

SECTION: PROFESSIONAL EMPLOYEES

TITLE: UNLAWFUL HARASSMENT

ADOPTED: April 24, 2006

REVISED:

MOON AREA SCHOOL DISTRICT

<p>448.1. UNLAWFUL HARASSMENT</p>	
<p>1. Purpose</p>	<p>The Board strives to provide a safe, positive working climate for its employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.</p>
<p>2. Authority Title VI 42 U.S.C. Sec. 2000e et seq Title IX 20 U.S.C. Sec. 1681</p>	<p>The Board prohibits all forms of unlawful harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages employees and third parties 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 nor retaliation shall occur as a result of good faith charges of harassment.</p>
<p>3. Definition 29 CFR Sec. 1606.8 (a) 62 Fed. Reg. 12033 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)</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, 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, 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>29 CFR Sec. 1604.11 (a)</p> <p>4. Delegation of Responsibility Pol. 103</p>	<p>Harassment as defined can take the form of, but not limited to, derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.</p> <p>Harassment can take the form of the shunning of another employee.</p> <p>Computer technology, such as e-mail and web sites, can be a means for accomplishing harassing behavior. Such conduct, even if initiated outside of school, may be in violation of this policy if there is a valid nexus with the school and/or it disrupts the work environment.</p> <p>In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent/designee as the district's monitor.</p> <p>The Superintendent/designee 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 Superintendent/designee.</p> <p>The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.</p> <p>Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.</p> <p>The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:</p> <ol style="list-style-type: none"> 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 Superintendent/designee if the building principal is the subject of the complaint.
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<p>5. Guidelines</p>	<p><u>Complaint Procedure – Employee/Third Party</u></p> <p>Step 1 – Reporting</p> <p>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.</p> <p>If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Superintendent/designee.</p> <p>The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.</p> <p>Step 2 – Investigation</p> <p>Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Superintendent/designee. The Superintendent/designee 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.</p> <p>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.</p> <p>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.</p> <p>Step 3 – Investigative Report</p> <p>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.</p> <p>The findings of the investigation shall be provided to the complainant, the accused, and the Superintendent/designee.</p>
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<p>Pol. 317, 417, 517</p>	<p>Step 4 – District Action</p> <p>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.</p> <p>Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.</p> <p>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.</p> <p><u>Appeal Procedure</u></p> <ol style="list-style-type: none">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 Superintendent/designee within fifteen (15) days.2. The Superintendent/designee shall review the investigation and the investigative report and may also conduct a reasonable investigation.3. The Superintendent/designee 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.
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