

Policy for Preventing Sexual Harassment of Employees

Purpose:

It is the policy of Young Scholars Charter School (YSCS) to provide a work environment free from inappropriate behavior and unlawful employment discrimination.

Definitions:

Sexual Harassment

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Some examples of what may constitute sexual harassment are: threatening to take or taking an adverse employment action (such as discharge, demotion or reassignment) if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome and repeated flirtations, propositions or advances; unwelcome physical contact; whistling, leering, improper gestures, tricks or horseplay; use of stereotypes; offensive, insulting, derogatory or degrading remarks; unwelcome and/or offensive comments about appearance; sexual jokes or use of sexually explicit or offensive language; e-mail or voice mail communications containing sexually explicit or offensive material; gender-based or sexual pranks; or the display in the workplace of sexually suggestive objects or pictures. The above list of examples is not, and is not intended to be, all-inclusive.

Court cases have recognized acts of harassment directed at a person because of gender to be sexual harassment, despite the intent behind the act. YSCS adopts this interpretation as part of its policy. Sexual harassment is a violation of federal and state laws and the Philadelphia Fair Practices Ordinance, and may expose not only YSCS, but individuals to significant liability under law. Compliance with this policy is required and expected in informal business situations, including YSCS parties and business trips.

Other Harassment Defined

For purposes of this policy, other harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, gender, age, religion, national origin, sexual orientation, disability, veteran status or any other characteristic protected by law and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with an individual's work performance.

Some examples of such harassment are: using epithets or slurs; mocking, ridiculing or mimicking another's culture, accent, appearance or customs; threatening, intimidating or engaging in hostile or offensive acts that focus on an individual's race, color, gender, religion, national origin, sexual orientation, disability,

veteran status or any other characteristic protected by law, including jokes, pranks, comments, e-mails or voicemails; and displaying or circulating written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic. The above list of examples is not, and is not intended to be, all-inclusive.

Prohibited Conduct

The following are examples of acts which violate YSCS's Sexual Harassment Policy. These examples are not to be construed as an all-inclusive list of prohibited acts under the Policy.

A. Physical assaults of a sexual nature, such as:

1. Rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death; and
2. Intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body, or touching of the clothing covering the immediate area of the complainant's intimate body parts.

B. Unwelcome sexual advances, propositions or other sexual comments, such as:

1. Sexually-oriented gestures, sounds, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee;
2. Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
3. Subjecting, or threatening to subject, an employee to unwelcome sexual attention or conduct or intentionally making job performance more difficult because of the employee's gender.

C. Display of publications anywhere in the school's work place such as:

1. Displaying pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music or other materials that are sexually suggestive, sexually demeaning, or pornographic.

Exceptions will be considered in situations where nudity or sexually explicit language is necessary to convey a message important to public health and/or safety or pedagogically appropriate. Subject to the foregoing exceptions, visual material will be presumed to be sexually suggestive if it depicts a person of either sex who is nude or seminude and/or who is posed for the obvious purposes of displaying or drawing attention to private portions of his or her body.

2. Displaying or publicizing, in the work environment, materials that are sexually revealing, sexually suggestive, sexually demeaning or pornographic;
3. Displaying signs or other materials purporting to segregate an employee by gender in any area of the work place (other than rest rooms and similar semi-private lockers/ changing rooms); or

4. Possession of such material in a manner that it is reasonably foreseeable that they might be seen by others.

D. Sexual favoritism. Impact on other employees:

The granting or withholding of employment opportunities and benefits including, but not limited to, job assignments, discipline, promotion, evaluation and compensation constitute sexual harassment when it is based on sexual favoritism, and is prohibited.

E. Other Forms of Prohibited Sexual Harassment:

Other conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or working conditions on the basis of gender may also constitute sexual harassment, and therefore, is prohibited. Examples of conduct which, when based upon gender or any other characteristic protected by law, constitutes prohibited sexual harassment include:

1. Assigning disagreeable or unsafe duties; or not making comparable assignments that would tend to disadvantage an employee's development or career;
2. Withholding information, materials, equipment or supplies which are necessary for the efficient performance of a job;
3. Unreasonably failing to cooperate or assist employees with work-related matters;
4. Interfering with an employee's efforts to satisfactorily complete a job assignment;
5. Maintaining unequal standards of performance;
6. Ostracizing employees, or otherwise making it known to employees that they are not welcome in the work place because of their gender; or
7. Referring to employees by sexually denigrating or insulting names because of their gender.

Reporting Discrimination or Harassment

Young Scholars Charter School is committed to resolving these complaints as quickly and efficiently as possible. If you believe that you have been sexually harassed, or have knowledge that others have been sexually harassed, you are encouraged to contact the School Director. YSCS will make efforts, to the extent practicable, to protect the confidentiality of the individuals who are the alleged subjects of discrimination or harassment or who report the discrimination or harassment of other employees.

The employee may seek either an informal or formal resolution to their complaint:

Informal

Where behaviors may be offensive and the offended party has a desire to stop the behaviors without formal procedure, the employee may notify the offending party directly, but is not required to do so. The employee may also request a supervisor to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated in the work place. In such case the supervisor must discuss the matter with the alleged offender, and, if warranted require that he/she participate in non-disciplinary counseling. The supervisor shall document actions taken and inform the Designated Trustee in writing.

Formal

An individual who believes that he/she has been sexually harassed can file a complaint requesting an investigation into the allegation. Formal complaints shall be taken in writing and signed by the complainant. A thorough and complete investigation shall be conducted by the supervisor.

To the extent possible and allowed by law, confidentiality shall be maintained within the confines of the investigation of the alleged prohibited behavior. All parties will be treated with dignity and due process.

Procedures for Investigations and Resolving Complaints

Conducting Investigations

The School Director receiving a complaint of sexual harassment shall take the details of the complaint in writing and have the complainant sign it. Copies of this document will be forwarded the Designated Trustee. All complaints of sexual harassment against a YSCS employee shall be received, investigated and disposed of in accordance with the procedures set forth in this Policy, and complainants shall be notified of the final disposition/action taken by the YSCS.

If the complaint involves sexual assault, rape or conduct of a criminal nature, the Philadelphia Police Department shall be contacted and a report of the incident made. If there is any question whether the conduct complained of constituted criminal activity, the Designated Trustee should be contacted and consulted.

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

All investigations shall be completed by the School Director within sixty (60) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Designated Trustee. The extension must be a specified period of time not exceeding twenty-five (25) days, and must be communicated to the complainant.

If the charge is substantiated, the School Director shall determine the appropriate level of discipline consistent with Young Scholars Charter School's strong policy against sexual harassment. Such discipline as is deemed appropriate will be initiated in accordance with YSCS's disciplinary procedures. Documents regarding substantiated charges of sexual harassment shall be placed in the accused employee's personnel file. Documents regarding unsubstantiated charges shall not be placed in personnel files, but shall be maintained by designated board member in a confidential file established expressly for retaining complaints of sexual harassment against employees of the Young Scholars Charter School.

Resolving the Matter

Upon completion of the investigation, YSCS will take appropriate remedial action, as deemed necessary by YSCS. Remedial action may include, but is not limited to, oral or written counseling, referral to formal counseling, disciplinary suspension or probation or discharge from YSCS.

Non-retaliation

An individual, who reports incidents that the employee, in good faith, believes to be violations of this policy, or who is involved in the investigation of discrimination or harassment, will not be subject to reprisal or retaliation. Retaliation is a serious violation of this policy and should be reported immediately. The report and investigation of allegations of retaliation will follow the procedures set forth in this policy. Any person found to have retaliated against an individual for reporting discrimination or harassment or participating in an investigation of allegations of such conduct may be subject to appropriate disciplinary action, up to and including termination.

Consensual Relationships

Young Scholars Charter School (YSCS) recognizes and appreciates that consensual romantic and/or sexual relationships may develop at work. While YSCS does not ban such relationships, employees should understand that they may compromise YSCS's ability to enforce its policy against sexual harassment. For that reason, YSCS encourages employees involved in such a relationship to report the relationship to the School Director to determine whether appropriate action -- like a change in the responsibilities of the individuals involved to diminish or eliminate the supervisory relationship — may be appropriate.

Training

It is the responsibility of the YSCS to insure that all supervisors receive the appropriate training to enforce this Policy.