

HOPEWELL AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: October 28, 2008

REVISED:

248. UNLAWFUL HARASSMENT

1. 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.

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)

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.

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.

3. Definitions

29 CFR
Sec. 1606.8(a)
66 Fed. Reg. 5512

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:

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>4. Delegation of Responsibility Pol. 103</p>	<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>As used in this policy, a student is a person who is enrolled and is regularly attending classes with the district, including kindergarten through twelfth grade regardless of age.</p> <p>In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Coordinator of Pupil Personnel Services 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 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><u>Discipline/Consequences</u></p>
<p>Pol. 218</p>	<p>Any student who engages in unlawful harassment may be subject to disciplinary action as set forth in the Code of Student Conduct.</p>
<p>Pol. 317</p>	<p>The district shall take all necessary steps to put a stop to unlawful harassment and to prevent any future occurrences of such harassment. Any employee who permits or engages in such conduct may be subject to disciplinary action, up to and including dismissal. Any nonemployee who engages in such conduct may be subject to sanctions to the extent of the district's authority and control over the alleged harasser or employer of the alleged harasser.</p>
	<p>Any employee who receives a complaint of harassment from a student and who does not act promptly to forward that complaint to the principal or Compliance Officer shall be disciplined appropriately.</p>
	<p>Any principal or administrator who receives a complaint of harassment from a subordinate and who does not act promptly to inform the Compliance Officer shall be disciplined appropriately.</p>
	<p>Any employee who retaliates against any individual who has made a complaint of harassment or participated in an investigation of a complaint of harassment will be subject to disciplinary action up to and including dismissal. In addition, any nonemployee doing business with the district who retaliates against any individual who has made a complaint of harassment or participated in an investigation of a complaint of harassment may be sanctioned to the extent of the district's authority over the nonemployee or his/her employer. Any student who retaliates against any individual who has made a complaint of harassment or participated in an investigation of a complaint of harassment may be disciplined as set forth in the Code of Student Conduct.</p>
	<p><u>Reporting Procedure/Investigation</u></p>
	<p>The Board encourages and expects all students to immediately report incidents of harassment to their teacher, principal or other staff member within the school.</p>
	<p>Any principal or administrator who receives a report, verbally or in writing, from any student regarding harassment of that person, by an employee, a nonemployee doing business with the district, or a student must notify the Compliance Officer immediately or within a reasonable extension of time thereafter for good cause. Failure to comply with this requirement could result in disciplinary action.</p>

All complaints of harassment shall be investigated and promptly resolved. The investigation will begin within twenty-four (24) hours of receipt of the complaint.

Each complaint of harassment shall be promptly investigated in a department that respects the privacy of all parties concerned to the extent permitted by law and to the extent practical and appropriate under the circumstances.

Verbal reports of harassment should be reduced to writing by the student complaining or by the person who receives the complaint and should be signed by the complainant; however, if a complainant chooses not to sign a written complaint for any reason, a thorough and complete investigation of the complaint must still be made.

The Compliance Officer shall be trained to investigate harassment complaints.

The Compliance Officer shall reduce his/her findings with recommendations to writing and forward a copy to the Superintendent within twenty-four (24) hours following completion of the investigation.

→ The Compliance Officer shall communicate the findings and disciplinary action if required to the complainant and the alleged harasser within twenty-four (24) hours of notification from the Superintendent.

Pol. 806

Nothing in this reporting procedure shall relieve any district employee from reporting obligation imposed under the child abuse reporting acts.

Retaliation Prohibited

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process.

Enforcement

Each staff member has the responsibility of maintaining an educational environment free of all forms of unlawful harassment and shall take appropriate action to reinforce the district's harassment policy. These actions shall include:

1. Removing promptly all vulgar or sexually offensive graffiti.
2. Providing staff inservice within two (2) weeks of adoption of this policy and by the first week of each school year thereafter.

3. Providing student instruction about harassment through at least one (1) assembly and two (2) full class periods each school year.
4. Taking appropriate disciplinary action as needed.
5. In addition, all teachers, counselors and administrators shall instruct students on procedures for reporting harassment within educational setting on an as needed basis.

Notifications

A copy of this unlawful harassment policy shall:

1. Be included in the student handbook distributed to students annually.
2. Be provided as part of the orientation program conducted for new students at the beginning of each school year.

Penalty For Falsely Accusing A Person Of Sexual Harassment

Any student covered by this policy who has filed a complaint alleging that s/he has been a victim of harassment with the district and a subsequent investigation reveals that the student has falsely accused the purported harasser and that, in fact, no harassment has occurred shall be subject to disciplinary action which may include an expulsion hearing.

Reporting To Outside Agencies

Any student who has been harassed may have the right to file complaints with federal or state regulatory agencies. Time limits exist for filing complaints. The complainant should check directly with the agency for specific instructions for filing a complaint.

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.

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)

Federal Register – 66 Fed. Reg. 5512

Board Policy – 103

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|----------|--------------------|-----------------|
| Race | Color | National Origin |
| Gender | Age | Disability |
| Religion | Sexual Orientation | |

Name of person you believe violated the district's unlawful harassment policy:

If the alleged harassment was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date