

**MONTGOMERY
COUNTY
INTERMEDIATE
UNIT #23**

SECTION: EMPLOYEES
TITLE: UNLAWFUL HARASSMENT
ADOPTED: MAY 26, 2010
REVISED:

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| <p>1. Authority</p> <p>43 P.S. Sec. 951 et seq 20 U.S.C. Sec. 1681 et seq 42 CFR Sec. 2000e et seq</p> <p>2. Definitions 29 CFR Sec. 1606.8 (a) 66 Fed. Reg. 5512</p> | <p style="text-align: center;">348. UNLAWFUL HARASSMENT</p> <p>The Board strives to provide a safe, positive learning climate for its administrative, professional and support employees. Therefore, it shall be the policy of the Intermediate Unit to maintain an employee environment in which harassment in any form is not tolerated.</p> <p>The Board prohibits all forms of unlawful harassment of employees and third parties by all Intermediate Unit students and staff members, contracted individuals, vendors, volunteers, and third parties in Intermediate Unit programs. The Board encourages employees and third parties who have been harassed to promptly report such incidents to the designated employees.</p> <p>The Board directs that complaints of harassment shall be investigated promptly, and correction action taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the Intermediate Unit’s legal and investigative obligations.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of harassment.</p> <p>For purposes of this policy, unlawful harassment shall consist of verbal, written, graphic or physical conduct relating to an individual’s race, color, national origin/ethnicity, sex, 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. |
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| <p>29 CFR Sec. 1604.11 (a)</p> | <p>For purposes of this policy, sexual harassment 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 such conduct is made, explicitly or implicitly a term or condition of an individual’s continued employment. 2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual. 3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employees’ job performance or creating an intimidating, hostile or offensive working environment. <p>Examples of conduct that may constitute sexual harassment 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 used 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 intimidating, hostile or offensive working environment.</p> |
| <p>3. Delegation of Responsibility Pol. 104</p> | <p>In order to maintain work environment that discourages and prohibits unlawful harassment, the Board designates the Assistant Executive Director/Director of Human Resources as the Intermediate Unit’s Compliance Officer.</p> <p>The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer</p> <p>Each employee shall be responsible to maintain a working environment free from all forms of unlawful harassment.</p> <p>The Compliance Officer shall be responsible to complete the following duties upon receipt of each complaint of unlawful harassment:</p> <ol style="list-style-type: none"> 1. Inform the employee or third party of the right to file a complaint and the complaint procedure. 2. Notify the complainant and the accused of the progress at appropriate stages of the procedure. 3. Refer the complainant to the Executive Director if the Compliance Officer is the subject of the complaint. |

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If it is concluded that an employee has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Executive Director within ten (10) days.
2. The Executive Director shall meet with the complainant within ten (10) days of the receipt of the complaint, review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Executive Director shall prepare a written response to the appeal within ten (10) days. Copies of the response shall be provided to the complainant, the accused and the Compliance Officer.

References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination and Civil Rights Law –

20 U.S.C. Sec. 1681 et seq. (Title IX)

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

Board Policy – 000, 104, 317