

<p>3. Definitions 29 CFR Sec. 1606.8(a) 66 Fed. Reg. 5512</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, sex, age, disability, sexual orientation, gender, gender identity, 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>For purposes of this policy, the term school personnel shall mean Board members, school employees, agents, vendors, volunteers, contractors and/or third parties subject to the supervision and control of the school district.</p>
<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 Business Manager as the district's Compliance Officer.</p> <p>The Compliance Officer shall inform students, parents/guardians, school personnel and the public at least annually that harassment will not be tolerated by means of one (1) or more of the following:</p> <ol style="list-style-type: none">1. Distribution of this policy and the complaint procedure.2. Publication of this policy and the complaint procedure in handbooks.3. Assembly presentation.4. Training session(s).5. Other means of notice implemented by the district. <p>The publication shall include the position, office address and telephone number of the Compliance Officer.</p> <p>The district shall use its discretion in developing and initiating age-appropriate programs to effectively inform students and school personnel about the substance of the policy and procedures in order to help prevent harassment.</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>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. 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.
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<p>5. Guidelines</p>	<p>4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.</p> <p><u>Complaint Procedure – Student/Third Party</u></p> <p>Any student or third party who believes, in good faith, that s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to any instructional or administrative staff member and/or the building principal. The complaint may be made orally or in writing.</p> <p>Any school personnel who hears, observes or otherwise becomes aware of harassment of a student, or who reasonably believes that harassment has occurred, must take prompt and appropriate action to stop the harassment and prevent its recurrence. In the event that a school personnel is unable to take prompt and appropriate action, s/he shall report the incident or complaint of unlawful harassment to the building principal.</p> <p>Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer.</p> <p>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.</p> <p><i>Informal Procedure –</i></p> <p>It may be possible to resolve a complaint through a voluntary conversation between the complainant and the accused. This process may be facilitated by a school employee or by the building principal or Compliance Officer. The district believes that this informal procedure may be an opportunity for educating students and staff regarding what may not be understood to be harassment. In addition, those trained in mediation may provide an avenue to resolve issues of harassment in a problem-solving model. If the complainant or accused is a student under the age of eighteen (18), the student’s parent(s)/guardian(s) shall be notified if, after initial consultation with the student, it is determined to be in the best interests of the student. Both the complainant and accused may be accompanied by a person of his/her choice for support and guidance. If the complainant and accused feel that a resolution has been achieved, then the conversation may remain confidential and no further action shall be necessary. The results of an informal procedure resolution shall be reported by the facilitator, in writing, to the Superintendent and building principal, if applicable. If the complainant, accused or school employee, building principal or Compliance Officer chooses not to utilize the informal procedure, or believes that the informal</p>
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procedure has been unsuccessful, s/he may proceed to the formal procedure. Any complaint against a school employee shall be handled through the formal procedure in accordance with Board policy.

Formal Procedure –

Step 1

The reporting employee or building principal shall fill out a complaint form based on the written or verbal allegations of the complainant. This complaint form shall be kept in a centralized and secure location.

The complaint form shall detail the facts and circumstances of the incident.

If a student under eighteen (18) years of age is involved, his/her parents/guardians shall be notified immediately unless, after consultation with the student, it is determined not to be in the best interests of the student.

The Compliance Officer shall authorize an appropriate administrator to investigate the complaint. The investigation shall be completed within fourteen (14) calendar days from the date of the complaint or report, unless additional time to complete the investigation is required.

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 2

The investigation may consist of personal interviews with the complainant, accused, and any other individual who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. In determining whether the alleged conduct constitutes a violation of this policy, the assigned administrator should consider all surrounding circumstances, any relevant documents, the nature of the behavior, the age and sex of the persons involved, past incidents or past or continuing patterns of behavior, the relationship between the parties involved, and the context in which the alleged incident occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. In addition, the district may take immediate steps, at its discretion, to protect the complainant, accused, witnesses, and school employees pending completion of an investigation of alleged harassment. The district may make any appropriate referrals for assistance, including but not limited

to counseling, rape crisis intervention and notification of police. The assigned administrator shall prepare a written report upon completion of the investigation. The report shall include a summary of the investigation and a determination as to whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

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

Step 3

Following the investigation, the assigned administrator shall recommend what action, if any, is required. The district shall take appropriate action in all cases where the assigned administrator concludes that this policy has been violated. Any person who is determined to have violated this policy shall be subject to disciplinary action, including but not limited to warning, exclusion, suspension, expulsion, transfer, termination or discharge or any other remedial action, including but not limited to training, education or counseling. Action taken for violation of this policy shall be consistent with the requirements of any applicable collective bargaining agreement, Board policy or district procedure, and state and federal law.

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

Step 4

The assigned administrator shall maintain the written report of the investigation and results in his/her office. In the case of an investigation conducted by the district, the Superintendent shall receive a copy of the investigation report and results. If the assigned administrator concludes that the policy has been violated by a professional educator or administrator, a report of the findings shall be filed in the employee's personnel file. The complainant and accused shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a violation of the policy, and whether disciplinary action was or will be taken.

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 administrator who conducted the initial investigation.

Confidentiality

The district recognizes that both the complainant and accused have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complainant, accused, and witnesses will be respected as much as possible, consistent with legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

Alternative Complaint Procedures

A person may choose to exercise other options, including but not limited to filing a complaint with outside agencies, including the police, or filing a private lawsuit.

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, 806