



Book	Policy Manual
Section	200 Pupils
Title	Unlawful Harassment
Code	248
Status	Active
Legal	<ol style="list-style-type: none"> 1. 20 U.S.C. 1681 et seq 2. 29 CFR 1606.8 3. 43 P.S. 951 et seq 4. 29 CFR 1604.11 5. Pol. 103 <p>Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties</p> <p>Pol. 806</p>
Adopted	October 16, 2007
Last Revised	June 16, 2015
Last Reviewed	April 26, 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.

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, gender, age, disability, sexual

orientation, religion or genetic information when such conduct:[\[2\]](#)

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, 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 conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

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 publication shall include the position, office address and telephone number of the Compliance Officer.

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

Students may be required to participate in educational activities regarding all aspects of unlawful harassment and its negative effects. Such activities are educational and not disciplinary in nature.

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.

Guidelines

Complaint Procedure – Student/Third Party

Step 1 – Reporting

Students and third parties shall be informed that they may report complaints of harassment in violation of this policy to the building principal or other district employee, including teachers, counselors, nurses and administrators. Any teacher, counselor, nurse, administrator or other employee who receives a complaint shall refer it promptly 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.

Harassment complaint forms shall be made available in each school office for individuals who prefer to file such complaints in writing, 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 investigation may consist of individual interviews with the complainant, the accused, and other persons with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

All information obtained will be held in strictest confidence and will be discussed only on a need-to-know basis to investigate the matter.

All employees involved in an investigation shall maintain strict confidentiality.

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.

Step 3 – Investigative Report

The results of the investigation shall be reported in writing by the building principal within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a conclusion and summary of the facts upon which the conclusion is based, and a recommendation as to disposition of the complaint.

The outcome the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

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 and will not recur.

Determination of the appropriate disciplinary sanctions shall be based upon the circumstances of the individual case and shall be consistent with the Code of Student Conduct/Discipline Code, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

Among factors to be considered in connection with that determination shall be the following:

1. Severity of the misconduct.
2. Pervasiveness of persistence of the misconduct.
3. Effect on the complainant.
4. Intent of the accused.
5. Other relevant factors.

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

Records of the complaint, the investigation, the report, and any disciplinary or educational measures taken shall be maintained indefinitely, to the extent permitted by law. All such records shall be confidential; disclosure shall be only as required, or permitted, by law.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

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