.
2. Sexually-oriented, verbal "kidding" or joke telling.
3. Explicit or implicit pressure to engage in sexual activity of any nature.

	<ol style="list-style-type: none"> 4. Repeated remarks to a person, if such remarks have sexually demeaning implications. 5. Non-verbal gestures of a sexual nature. 6. Physical acts such as touching, pinching, patting, hugging, fondling, brushing up against, assault, or restricting an individual's movement. 7. Use of or display of visual objects such as sexually explicit photographs or posters. 8. Use of unwelcome terms of endearment. <p>Unwelcome is defined as being undesirable or unwanted or offensive to the harassed individual, and not solicited or incited by the individual.</p>
<p>4. Guidelines</p>	<p>The school district shall use, and hereby establishes, three (3) criteria for determining whether an action constitutes sexual harassment:</p> <ol style="list-style-type: none"> 1. Submission to the conduct is either an explicit or implicit term or condition of employment, promotion, grades, or academic or social status. 2. Submission to or rejection of the conduct is used as a basis for any decision affecting the person who did the submitting or rejecting. 3. The conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.
<p>5. Delegation of Responsibility</p>	<p>To the extent that such person has control over other persons, activities and environments, each administrator, supervisor, building principal, vice-principal, teacher, coach, aide or volunteer shall:</p> <ol style="list-style-type: none"> 1. Have the responsibility for maintaining a workplace, work area, learning area and/or activity area free of sexual harassment and intimidation. 2. Have the responsibility for the behavior of the employees, staff members, students, coaches, aides or volunteers under his/her immediate supervision.

3. Have the responsibility to ensure that all information concerning sexual harassment which they may receive in the form of rules, regulations, orders, procedures, policies, or other written or oral directives, is or has been disseminated to all subordinates under their supervision and that such subordinates are instructed as to the full meaning and application of all such directives.
4. Have the responsibility to immediately report to his/her immediate supervisor any actions viewed by him/her which, in his/her opinion, may be construed as falling within the definition of sexual harassment as contained within this policy, and/or any instances, reports or allegations of sexual harassment which come to his/her attention.
5. Have the responsibility upon receiving an allegation of sexual harassment to distribute a complaint form to the complainant and instruct him/her to deliver the same to the Superintendent; or in the alternative, deliver the completed complaint form to the Superintendent.
6. Have the responsibility of notifying the Superintendent in writing that a complaint was received and that a complaint form was distributed to the complainant.

Sexual harassment, as defined herein, in the workplace, work area, learning area, activity area or any other place under the control of the school district is strictly prohibited.

Reporting Procedures

Any employee, staff member, student, coach, athlete, aide or volunteer who feels s/he is or has been a victim of sexual harassment shall bring the matter to the immediate attention of any teacher, administrator, building principal, vice-principal, counselor, coach, assistant coach, or to the district Superintendent.

Any such reports of sexual harassment shall be forwarded to the Superintendent, as soon as possible, in writing, by the person who received such a report. The report shall be signed by the complainant and the person who received the report.

Reports shall be submitted on pre-printed forms which have been approved and distributed by the Superintendent. The Superintendent will make every reasonable effort to ensure that reporting forms are readily available to all district personnel.

If the complaint concerns alleged conduct by the Superintendent, the complaint form shall be delivered to the President of the Board.

Investigative Procedures

The Superintendent and/or his/her designee(s) shall promptly and thoroughly investigate all matters or allegations of sexual harassment.

The Superintendent and/or his/her designee(s) shall investigate all matters or allegations of sexual harassment in as confidential a manner as possible.

A full written report shall be completed by the Superintendent or his/her designee(s) within ten (10) days after the complaint is received. Such report may include, but shall not be limited to:

1. Written and/or transcribed verbal statement(s) of the reporting or aggrieved party.
2. Written and/or transcribed verbal statement(s) of the accused party.
3. Written and/or transcribed verbal statement(s) of all witnesses.
4. Factual findings and recommendations.

All written and/or transcribed verbal statement(s) shall be signed by the person offering such statements.

If the allegations are verified by the investigation, the Superintendent shall take appropriate corrective action as soon as practically possible after his/her receipt of or completion of the investigative report.

Within fifteen (15) days of the date when the complaint was filed, the Superintendent shall notify the complainant, in writing, as to:

1. Factual findings, recommendations and conclusions as to the accuracy of the charges alleged.
2. If appropriate, any decision as to disciplinary measures which have been, or are contemplated to be meted out.
3. A notification that further investigation of the charges is deemed necessary, and an estimated time limit for completing such further investigation.

<p>Pol. 218, 233</p>	<p>In all cases where the investigation has verified the allegations and a decision has been made to take disciplinary action against the accused, the complainant will be supplied a form (approved by the Superintendent) that:</p> <ol style="list-style-type: none"> 1. Clearly spells out the nature and extent of the disciplinary action. 2. Provides space for a response from the complainant as to whether s/he agrees with the disciplinary action that was or is to be taken. This form is to be dated and signed by the complainant and returned to the Superintendent. <p>If, after a complete and thorough investigation, the allegations remain unsubstantiated and unverifiable, but the Superintendent has reason to believe the accused's version of events, the Superintendent shall carefully record his/her conclusions in writing, and shall document all the steps that were taken in an attempt to verify the allegations. The Superintendent shall also document the basis for his/her decision regarding the allegations.</p> <p><u>Disciplinary/Administrative Measures</u></p> <p>If it is determined that any student has engaged in sexual harassment in violation of these policies, rules and regulations, s/he shall be subject to appropriate disciplinary action, up to and including suspension or expulsion.</p> <p>If it is determined that any other associate of the school district (such as a coach, assistant coach, contracted service employee, aide or volunteer) not employed by the district on a full-time basis has engaged in sexual harassment in violation of the policies, rules and/or regulations of the district, s/he shall be subject to appropriate administrative action, up to and including suspension or termination of the existing association.</p> <p>The procedures contained in this policy are not intended to supersede or circumvent any procedures outlined in the School Code for determination of competence.</p> <p>The provisions of this policy shall not be construed to supersede any section(s) of the School Code of Pennsylvania, nor shall this policy in any way be construed as to limit the intent of any other Board policies.</p> <p>If it is determined that any employee, student, or other associate has, with intent, falsely accused another of engaging in sexual harassment, s/he shall be subject to appropriate administrative or disciplinary action, at the discretion of the Superintendent.</p>
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The school district hereby recognizes that all allegations of harassment are not necessarily true, and acknowledges that employees, supervisors, students and associates may be unjustly accused.

The school district hereby affirms its resolve to protect the constitutional rights of all accused parties, to fairly and accurately investigate all allegations coming to its attention, and to apply all appropriate disciplinary or administrative sanctions when necessary.

In addition to any other rights and responsibilities granted or assigned to the Superintendent by this policy, the Superintendent shall:

1. Have the right to develop and distribute any additional rules, regulations and forms which s/he deems necessary to implement or enforce this policy, so long as such rules, regulations and forms are consistent with this policy.
2. Provide or arrange to provide adequate education to all affected parties as to the existence, meaning, purpose and effect of this policy.
3. Make sure that all affected parties are aware of the complaint procedure for reporting possible violations of this policy.
4. Make sure that complaint reporting forms are readily available to all appropriate parties at all times.