

# MIDDLE BUCKS INSTITUTE OF TECHNOLOGY

SECTION: PROFESSIONAL EMPLOYEES

TITLE: UNLAWFUL HARASSMENT

ADOPTED: July 1, 1991

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448. UNLAWFUL HARASSMENT	
<p>1. Purpose</p>	<p>The Executive Council is committed to providing a safe, positive working climate for all staff in the school. Therefore, it shall be the policy of the school to maintain a work environment in which harassment in any form, including ethnic and sexual harassment and discrimination, is not tolerated.</p>
<p>2. Authority 43 P.S. Sec. 951 et seq 20 U.S.C. Sec. 1681 et seq 42 U.S.C. Sec. 2000e et seq 42 U.S.C. Sec. 2000ff et seq 29 CFR Sec. 1606.8(a)</p>	<p>The Executive Council prohibits all forms of unlawful harassment of any employee, contracted individuals and vendors, and volunteers in the schools.</p> <p>The Executive Council encourages employees who have been harassed to promptly report such incidents to the designated person(s).</p> <p>The Executive Council directs that complaints of harassment shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of harassment.</p>
<p>3. Definitions OCR Guidelines on Sexual Harassment, Fed. Reg. Vol. 62, #49; PHRC Guidelines; PA Bulletin Vol. II, #5 Policy Memo OCR USDE March 1997</p>	<p>The term <b>harassment</b> includes but is not limited to repeated, unwelcome and offensive slurs, jokes, or other verbal, graphic, electronic or physical conduct relating to an individual's race, color, religion, ancestry, sex, sexual orientation, national origin, age, or handicap/disability that create an intimidating, hostile or offensive environment.</p> <p><b>Ethnic harassment</b> includes the repeated, unwelcome and offensive use of any derogatory word, phrase or action characterizing a given racial or ethnic group that creates an intimidating, hostile or offensive working environment.</p> <p><b>Sexual harassment</b> shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> <li>1. Submission to such conduct is made explicitly or implicitly a term or condition of employment.</li> </ol>

<p>4. Delegation of Responsibility</p>	<ol style="list-style-type: none"> <li>2. Submission to or rejection of such conduct is used as the basis for work decisions affecting the individual.</li> <li>3. Such conduct has the purpose or effect of substantially interfering with the employee's performance or creating an intimidating, hostile or offensive work environment.</li> </ol> <p>Examples of <b>sexual harassment</b> include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes, pin-ups, calendars, objects, graffiti, vulgar statements, abusive language, innuendoes, references to sexual activities, overt sexual conduct, or any conduct that has the effect of unreasonably interfering with a employee's ability to work or creates an intimidating, hostile or offensive working environment.</p> <p>The school shall annually inform its employees that unlawful harassment of other employees or students will not be tolerated. This will be done by publication in the staff handbook and posting of notice.</p> <p>The school shall provide training for employees concerning all aspects of unlawful harassment.</p> <p>Each employee shall be responsible to maintain an environment free from all forms of unlawful harassment by respecting the rights of fellow employees and students (see Policy 248).</p> <p>Employees shall be informed that they may choose to report harassment complaints to the building principal.</p> <p>If the building principal is the subject of a complaint, the staff member shall report the complaint directly to the Director.</p>
<p>5. Guidelines</p>	<p>When an employee believes that s/he is being harassed, the employee should immediately inform the harasser that the behavior is unwelcome, offensive or inappropriate. If the unwelcome, offensive or inappropriate behavior continues, the employee shall follow the established complaint procedures.</p> <p><u>Complaint Procedure</u></p> <ol style="list-style-type: none"> <li>1. An employee shall report a complaint of harassment, in writing and signed, to the immediate supervisor, who shall inform the employee of his/her rights and of the complaint process.</li> </ol>

	<p>2. The supervisor immediately shall conduct an impartial, thorough and confidential investigation of the alleged harassment.</p> <p>In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated.</p> <p>3. The supervisor shall prepare a written report summarizing the investigation and recommending disposition of the complaint. Copies of the report shall be provided to the complainant, the accused, the Director and others directly involved, as appropriate.</p> <p>4. If the investigation results in a substantiated charge of harassment, the supervisor shall take prompt corrective action to ensure the harassment ceases and will not recur.</p> <p><u>Discipline</u></p> <p>Pol. 317 417, 517 A substantiated charge against an employee shall subject such employee to disciplinary action, including discharge.</p> <p>Pol. 317, 417, 517 If it is concluded that an employee has made false accusations, such employee shall be subject to disciplinary action, consistent with the disciplinary policy and procedures, which may include discharge.</p> <p><u>Appeal Procedure</u></p> <p>1. If the complainant or accused is not satisfied with the supervisor's decision, s/he may file a written appeal to the Director.</p> <p>2. The Director shall review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare a written response to the appeal. Copies of the response shall be provided to the complainant, the accused, and others directly involved, as appropriate.</p> <p>References:</p> <p>Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.</p> <p>Federal Anti-Discrimination and Civil Rights Laws –</p> <p>20 U.S.C. Sec. 1681 et seq. (Title IX)</p>
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42 U.S.C. Sec. 2000e et seq. (Title VII)

Harassment Regulations and Guidelines

Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

Federal Register – 66 Fed. Reg. 5512

Executive Council Policy - 104, 317, 417, 517