



**NORTH ALLEGHENY
SCHOOL DISTRICT**

SECTION:	PROFESSIONAL EMPLOYEES
TITLE:	UNLAWFUL HARASSMENT
ADOPTED:	7/20/16
REVISED:	

448– UNLAWFUL HARASSMENT

Section 1. Purpose

The District strives to provide a safe, positive working environment for its employees. Therefore, it shall be the policy of the North Allegheny School District to maintain an employment environment in which harassment in any form is not tolerated.

Section 2. Authority

- a. 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. The Board encourages employees and third parties who have been harassed to promptly report such incidents to the designated administrators.
- b. The Board directs that complaints of harassment shall be investigated promptly, and corrective actions be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the North Allegheny School District’s legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of harassment.

Section 3. Definitions

- a. Harassment – shall consist of verbal, written, graphic, or physical conduct relating to an individual’s race, color, national origin/ethnicity, sex, age, disability, sexual orientation, religion, or genetic information when such conduct:
 - 1. Is sufficiently severe, persistent or pervasive that is 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.

43 P.S.
Sec. 951
Title IX
20 U.S.C.
Sec. 1681
29 CFR
Sec. 1606.8(a)

43 U.S.C.
Sec. 2000ff
29 CFR
Sec. 1606.8(a)

29 CFR
Sec. 1604.11(a)

- b. Sexual Harassment – any unwelcome/unwanted sexual advance or any form of improper physical conduct, sexual remarks, requests for sexual favors or other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:
1. Submission 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 used as 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.
 4. Examples of sexual conduct may include, but are not limited to:
 - Making sexual propositions or pressuring others for sexual favors.
 - Touching of a sexual nature.
 - Writing graffiti of a sexual nature.
 - Displaying or distributing sexually explicit drawings, pictures, or written materials.
 - Performing sexual gestures or touching oneself sexually in front of others.
 - Telling sexual or dirty jokes.
 - Spreading sexual rumors or rating others as to sexual activity or performance.
 - Circulating or showing images of a sexual nature via any electronic means.

Section 4. Delegation of Authority

- a. In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Director of Human Resources as the District’s Title IX Compliance Officer whose responsibility is to ensure that Federal and State regulations are complied with and that any complaints are dealt with properly in accordance with law. The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to employees. The publication shall include the position,

Title IX
20 U.S.C.
Sec. 1681

office address and telephone number of the Compliance Officer.

- b. The administration shall be responsible to provide training for employees regarding all aspects of unlawful harassment.
- c. Administrators/Directors/Supervisors, upon notification or knowledge of alleged harassment, have the duty to report unlawful harassment immediately to the Compliance Officer. It is the administrator's/director's/supervisor's duty to receive complaints from direct or indirect subordinates, intervene if s/he witnesses harassment, report possible harassment, and encourage employees to report harassment in accordance with Board Policy.
- d. The Superintendent will enforce the expectation that all will be responsible to maintain a work environment free from all forms of unlawful harassment.
 - 1. Inform employees or third party of the right to file a complaint and the complaint procedure.
 - 2. Notify the complainant and the accused of the progress as appropriate stages of the procedure.
 - 3. Refer to complainant to the Superintendent or designee if the Compliance Officer is the subject of the complaint.

Section 5. Guidelines

Complaint Procedure – Employee/Third Party

a. Reporting

- 1. 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 administrator/director/supervisor.
- 2. A District employee who suspects or is notified that an employee has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building administrator or director/supervisor.
- 3. If the building administrator is the subject of the complaint, the employee or third party shall report the incident directly to the Compliance Officer. The Compliance Officer will notify the Superintendent.
- 4. If the Compliance Officer is the subject of a complaint, the employee or third party shall report the incident directly to the Superintendent or designee.
- 5. The complainant is encouraged to use the report form available online,

23 P.C.S.
Sec. 6311

but oral complaints shall be acceptable.

b. Investigation

1. Upon receiving a complaint of unlawful harassment, the Compliance Officer shall immediately notify the Superintendent or designee. The Superintendent or designee shall authorize the Compliance Officer to investigate the complaint, unless the Compliance Officer is the subject of the complaint or is unable to conduct the investigation.
2. 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.
3. The obligation to conduct this investigation shall be negated by fact that a criminal investigation of the incident is pending or has been concluded.

c. Investigative Report

1. The Compliance Officer shall prepare and submit a written report to the Superintendent or designee 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 the policy, and a recommended disposition of the complaint.
2. The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

d. District Action

1. If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the North Allegheny School District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District Administrators or Supervisors shall document the corrective action taken and, where not prohibited by law, inform the complainant.
2. Disciplinary actions shall be consistent with Board policies and program procedures, applicable collective bargaining agreement, and state and Federal laws.
3. If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action.

e. Appeal Procedure

1. If the complainant is not satisfied with a finding of no violations of the

policy or with the recommended corrective action, s/he may submit a written appeal to the Superintendent or designee with fifteen (15) days.

2. The Superintendent or designee shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Superintendent or designee shall prepare a written response to the appeal within fifteen (15) days and shall inform the appellant of the outcome of any additional investigation performed, including the disposition of the appeal. Copies of the response shall be provided to the complainant, the accused, and the Compliance Officer.
4. The Compliance Officer may confirm, refuse, or modify any finding or corrective action as part of the appeal procedure.

References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination Law – 20 U.S.C. Sec. 1681 et seq. (Title IX)

Harassment Regulations and Guidelines

Code of Federal Regulations – 29 CFR Sec. 1604.1(a), 1606.8(a)

Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties