

TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEE

TITLE SEXUAL HARASSMENT

ADOPTED: JUNE 7, 1993

REVISED: MARCH 11, 2002
FORMERLY 1140 AR

448 AR 2. SEXUAL HARASSMENT

PURPOSE

It is the policy of the Turkeyfoot Valley Area 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 conduct, either verbal or physical.

AUTHORITY

Sexual harassment lowers morale and is damaging to the work environment; it also is illegal. Therefore, the District will treat sexual harassment like any other form of employee misconduct, and it will not be tolerated.

DEFINITION

It is illegal and against the policies of this district for any employee, male or female, to sexually harass another employee by:

- a. Making acceptance of unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of an employee's continued employment.
- b. Making submission to or rejection of such conduct the basis for employment decisions affecting the employee.
- c. Creating an intimidating, hostile or offensive working environment by such conduct.

Sexual harassment as defined above may include , but is not limited to, the following: verbal harassment or abuse; pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications; unwelcome touching; suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's salary, job etc.

ENFORCEMENT

The District will act positively to investigate alleged sexual harassment claims and to effectively remedy them when an allegation is determined to be valid.

The District will enforce disciplinary action against any person who threatens or insinuates either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any condition of employment or career development. This discipline can include termination.

	<p>Given the nature of the 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 will result in the same severe disciplinary action applicable to one found guilty of sexual harassment.</p>
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SEXUAL HARASSMENT COMPLAINT FORM – STEP 1

Name: _____

Department: _____

Position: _____

Date: _____

I would like to make the following complaint:

(Describe the problem specifically including the date(s) of the problem, what happened, who was involved, whether there were any witnesses and anything else you believe is important for the District to know.)

Describe how the incident you are complaining about has affected you.

What would you like to see done about this problem?

SEXUAL HARASSMENT INTERVIEW – STEP 2

(These questions provide a general outline only and should be supplemented where necessary with more specific questions relating to the incident.)

1. Please review what you said about _____ in the complaint you made against them. What were the circumstances surrounding the problem? Did anyone else witness the problem?
2. Have you had any other problems with _____? If yes, when and what?
3. Have you ever heard of any other employees having any problems with _____? If so, who, what and when?
4. What is _____ reputaton among the other employees?
5. Do you feel uncomfortable working with _____? Did you feel uncomfortable before this incident?

CONSULTATION MEETING SUMMARY – STEP 3

Date: _____

Present: _____

Complainant: _____

Accused: _____

Summary of Allegations:

Accused's Response:

Terms of agreement for conciliation satisfactory to both parties (if any*)

(* Attach letter signed by complainant summarizing allegation and satisfaction with proposed remedy.)

ADMINISTRATIVE HEARING ON SEXUAL HARASSMENT CLAIM – STEP 4

Date: _____

Subject: _____

Present: _____

Summary of Complainant's Allegations:
(Attach complainant's written statement)

Summary of Accused's Response:
(Attach accused's written response)

Finding the Fact:

1. Attach copy of written recommendations for discipline and warning letter if given.
2. Both parties shall receive written notice of the decision rendered within ten working days of the administrative hearing.
3. If the accused employee so requests, or if the person conducting the hearing determines that an accused employee should be recommended for demotion or dismissal, or that the employee should be suspended without pay, then a hearing shall be scheduled before the Board of Directors no later than the next regularly scheduled meeting, provided that the scheduled meeting, provided that the scheduling protects the employee's rights to notification.
4. Any recommendations for demotion or dismissal of the accused, together with a detailed statement of charges on which proposed demotion or dismissal is based shall be given to the employee and shall be presented to the Board in writing.

SAMPLE LETTER OF WARNING

Re: Letter of Warning

Dear _____:

The purpose of this letter is to provide you with a written warning concerning certain behavior by you directed against _____.

As you are aware, _____ filed a sexual harassment complaint against you arising from an incident(s) that occurred on _____. We have dealt with that complaint in accordance with the procedure outlined in the District's Sexual Harassment Policy.

As required by the Procedures outlines in Section 5 of the Policy, an administrative conference was held on _____. A summary of that conference is attached hereto as Exhibit A. As a result of that conference, the District found: (summarize findings). Such an action was in violation of the District's Sexual Harassment Policy and cannot be tolerated without a disciplinary response.

In the future you will refrain from any acts directed against co-workers or students that may be considered sexual harassment as set forth in the district's policy manual. Failure to comply fully with this administrative directive will subject you to further discipline that could include discharge.

As a result of the conference, including your acknowledgement and apology for your behavior against _____ as well as your agreement that this letter of warning will be placed in your file, _____ has expressed satisfaction with the District's handling of his/her complaint. He/She has acknowledged that she no longer feels she is in a hostile or intimidating environment created by your actions.

If you wish, you may provide a written response to this letter of warning. Any such response will be placed in your personnel file. If you have any questions regarding this letter of warning, please discuss them with your Association Representative.

Sincerely,

Superintendent, Turkeyfoot Valley Area School District

BOARD HEARING – STEP 5

1. Any hearing before the Board of Directors regarding demotion, dismissal or suspension without pay is a new hearing and all parties should be informed of this fact.
2. Board hearings for employees will be conducted in public session unless the employee requests a private hearing. The employee will have the same rights as for administrative conferences including the right to a notification period of ten (10) working days.
3. Any disciplinary action taken will be appropriate to the infraction involved and will include the right of the employee to reply, in writing, to any charges or discipline taken against him/her and to include such reply to his/her personnel file.
4. If any employee chooses to resign as a result of charges made against him/her at any stage in the above procedures, the written documentation of charges made against the employee will be sealed and impounded, and acceptance of the resignation will be recommended to the Board of Directors without prejudice. Such resignation must be submitted prior to a final decision by the Board of Directors. It must also state that the resignation is voluntary, constitutes a waiver and release of all claims and is submitted in a form acceptable to the District.
5. If there is a subsequent request for references or recommendations for prospective employers after and employee resigns as a result of the charges or after a suspension, demotion, or dismissal, the reference will be limited to a statement that the person was employed by the District, the duration of employment, a description of the assigned duties and a statement that the person resigned voluntarily.
6. If the resigned employee files a claim for unemployment compensation benefits the sealed charges will be opened to allow the District to contest the unemployment claim.