

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Harassment and

Discrimination of Employees

ADOPTED: October 15, 1996

REVISED: March 15, 2018

348. HARASSMENT AND DISCRIMINATION OF EMPLOYEES

Authority

The School Reform Commission strives to provide a safe, positive working climate for its administrative, professional and support employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment or sex discrimination in any form is not tolerated.

The SRC prohibits all forms of harassment and sex discrimination (including sexual harassment, sexual assault and sexual violence) of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The SRC encourages employees and third parties who have been harassed or discriminated against to promptly report such incidents to the designated administrators. [1][2][3][4][5][6]

While harassment and sex discrimination will not be tolerated by any employee, supervisors shall be held to the highest of conduct standards and shall be subject to a higher level of discipline when engaging in harassment or sex discrimination.

The SRC directs that complaints of harassment or sex discrimination shall be investigated promptly, and corrective action taken when allegations are substantiated, in accordance with the provisions of any applicable collective bargaining agreement and state and federal laws. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. Only those with a "need to know" will be apprised of the complaint, and staff participants in the complaint process shall be informed of their duty of confidentiality to the process as well.

The basic rights of all concerned shall be respected at all times. No reprisals nor retaliation shall occur as a result of good faith charges of violation of this policy or participation in an investigation.

Definitions

For purposes of this policy, harassment shall consist of verbal, nonverbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, religion or gender information when such conduct: [4][5]

1. Is severe, persistent or pervasive enough 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.

For the purposes of this policy, sexual discrimination is unequal treatment of any person on the basis of sex unless expressly authorized by statute or regulation. Sexual discrimination may include sexual harassment, sexual violence and sexual assault.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:[6]

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 severe, persistent or pervasive enough that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment, as defined above, include but are not limited to, sexual propositions; touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating others as to sexual activity or performance; circulating or showing emails or websites of a sexual nature.

For purposes of this policy, the term sexual harassment includes sexual assault and sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.[2][7]

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits harassment and sex discrimination, the SRC designates the Chief Talent Officer as the district's Title IX Deputy Coordinator relating to employees and third parties.

The Title IX Deputy Coordinator(s) 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 name, position, office address, telephone number and email address of the Title IX Deputy Coordinator(s).

Chief Talent Officer/Title IX Deputy Coordinator
440 N. Broad Street
Philadelphia PA 19130
215-400-4600
employeetitleIXcomplaints@philasd.org

The administration shall be responsible to provide training for students and district employees regarding harassment and sex discrimination and the district's policy prohibiting harassment and sex discrimination, including procedures for the filing and investigation into complaints.

The Superintendent or designee shall develop Administrative Procedures/Complaint Procedures to implement this policy.

Each employee shall be responsible to maintain a working environment free from all forms of harassment and sex discrimination.

Any supervisor who receives a harassment or sex discrimination complaint or who has reason to believe such action is occurring shall refer to SRC policy and the procedures for processing harassment or sex discrimination complaints.

The building principal/immediate supervisor or designee shall be responsible to complete the following duties when receiving a complaint pursuant to this policy:

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 Title IX Deputy Coordinator(s) if the building principal/immediate supervisor is the subject of the complaint.
4. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Legal References:

1. 43 P.S. 951 et seq
2. 20 U.S.C. 1681 et seq
3. 42 U.S.C. 2000e et seq
4. 42 U.S.C. 2000ff et seq
5. 29 CFR 1606.8
6. 29 CFR 1604.11
7. Office for Civil Right – Questions and Answers on Title IX Sexual Violence