

THE SCHOOL DISTRICT OF
PHILADELPHIA

No. 348

Section: 300 Employees

Title: Harassment and
Discrimination - Employees

Adopted: October 15, 1996

Revised: June 23, 2022

348 HARASSMENT AND DISCRIMINATION - EMPLOYEES

Purpose

The Board of Education (“Board”) is committed to providing a safe, positive working climate for its employees. The purpose of this policy is to require the District to maintain a work environment in which harassment and discrimination in any form is not tolerated and to establish procedures for handling reports of harassment and discrimination.

Definitions

For purposes of this policy, terms are defined as follows:

Discrimination: To treat individuals differently or to harass or victimize based on one or more known or perceived protected classifications including race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class.

[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

Harassment: A form of discrimination based on an individual's known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, sexual misconduct, or other conduct that may be harmful or humiliating or interfere with a person’s work performance, including when: [\[9\]](#)

- a. Submission to such conduct is made explicitly or implicitly a term or condition of an employee’s status; or
- b. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or

- c. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, an individual may be targeted because of their race and sexual orientation.

Title IX sexual harassment: Conduct on the basis of sex, that satisfies one or more of the following: [\[18\]](#)

- A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking.

Examples of conduct on the basis of sex or gender, 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 other students as to sexual activity or performance; and circulating or showing emails or websites of a sexual nature.

Authority

As required by federal, state, and local laws and regulations, the Board shall provide for an equal opportunity for all employees and prohibits discrimination in the workplace, including harassment which is a form of discrimination, on the basis of race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. [\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]\[10\]\[11\]\[12\]](#)

The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Office of Employee and Labor Relations, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits harassment and discrimination, the Board directs the Superintendent or their designee in the Office of Talent to ensure this policy is consistently enforced.

The Compliance Officer/Title IX Coordinator can be contacted at:

Deputy, Employee & Labor Relations

440 N. Broad Street

Philadelphia PA 19130

215-400-4600

employeetitleIXcomplaints@philasd.org

The Board directs the Superintendent or their designee, through the Office of Talent, to develop administrative procedures to implement this policy, including timeframes for the conclusion of the complaint processes. [20][21]

Any employee who receives a complaint regarding conduct that is a violation of this policy or who witnesses or has reason to believe such conduct has or is occurring shall immediately report such conduct to the Office of Employee & Labor Relations in accordance with this Policy and its Administrative Procedures.

The Office of Employee and Labor Relations shall fulfill designated responsibilities, ensure adequate nondiscrimination procedures are in place, and recommend new procedures or modifications to procedures, as well as the following:

1. Publish and disseminate this policy and related procedures and post a notice of nondiscrimination as required by applicable law.
2. Coordinate the provision of training for staff to identify, investigate, and alleviate problems of discrimination and harassment, including sexual harassment. [22]
3. Monitor and provide technical assistance to individuals involved in managing complaints.
4. Maintain and provide information to staff on resources available to complainants in addition to the complaint procedure.

Mandatory Regulatory Procedures

The Board prohibits all forms of harassment and discrimination of employees and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The District seeks to recruit, hire, and place into available jobs the most qualified persons and to administer personnel matters such as compensation; benefits; promotion; transfer; training; layoffs; discipline; and termination in accordance with law and Board policy.

This policy applies to employees, contractors, interns, volunteers, and third parties in connection with all the academic, educational, extracurricular, athletic, and other programs or operations of the District, whether those programs take place in a District facility, on a school bus, in transit to

and from a school or other District facility, at a class or training program sponsored by the District at another location, or elsewhere. The policy also may apply to any off-duty conduct that impacts the workplace.

The Board directs that complaints of harassment or discrimination shall be investigated promptly, and corrective action taken when allegations are substantiated, in accordance with this Policy and Administrative Procedures, the provisions of any applicable collective bargaining agreement, and state and federal laws.

Upon receipt of a complaint, the Office of Employee & Labor Relations shall conduct an assessment to determine the appropriate process for handling the complaint. If the reported circumstances, as alleged, would be sufficient to meet the definition of Title IX sexual harassment the report shall be addressed through [Administrative Procedure B: Title IX Sexual Harassment](#). All other complaints of harassment or discrimination shall be addressed through [Administrative Procedure A: Harassment and Discrimination - Employees](#).

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of harassment or discrimination, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the administrative procedures to this policy, and the District's legal and investigative obligations. [\[13\]\[14\]\[15\]\[16\]\[17\]](#)

The basic rights of all concerned shall be respected at all times. All parties will be treated with dignity and due process.

Retaliation

The Board prohibits retaliation by the District or any other person against any person for: [\[16\]](#)

- Reporting or making a formal complaint of any form of harassment, discrimination, or retaliation, including Title IX sexual harassment;
- Testifying, assisting, or participating in a related investigation, process, or other proceeding or hearing; or
- Acting in opposition to practices the person reasonably believes to be discriminatory. The District, its employees, and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Office of Employee and Labor Relations immediately if retaliation is believed to have occurred.

Disciplinary Consequences

Violations of this policy, including acts of retaliation, may result in disciplinary consequences, up to and including termination, or other corrective actions, under applicable Board policy and procedures, or applicable collective bargaining agreements. [22][23][24]

Employee Code of Ethics

Each employee shall be responsible to respect the rights of their fellow employees, third parties, and District students and to conduct themselves in a manner free from all forms of harassment and discrimination. [25]

Accommodations

The District shall make reasonable accommodations for qualified individuals with a disability consistent with the requirements of federal and state laws and regulations. Additionally, the District shall make reasonable accommodations for sincerely held religious beliefs consistent with the requirements of federal and state laws and regulations.

[1][2][3][4][5][6][7][8][9][10][11]

Legal References:

1. [1. 43 P.S. 336.3](#)
2. [2. 43 P.S. 951 et seq](#)
3. [3. 34 CFR Part 106](#)
4. [20 U.S.C. 1681 et seq](#)
5. [29 U.S.C. 206](#)
6. [29 U.S.C. 621 et seq](#)
7. [29 U.S.C. 794](#)
8. [42 U.S.C. 1981 et seq](#)
9. [42 U.S.C. 2000e et seq](#)
10. [42 U.S.C. 2000ff et seq](#)
11. [42 U.S.C. 12101 et seq](#)
12. [U.S. Const. Amend. XIV, Equal Protection Clause](#)
13. [20 U.S.C. 1232g](#)
14. [34 CFR 106.44](#)
15. [34 CFR 106.45](#)
16. [34 CFR 106.71](#)
17. [34 CFR Part 99](#)
18. [34 CFR 106.30](#)
19. [34 U.S.C. 12291](#)
20. [20 U.S.C. 1092](#)
21. [34 CFR 106.8](#)
22. [Policy 317](#) - Employee Conduct and Reporting Requirements
23. [Policy 806](#) - Child Abuse
24. [Policy 824](#) - Maintaining Professional Adult/Student Boundaries

25. [Policy 300](#) - Employee Code of Ethics

Related References

[16 PA Code 44.1 et seq](#)

[18 Pa. C.S.A. 2709](#)

[28 CFR 35.140](#)

[28 CFR Part 41](#)

[29 CFR Parts 1600-1691](#)