

SUSQUEHANNA TOWNSHIP SCHOOL DISTRICT

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: September 24, 2012

REVISED:

<p>248. UNLAWFUL HARASSMENT</p>	
<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 believe they 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>No reprisals nor retaliation shall occur as a result of good faith charges of harassment.</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, sex, 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>5. Guidelines</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.4. 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>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, either verbally or in writing, to the building principal or a district employee.</p> <p>Any school employee who receives a complaint or who observes or otherwise learns that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, together with a summary statement providing background information regarding the incident. The employee shall report the incident even if the student is uncooperative or does not want to pursue the matter.</p> <p>If the building principal is the subject of a complaint, or if the student, third party or employee does not feel comfortable reporting to the building principal, the individual may report the incident directly to the Compliance Officer.</p>
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The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Complaints and summary statements will be filed at the building level and district office. Filing a complaint or otherwise reporting harassment in good faith will not reflect upon the individual's status nor will it affect future employment, grades or work assignments.

Step 2 – Investigation

Upon receiving a complaint of unlawful 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.

Depending on the circumstances involved, the Compliance Officer may undertake the investigation or may appoint another individual to undertake the investigation. If it appears that the alleged conduct is also criminal in nature, the investigating individual will make an appropriate referral to law enforcement; however, this referral does not relieve the district of the duty to undertake its own investigation.

Upon receipt of the complaint, the investigator will contact the person accused of the alleged harassment, and inform that person of the basis of the complaint, as well as provide the opportunity to respond in writing to the allegations set forth in the complaint.

The investigator will conduct an investigation of the factual allegations of the complaint as expeditiously as possible. Witnesses, if any, such as employees, supervisors, students, visitors, etc., will be interviewed, where appropriate. The complainant and the individual identified as the person accused of the alleged harassment will also be interviewed. Any physical evidence, such as videotapes, text messages, emails, letters, cards, etc. will be reviewed. All of the information obtained in the investigation will be kept in the maximum confidence permitted by law.

Step 3 – Investigative Report

The investigator, after conducting a review of the facts of the investigation, including possible additional interviews with all parties involved, will evaluate the harassment claim. The investigator will prepare and submit a written confidential report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the complaint, the response, and other relevant facts developed during the investigation, as well as a recommended course of remedial action.

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

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, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

If, after a complete investigation, the allegations remain indeterminate, unsubstantiated or unverifiable, the investigator shall record his/her conclusions in writing, and shall document all the steps that were taken in an attempt to verify the allegations. The investigator shall also document the basis for his/her decision regarding the allegations. These results will be maintained by the school, separate and apart from any personnel or student file.

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.
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 investigator 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.

Rights Of Complainant And Accused

The district recognizes that all allegations of harassment are not necessarily true and acknowledges that individuals may be unjustly accused.

The district affirms its resolve to protect the rights of all parties, to fairly and accurately investigate all allegations coming to its attention, and to apply appropriate disciplinary or administrative sanctions when necessary.

All matters involving harassment complaints shall remain confidential to the full extent possible.

The guidelines contained in this policy are not intended to supersede or circumvent any procedural rights accorded employees or students by state or federal laws or regulations, collective bargaining agreements or administrative compensation plans.

The district recognizes that the law of harassment is continually evolving as a result of judicial decisions. The Superintendent may consult with the solicitor when deemed necessary.

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 – 000, 103, 103.1, 218, 249, 806, 815

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

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

Alleged harassment was based on: _____

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

If the alleged discrimination 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

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