

**LUZERNE
INTERMEDIATE
UNIT #18**

**SECTION: LUZERNE INTERMEDIATE
UNIT EMPLOYEES**

TITLE: UNLAWFUL HARASSMENT

ADOPTED: NOVEMBER 20, 2002

REVISED: JUNE 18, 2014

| 348. UNLAWFUL HARASSMENT | |
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| <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 intermediate unit to maintain an employment environment in which harassment in any form is not tolerated.</p> |
| <p>2. AUTHORITY TITLE VII 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 by all intermediate unit students and staff members, contracted individuals and vendors, and volunteers in the schools. The Board encourages employees 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 shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the intermediate unit's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good faith charges of harassment.</p> |
| <p>3. DEFINITIONS 29 CFR SEC. 1606.8 (a) 62 Fed. Reg. 120.33 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)</p> | <p>For purposes of this policy, harassment of an employee consists 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>For purposes of this policy, sexual harassment of an employee shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> 1. Acceptance of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is a term or condition of |

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| <p>4. DELEGATION OF RESPONSIBILITY</p> | <p>an individual's continued employment.</p> <p>2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.</p> <p>3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of creating an intimidating, hostile or offensive working environment.</p> <p>Examples of conduct that may constitute sexual harassment include but are not limited to sexual flirtations, advances, touching or propositions: verbal abuse or 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 an employee's ability to work or creates an intimidation, hostile or offensive learning or working environment.</p> <p>The intermediate unit shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment of employees will not be tolerated.</p> <p>The intermediate unit shall provide training for students and staff concerning 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>Each employee shall be responsible to respect the rights of intermediate unit staff and to ensure an atmosphere free from all forms of unlawful harassment.</p> <p>The building administrator or program coordinator shall be designated to receive harassment complaints. If the building administrator or program coordinator is the subject of the complaint, the complainant shall report the complaint directly to the Executive Director or designated administrator.</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> |

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| | <p><u>Complaint Procedure</u></p> <p>1. An employee shall report a complaint of harassment, orally or in writing, to the building administrator or program coordinator or a designated employee, who shall inform the employee of his/her rights and of the complaint process.</p> <p>2. The building administrator or program coordinator immediately shall notify the Executive Director or designated administrator and 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 building administrator or program coordinator 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 Executive Director and others directly involved, as appropriate.</p> <p>4. If the investigation results in a substantiated charge of harassment, the intermediate unit 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 intermediate unit staff member shall subject such a staff member to disciplinary action, including discharge.</p> <p>Pol. 218, 233 A substantiated charge against an intermediate unit student shall subject such student to disciplinary action, consistent with the Student Code of Conduct, and may include educational activities and/or counseling.</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, including termination.</p> <p><u>Appeal Procedure</u></p> <p>1. If the complainant or accused is not satisfied with the building administrator or program coordinator's decision, the employee may file a written appeal to the Executive Director.</p> <p>2. The Executive Director shall review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare</p> |
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| | <p>a written response to the appeal. Copies of the response shall be provided to the complainant, the accused, building administrator or program coordinator and others directly involved, as appropriate.</p> |
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