

**Policy 348: Harassment and Discrimination of Employees  
Administrative Procedures/Complaint Procedures**

An employee or third party may utilize either the informal or formal complaint procedure.

**Informal Complaint Procedure – Employee/Third Party**

Where behaviors may be offensive and the offended party has a desire to stop the behavior(s) without resorting to the formal procedure, the employee or third party may notify the offending party directly, but is not required to do so. The employee or third party may also request a supervisor to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated in the workplace. In such case, the supervisor must discuss the matter with the alleged offender, and, if warranted, require that s/he participate in non-disciplinary counseling. The supervisor shall document actions taken and inform the Chief Talent Officer in writing. Copies will also be forwarded to the Law Department of the School District of Philadelphia. The accused shall have the right of representation during his/her interview with the supervisor as required by the applicable collective bargaining agreement.

If the complainant is not satisfied with the result of the informal process, s/he may submit a formal complaint in accordance with this policy.

**Formal Complaint Procedure – Employee/Third Party**

**Step 1 – Reporting**

An employee or third party who believes s/he has been subject to conduct by any employee or third party that constitutes a violation of Policy 348 is encouraged to immediately report the incident to the building principal/immediate supervisor.

If the building principal/immediate supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Title IX Deputy Coordinator. Additionally, if the building principal/immediate supervisor is unable to conduct the investigation, the employee or third party shall report the incident directly to the Title IX Deputy Coordinator.

The complainant is encouraged to use the report form available from the building principal/immediate supervisor.

## **Step 2 – Investigation**

Upon receiving a written complaint of unlawful harassment or sex discrimination, the building principal/immediate supervisor shall immediately notify the Title IX Deputy Coordinator(s). The Title IX Deputy Coordinator(s) shall authorize the building principal/immediate supervisor to investigate the complaint, unless the building principal/immediate supervisor is the subject of the complaint or is unable to conduct the investigation.

The building principal or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence. Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The investigator shall attempt to secure statements from all participants in and witnesses to the complaint. The accused shall have the right of representation during his/her interview as required by the applicable collective bargaining agreement or district practice.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded, unless particular procedural steps would directly impede a criminal investigation. The investigator should coordinate with any other ongoing school or criminal investigations of the incident. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.

The failure of the accused to participate in the investigation into a written complaint shall be grounds for discipline, up to and including possible discharge for cause.

All investigations shall be completed by the assigned investigator within thirty(30) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Title IX Deputy Coordinator(s). The extension must be

a specified period of time not exceeding twenty-five (25) days, and must be communicated to the complainant.

### **Step 3 – Investigative Report**

The building principal/immediate supervisor shall prepare and submit a written report to the Title IX Deputy Coordinator(s), which shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, the basis for the determination, and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition of the complaint. The accused shall not be notified of the individual remedies offered or provided to the complainant.

### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to remedy the discriminatory effect on the victim or complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with SRC policies, administrative procedures, applicable collective bargaining agreements, and state and federal laws and may include counseling, suspension, reassignment or termination. The corrective action may include, but is not limited to, appropriate supports and interventions for students who are either victims or perpetrators or improper conduct, in accordance with District services and programs, which may include Tier II and II or Response to Instruction and Intervention (RtII); Positive Behavior Interventions & Supports (PBIS); Student Assistance Program (SAP); counseling services; parent meetings; referrals to appropriate resources outside of the District; student discipline pursuant to the Code of Student Conduct; employee discipline in accordance with any applicable collective bargaining agreement or contract, including but not limited to counseling, suspension, expulsion.

If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, up to and including possible discharge.[11]

### **Appeal Procedure**

1. If the complainant or accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Title IX Deputy Coordinator(s) within fifteen (15) days of her/his receipt of written notice of final disposition/action taken. The appeal will be conducted in an impartial manner by an impartial decision-maker.
2. The Title IX Deputy Coordinator(s) shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Title IX Deputy Coordinator(s) shall prepare a written response to the appeal within fifteen (15) days. This time period may be extended by the Title IX Deputy Coordinator(s) under circumstances where winter, spring or summer break coincides with the investigatory period or for other reasonable cause. Copies of the response shall be provided to the complainant, the accused and the building principal/immediate supervisor who conducted the initial investigation.

The name and contact information for the District's Title IX Deputy Coordinator for inquiries related to Policy 348 is:

Chief Talent Officer  
440 N. Broad Street  
Philadelphia PA 19130  
215-400-4600