

BLOOMSBURG AREA SCHOOL DISTRICT Policy Manual
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Section: PROFESSIONAL EMPLOYEES

Title: SEXUAL HARASSMENT

Date Adopted: April 18, 1994

Date Last Revised: June 16, 2003

448. SEXUAL HARASSMENT

.1 Sexual Harassment Prohibited

It is the policy of the Bloomsburg Area School District to maintain a working and learning environment free from sexual harassment. Sexual harassment is hereby prohibited. Any employee of the district who engages in conduct that constitutes sexual harassment as defined in this policy shall be subject to discipline up to and including discharge. Any employee of the district who is subjected to sexual harassment in the course of his/her employment or as a result of his/her employment with this school district shall have the right to file a complaint under this policy.

.2 Definition of Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by Titles VII and IX of the Civil Rights Act of 1964, as amended, and the Pennsylvania Human Relations Act. The following behavior constitutes prohibited sexual harassment for purposes of this policy:

.21 unwelcome sexual advances; or

.22 requests for sexual favors; or

.23 other unwelcome verbal or physical conduct of a sexual nature,
where

.24 submission to such conduct is explicitly or implicitly required of the recipient; or

- .25 submission to or rejection of such conduct is used as the basis of school or work related decisions affecting the recipient; or
 - .26 such conduct has the purpose or effect of unreasonably interfering with the recipient's work or school performance or of creating an intimidating, hostile, or offensive working or learning environment.
- .3 Consequences of Violation of Policy
- .31 Any employee of this district who is found to have engaged in conduct constituting sexual harassment may be subject to discipline up to and including discharge. In addition, any employee found to have violated this policy may be required to participate in educational or training activities, counseling, or mediation, as a condition of continued employment. Determination of the appropriate disciplinary sanctions or educational or conciliatory requirements shall be based upon the circumstances of the individual case, considering the following factors among others;
 - .311 severity of the misconduct;
 - .312 pervasiveness or persistence of the misconduct;
 - .313 effect on the victim or victims;
 - .314 intent of the perpetrator.
- .4 Complaint Procedure
- .41 The Superintendent shall designate one individual as the district sexual harassment liaison. It shall be the said individual's responsibility to promptly and thoroughly investigate any and all sexual harassment complaints received or referred by other district staff, and make recommendations to the Superintendent based upon that investigation.
 - .42 Each building principal shall designate one individual to receive sexual harassment complaints from staff and students in that building. Each school year, staff and secondary students shall be notified of the identity of the designated individual, and shall be informed that the said individual is available to receive sexual harassment complaints, answer questions concerning sexual harassment, and assist in resolving problems within the building which may involve sexual harassment. Sexual harassment complaint forms shall be made available in each school office for individuals who would prefer to file such complaints in writing.
 - .43 Students and staff shall also be informed that they may lodge sexual harassment complaints with other appropriate individuals in the district. Students may lodge complaints with teachers, counselors, nurses, or

administrators. Staff may lodge complaints with their building principals or the district sexual harassment liaison, or may lodge complaints through their union representatives. All sexual harassment complaints so lodged shall be promptly and thoroughly investigated.

- .44 In the case of sexual harassment complaints lodged by staff members with the building principal or principal's designee, the principal or designee may, at the complainant's request, attempt to resolve the problem informally. If an informal resolution satisfactory to the complainant is reached, no further investigation or action by the district is required.
- .45 All other complaints not informally resolved to the complainant's satisfaction, and all complaints lodged by students against staff, shall be referred to the district sexual harassment liaison, who shall immediately initiate an investigation which shall include, but not be limited to, the following:
 - .451 interview of complainant
 - .452 interview of accused
 - .453 interview of any other persons with personal knowledge of the allegations of the complaint.

All employees involved in such an investigation shall maintain strict confidentiality.

.5 Disposition of Complaint

- .51 In all cases investigated by the district sexual harassment liaison, the results of the investigation shall be reported in writing to the Superintendent, the complainant and the accused. Such report shall include a conclusion and a summary of facts upon which such conclusion is based, and a recommendation as to remediation, if appropriate.
- .52 If the district sexual harassment liaison concludes that unlawful sexual harassment has occurred; the Superintendent shall determine appropriate remediation and/or discipline. Any disciplinary action shall be subject to limitations of the School Code and other applicable law and any applicable collective bargaining agreement.
- .53 If the district sexual harassment liaison concludes that no unlawful sexual harassment has occurred, the parties and the Superintendent shall be so notified. Under no circumstances shall any record of a complaint which is found to be without basis be released to any person other than the complainant, the accused, and the Superintendent, without consent of the accused, except by order of court.

- .54 If the investigation is inconclusive, the liaison shall so state in his/her report. The Superintendent may, in his/her discretion, order the complainant and the accused to participate in nondisciplinary remediation, including but not limited to meetings, training, counseling or mediation. Under no circumstances shall an accused or a complainant be disciplined based upon an inconclusive investigation.
- .55 If the district sexual harassment liaison concludes that the accused is not guilty of unlawful sexual harassment, and that the complaint was lodged in bad faith, then the Superintendent may impose appropriate discipline on the complainant, subject to limitations of law and applicable collective bargaining agreements. In addition, if the sexual harassment liaison concludes that the accused retaliated against the complainant in any way because of the complaint, then the Superintendent may impose appropriate discipline on the accused, subject to limitations of law and applicable collective bargaining agreements.