



SECTION: 248

TITLE: SEXUAL HARASSMENT

# NESHAMINY SCHOOL DISTRICT

1	I. PURPOSE	It is the policy of the Neshaminy School District to maintain a working and	1
2		learning environment free from sexual harassment. Sexual harassment is	2
3		hereby prohibited. Any employee of the District who engages in conduct	3
4		which constitutes sexual harassment as defined by this policy shall be subject	4
5		to discipline up to and including discharge. Any employee of the District who	5
6		is subjected to sexual harassment in the course of his or her employment or as	6
7		a result of his or her employment with this school district shall have the right	7
8		to file a complaint under this policy.	8
9			9
10	II. DEFINITIONS	<b>Sexual harassment</b> is a form of sex discrimination prohibited by Titles VII and	10
11		IX of the Civil Rights Act of 1964, as amended, and the Pennsylvania Human	11
12		Relations Act. The following behavior constitutes prohibited sexual	12
13		harassment for purposes of this policy:	13
14		Unwelcome sexual advances where:	14
15		<ul style="list-style-type: none"><li>• submission to such conduct is explicitly or implicitly required of recipient</li></ul>	15
16		<ul style="list-style-type: none"><li>• submission to or rejection of such conduct is used as the basis of school or</li></ul>	16
17		work related decisions affecting the recipient	17
18		<ul style="list-style-type: none"><li>• such conduct has the purpose or effect of unreasonably interfering with</li></ul>	18
19		the recipient's work or school performance or of creating an intimidating,	19
20		hostile, or offensive working or learning environment.	20
21		Requests for sexual favors where:	21
22		<ul style="list-style-type: none"><li>• submission to such conduct is explicitly or implicitly required of recipient</li></ul>	22
23		<ul style="list-style-type: none"><li>• submission to or rejection of such conduct is used as the basis of school or</li></ul>	23
24		work related decisions affecting the recipient	24
25		<ul style="list-style-type: none"><li>• such conduct has the purpose or effect of unreasonably interfering with</li></ul>	25
26		the recipient's work or school performance or of creating an intimidating,	26
27		hostile, or offensive working or learning environment	27
28		Other unwelcome verbal or physical conduct or communication of a sexual	28
29		nature where:	29
30		<ul style="list-style-type: none"><li>• submission to such conduct is explicitly or implicitly required of recipient</li></ul>	30
31		<ul style="list-style-type: none"><li>• submission to or rejection of such conduct is used as the basis of school</li></ul>	31
32		or work related decisions affecting the recipient	32
33		<ul style="list-style-type: none"><li>• such conduct has the purpose or effect of unreasonably interfering with</li></ul>	33
34		the recipient's work or school performance or of creating an intimidating,	34
35		hostile, or offensive working or learning environment	35

1		<b>POLICY 248 (con't)</b>	1
2		Two types of sexual harassment are recognized by the law:	2
3		• <i>Quid pro quo harassment</i> is unwelcome sexual conduct (advances,	3
4		requests for sexual favors, and other verbal or physical conduct of a sexual	4
5		nature) when submission to the conduct is made either explicitly or	5
6		implicitly a term or condition of a person's employment, or submission to or	6
7		rejection of the conduct is used as a basis for employment decisions	7
8		affecting the person.	8
9		• <i>Hostile environment harassment</i> is unwelcomed sexual conduct that has	9
10		the purpose or effect of unreasonably interfering with a person's work	10
11		performance or creating an intimidating, hostile, or offensive working	11
12		environment.	12
13			13
14		Although theoretically distinct, the line between the two is not always clear	14
15		and the two forms of harassment can often occur together. The EEOC	15
16		believes that when a constructive discharge is due to a hostile environment,	16
17		the claim also becomes a quid pro quo claim.	17
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19	III.	The Superintendent or his/her designee shall be responsible for the	19
20	IMPLEMENTATION	implementation of this policy and shall be trained as the District Sexual	20
21	OF PROCEDURES	Harassment Liaison Officer (DSHLO).	21
22		The Superintendent or his/her designee shall designate one person in each	22
23		school or unit to be trained as the Building Sexual Harassment Liaison Officer	23
24		(BSHLO).	24
25			25
26	IV.	The building level action will give the complainant the opportunity to seek a	26
27	COMPLAINT	conflict resolution meeting within the building setting. It is the job of the	27
28	PROCEDURES	BSHLO to listen to concerns and immediately investigate the accusation. The	28
29		BSHLO will meet with the parties concerned and guide them to a mutually	29
30		satisfactory agreement about the occurrence and a course of action. Action	30
31		may include, but not be limited to, an apology, counseling or further	31
32		mediation.	32
33			33
34		Should the BSHLO be the person accused of the sexual harassment or should	34
35		the complainant feel that the BSHLO is in some way responsible for the sexual	35
36		harassment, the complainant may bring his/her concerns directly to the	36
37		attention of the DSHLO.	37
38		The District level action will give the complainant an opportunity to complete	38
39		a written statement which will be submitted to the Superintendent or his/her	39
40		designee. It is the job of the DSHLO to read the statement and immediately	40
41		investigate the accusations. Action may include but not be limited to:	41
42		• the complainant and respondent agree on the resolution of the complaint	42
43		• the Superintendent uses the disciplinary code as set forth in the School	43
44		Board Policy dealing with Work Regulations and Guidelines to respond to	44
45		the complaint.	45
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1		<b>POLICY 248 (con't)</b>	1
2		Should the complainant feel there is a conflict of interest with the BSHLO she/	2
3		he may go directly to the DSHLO or to the Superintendent.	3
4		Should the complainant feel there is a conflict of interest with the DSHLO she/	4
5		he may go directly to the Superintendent.	5
6		Should the BSHLO feel there is a conflict of interest, she/he may refer the case	6
7		directly to the DSHLO or to the Superintendent.	7
8		Should the DSHLO feel there is a conflict of interest, she/he may refer the	8
9		case directly to the Superintendent.	9
10		<u>Formal Complainant Using Other Procedures</u> - This action will give the	10
11		complainant the opportunity to go directly to such agencies as the Equal	11
12		Employment Opportunity Commission, the Pennsylvania Human Relations	12
13		Commission, legal authorities, or a civil suit.	13
14			14
15	V.	The Neshaminy School District will respect the confidentiality of the	15
16	CONFIDENTIALITY	complainant, other parties and the individual(s) against whom the complaint	16
17		is made to the extent possible, consistent with the school district's legal	17
18		obligations and the necessity to investigate allegations of sexual harassment	18
19		and take appropriate action.	19
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21	VI. REPRISAL	The Neshaminy School District will not tolerate any retaliation against an	21
22		employee who complains of sexual harassment, regardless of the outcome	22
23		of the complaint.	23
24			24
25	VII.	Any employee of this District who is found to have engaged in conduct	25
26	CONSEQUENCES	constituting sexual harassment will be subject to disciplinary action as	26
27	OF THE	described in School Board Policy 227, 327, 427. In addition, any employee	27
28	VIOLATION OF	found to have violated this policy may be required to participate in	28
29	THIS POLICY	educational training activities, counseling, or mediation, as a condition of	29
30		continued employment. Determination of appropriate disciplinary sanctions	30
31		or educational or conciliatory requirements shall be based on circumstances	31
32		of the individual case, considering the following factors among others:	32
33		• severity of the misconduct	33
34		• persuasiveness or persistence of the misconduct	34
35		• effect on the victim or victims	35
36		• intent of the perpetrator.	36
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39	Approved: 10/24/89		39
40	Revised: 10/25/94		40
41	Reviewed: 2/4/2003		41
42	Revised: 3/2008		42
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