



Book	Policy Manual
Section	200 Pupils
Title	Unlawful Harassment
Code	248
Status	Active
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### **Purpose**

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

### **Authority**

The Joint Committee prohibits all forms of harassment of students and third parties by all students and staff members, contracted individuals, vendors, volunteers, and third parties in the school. The Joint Committee encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[\[1\]](#)[\[3\]](#)[\[4\]](#)

The Joint Committee 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 school'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, age, creed, religion, gender, gender identity, gender expression, sexual orientation, ancestry, national origin/ethnicity, marital status, genetic information, pregnancy or handicap/disability 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, graphic or physical conduct of a sexual nature when:[\[5\]](#)

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 harassment, the Joint Committee designates the Business Administrator as the school's Compliance Officer.[2]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually by means of publication in handbooks and posting of notice/signs 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 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 harassment.

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

The administrator in charge 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 or other representative 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 administrator in charge is the subject of the complaint.

### **Guidelines**

#### Complaint Procedure – Student/Third Party

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the administrator in charge or a school employee.

An employee of the school 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 administrator in charge.

If the administrator in charge 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 administrator in charge, but oral complaints shall be acceptable.

## **Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the administrator in charge shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the administrator in charge to conduct an impartial, thorough and confidential investigation of the alleged harassment, unless the administrator in charge is the subject of the complaint or is unable to conduct the investigation.

In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident.

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 administrator in charge shall prepare a written report 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, and a recommended disposition of the complaint.

The findings of the investigation shall be provided to the complainant, the accused, Compliance Officer, and others directly involved, as appropriate.

## **Step 4 – Action of School**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action to ensure that such conduct ceases and is designed to prevent reoccurrence.

Disciplinary actions shall be consistent with the Student Code of Conduct, Joint Committee policies and school procedures, applicable collective bargaining agreements, and state and federal laws.

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 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, the administrator in charge who conducted the initial investigation, and others directly involved, as appropriate.

Legal

1. 20 U.S.C. 1681 et seq

2. Pol. 103

3. 29 CFR 1606.8

4. 43 P.S. 951 et seq

5. 29 CFR 1604.11

24 P.S. 1301-A

18 Pa. C.S.A. 2709

29 U.S.C. 794

42 U.S.C. 12101 et seq

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)

Office for Civil Rights - Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (January 2001)

Pol. 122

Pol. 218

Pol. 247

Pol. 806

Pol. 815

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