

Book	Policy Manual
Section	200 Pupils
Title	Harassment
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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 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~~ teachers, building principals, counselors, nurses or administrators.^{[5][6][7]}

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, sex, age, disability, sexual orientation or religion when such conduct:~~^[7]

- ~~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:~~^[8]

- ~~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.~~

The term harassment shall mean any intentional and repeated electronic, written, verbal, physical act, or a series of acts including but not limited to, unwelcome and offensive slurs, jokes, or other verbal, graphic or physical conduct relating to an individual or to an individual's race, color, religion, ancestry, sex, sexual orientation, national origin, age or handicap/disability which creates an intimidating, hostile or offensive educational environment.[2]

Ethnic harassment shall mean any intentional and repeated, unwelcome and offensive use of any derogatory word, phrase or action characterizing a given racial or ethnic group that creates an intimidating, hostile, or offensive educational environment.

Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when:[3]

1. **Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or**
2. **Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or**
3. **Such conduct deprives a student of educational aid, benefits, services or treatment; or**
4. **Such conduct has the purpose or effect of substantially interfering with the student's performance in school or school-related programs or creating an intimidating, hostile or offensive school or school-related environment.**

Examples of 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.

Federal law declares sexual violence a form of sexual harassment. Sexual violence means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion.

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits harassment, the Board designates the Superintendent as the district's Compliance Officer.[4]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, [volunteers](#) 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 students and employees regarding all aspects of harassment.

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

Students shall be informed that they may choose to report harassment complaints to building principals, teachers, counselors, nurses, and administrators.

All employees who receive harassment complaints from a student shall report such complaints to the building principal. If the building principal is the subject of a complaint, the complaint should be made directly to the Compliance Officer.

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

- ~~1. Inform the student or third party of the right to file a complaint and the complaint procedure. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure. Notify the complainant and the accused of the progress at appropriate stages of the procedure. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.~~
1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform parents/guardians and students, who are complainants or accused of violating this policy, that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Immediately notify the Compliance Officer of the complaint. 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.
5. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.

Guidelines

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~~natter to the building principal or a district employee.

A ~~school~~district employee or a third party, 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 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 in which case the Compliance Officer will conduct the investigation.

~~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.~~

All building principals must have received basic training on the applicable law, this policy and how to conduct a proper investigation.

There shall be an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigation may involve the review of any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the building principal.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the building principal shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.[26][27][28]

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the district's investigative responsibilities during the fact-finding

portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

~~The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days from the date the report of harassment is received, 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, and a recommended disposition of the complaint.~~

~~The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.~~

The building principal shall prepare and submit a written report to the Compliance Officer within twenty (20) days of the initial report of alleged harassment, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses requires the building principal and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

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. District staff shall document the corrective action taken and, ~~whereif~~ not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the ~~e~~CCode of ~~s~~Sstudent ~~e~~CConduct, 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 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 from the date of the investigative report. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days from the date of appeal. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.~~

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the district Solicitor.
2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

Legal

4. Pol. 103

5. 43 P.S. 951 et seq

6. 20 U.S.C. 1681 et seq (Title IX)

7. 29 CFR 1606.8

8. 29 CFR 1604.11

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

Pol. 103.1

Pol. 806

Last Modified by Janet Nahay on March 14, 2018