

Book	Policy Manual
Section	200 Pupils
Title	Unlawful Harassment
Number	248
Status	Active
Adopted	February 20, 2017

Purpose

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

Authority

The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees. [\[1\]](#)[\[2\]](#)[\[3\]](#)

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment or participation in an investigation.

Definitions

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation or religion when such conduct: [\[3\]](#)

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, nonverbal, graphic or physical conduct of a sexual nature when: [\[4\]](#)

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.

4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational 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 other students 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 violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. [2][6]

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the district's Compliance Officer.[5]

The Compliance Officer 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 notice shall include the name, position, office address, telephone number and email address of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
5. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Guidelines

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or a district employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal 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.

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 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. The investigator should coordinate with any other ongoing school or criminal investigations of the incident.

Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report 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 within fifteen (15) days. The accused shall not be notified of the individual remedies offered or provided to the complainant.[\[7\]](#)

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 correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.[\[7\]](#)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Appeal Procedure

1. If the complainant or the 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 Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall conduct a review of the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.
4. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the written response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

Legal

[1. 43 P.S. 951 et seq](#)

[2. 20 U.S.C. 1681 et seq](#)

[3. 29 CFR 1606.8](#)

[4. 29 CFR 1604.11](#)

5. Pol. 103

[6. Office for Civil Rights - Questions and Answers on Title IX and Sexual Violence](#)

[7. 20 U.S.C. 1232g](#)

Pol. 103.1

Pol. 806

 [248-Attach.doc \(27 KB\)](#)

Last Modified by Lisa Guiffrida on March 22, 2017