

# FAIRVIEW SCHOOL DISTRICT

SECTION: PROFESSIONAL  
EMPLOYEES

TITLE: SEXUAL HARASSMENT

ADOPTED: June 20, 1994

REVISED: May 23, 2001

<p>1. Authority Sec. 703 of Title VII of Civil Rights Act of 1964; Sec. 5(a) PHRC Act; Title IX of the 1972 Educ. Amendments</p> <p>2. Definition EEOC Guidelines on Sexual Harassment, Fed. Reg. Vol. 45, #219; PHRC Guidelines; PA Bulletin Vol. II, #5 Policy Memo Office of Civil Rights USDE August 1981</p>	<p style="text-align: center;">448. SEXUAL HARASSMENT</p> <p>It is the policy of the Fairview School District that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or offensive conduct, either verbal, written or physical.</p> <p>Sexual harassment lowers morale and is damaging to the work environment; it is also unlawful under both state and federal law. Therefore, the District will treat sexual harassment like any other form of employee misconduct, and it will not be tolerated.</p> <p>It is illegal and against the policies of this District for any employee, male or female, to sexually harass another employee by:</p> <ol style="list-style-type: none"> <li>1. Making acceptance of unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment.</li> <li>2. Making submission to or rejection of such conduct the basis for employment decisions affecting the employee.</li> <li>3. Creating an intimidating, hostile, or offensive working environment by such conduct.</li> </ol> <p><b>Sexual harassment</b> as defined above may include, but is not limited to, the following:</p> <p>Verbal harassment or abuse, pressure for sexual activity, repeated remarks to a person with sexual or demeaning implications, obscene or sexually-oriented jokes, inappropriate gestures or body language, unwelcomed touching or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's salary or job, or other aspects of one's employment.</p>
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<p>3. Guidelines</p>	<p>Sexual harassment also includes intimidating or hostile acts that are not sexual in nature, if they are directed toward students merely because of their gender.</p> <p>Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.</p> <p>Sexual harassment is particularly offensive when engaged in by any supervisor or person in authority. Any administrator or supervisor who conditions any hiring, promotion, scheduling, evaluation, disciplinary or other job-related decision on submission to advances or participation in such activities will be disciplined appropriately.</p> <p><u>Enforcement</u></p> <p>The District will act positively and promptly to investigate alleged sexual harassment claims and to effectively remedy them when an allegation is determined to be valid. The question of whether a particular action or incident occurred and whether it is prohibited behavior requires a determination based on all available facts.</p> <p>Given the nature of this type of discrimination, the District also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. Therefore, false accusations may result in the same severe disciplinary action applicable to one found guilty of sexual harassment.</p> <p>All share the responsibility for protecting the rights of employees. This responsibility also extends to sexual harassment by non-employees, such as contractors, vendors or visitors.</p> <p>The District prohibits retaliatory behavior against any complainant or any participant in the complaint process.</p> <p><u>Procedures</u></p> <p>The District, under the direction of the Superintendent, will investigate and resolve complaints in involving sexual harassment of employees. Any employee who believes that s/he has been subjected to their immediate supervisor, building principal, or the Assistant Superintendent (or to the Superintendent of the Assistant Superintendent is involved in some way in the harassment). In the event a complaint is made to an administrator or supervisor, the Assistant Superintendent will be notified immediately. If the Superintendent is involved in the alleged harassment the report should be made to the Board President.</p>
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<p>Pol. 317, 417, 517</p>	<p>Any reports of violation of this policy will be managed with strict confidence. Disclosures will be made only to the extent necessary to thoroughly investigate the report and resolve the problem.</p> <p>After a prompt and thorough investigation has been completed, a review of the results will be made. Any employee who is found to have violated this policy will be subject to discipline, up to and including termination.</p> <p>The School Board President shall report harassment complaints to the School Solicitor and the Labor Attorney.</p>
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