

PENN-TRAFFORD SCHOOL DISTRICT

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: June 18, 2009

REVISED: October 8, 2012; August 11, 2014

248. UNLAWFUL HARASSMENT	
<p>1. Purpose</p>	<p>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.</p>
<p>2. Authority 43 P.S. Sec. 951 et seq Title IX 20 U.S.C. Sec. 1681 et seq 29 CFR Sec. 1606.8(a)</p>	<p>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.</p> <p>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.</p>
<p>3. Definitions 29 CFR Sec. 1606.8(a)</p>	<p>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 or religion when such conduct:</p> <ol style="list-style-type: none"> 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.

<p>29 CFR Sec. 1604.11(a)</p>	<p>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:</p> <ol style="list-style-type: none"> 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. <p>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.</p>
<p>4. Delegation of Responsibility Pol. 103</p>	<p>In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Assistant Superintendent or his/her designee as the district's Compliance Officer.</p> <p>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.</p> <p>Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.</p> <p>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.</p>

<p>5. Guidelines</p>	<p>The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:</p> <ol style="list-style-type: none">1. Inform the student or third party of the right to file a complaint and the complaint procedure.2. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint. <p><u>Complaint Procedure – Student/Third Party</u></p> <p>Step 1 – Reporting</p> <p>Students <i>are encouraged</i> to report to school officials any incidents of harassment. Any student who alleges he/she is a victim of harassment in the district – by other students, district employees, or third parties – may complain directly to his/her building principal, guidance counselor or any district employee. If any of those individuals are not readily available and/or are the subject of the complaint, the student may complain directly to the district’s Compliance Officer.</p> <p>A school employee who suspects or is notified that a student has been subject to conduct that may constitute a violation of this policy shall immediately report the incident to the building principal or, if the building principal is the subject of a complaint, to the district’s Compliance Officer.</p> <p>Step 2 – Investigation</p> <p>Upon receiving a complaint of harassment, the district will promptly investigate the allegations. 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.</p> <p>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, although district officials shall work cooperatively with local law enforcement while performing the district investigation.</p> <p>Step 3 – Investigative Report</p> <p>The building principal shall file 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, and a recommended disposition of the complaint.</p>
----------------------	---

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition, in accordance with Pennsylvania and federal law.

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, effective action reasonably calculated to end any harassment, eliminate a hostile environment if one has been created and prevent harassment from occurring again. Additionally, the district shall take steps if necessary to prevent retaliation against any individual who files a complaint or participates in a harassment inquiry.

Except for claims that are knowingly false, or made in reckless disregard of the facts, the filing of a complaint or otherwise reporting harassment will not reflect upon the complaining individual’s status nor will it affect future grades, position or assignment. Knowingly false claims can, in appropriate circumstances, result in student discipline.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the district’s legal obligations, basic fairness to the accused, and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Appeal Procedure

1. If the complainant is not satisfied with a finding of “no violation” of the policy or with the recommended corrective action, he/she may submit a written appeal to the Compliance Officer within fifteen (15) school 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) school days. Copies of the response shall be provided to the complainant, the accused (in accordance with Pennsylvania and federal law) and the building principal who conducted the initial investigation.
4. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

Retaliation

Retaliation against individuals who, in good faith, report incidents of unlawful harassment is prohibited. The district will take appropriate action against persons who retaliate against any individual who in good faith reports incidents of unlawful harassment.

Right To Alternative Complaint Procedure

All individuals have the right to pursue other avenues of recourse to address unlawful harassment such as initiating civil action or filing a complaint with outside agencies.

False Charges

Students who make false charges of unlawful harassment may be subject to disciplinary actions.

References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination Law – 20 U.S.C. Sec. 1681 et seq. (Title IX)

Harassment Regulations and Guidelines

Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties

Board Policy – 103, 806