

CLAYSBURG- KIMMEL SCHOOL DISTRICT

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: 4/15/09

REVISED: 11/12/14

248. UNLAWFUL HARASSMENT	
<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 Title IX 42 U.S.C. Sec. 1681 43 P.S. Sec. 951 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 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 (1) 62 Fed. Reg. 12033 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)</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, gender, 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>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>

<p>4. Delegation of Responsibility Pol. 103</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 decision affecting the individual.3. Such conduct deprives a student or educational aid, benefits, services or treatment.4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose of 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>In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent 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 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
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<p>5. Guidelines</p>	<p>during all steps of the complaint procedure.</p> <ol style="list-style-type: none"> 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 – Students/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 to the building principal or a district employee.</p> <p>A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report that incident to the building principal.</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>If the Compliance Officer is the subject of a complaint, the student, third party or employee shall report the incident to the Building Principal, or other Administrator, who shall advise the District Solicitor’s office of the Complaint. Where this occurs, and another administrator or other appropriate party shall be designated to act as the Compliance Officer.</p> <p>The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.</p> <p>Step 2 – Investigation</p> <p>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.</p> <p>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.</p>
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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 building principal 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 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.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district 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 an outcome finding no violation of policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer is the subject of the investigation, another designated administrator or other appropriate party will be identified as the person to whom a written appeal may be submitted.
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 unless additional time to complete review of the investigation is required, and will advise the parties that additional time is required whenever this may be the case. Copies of the response shall be provided to the Complainant, the Accused, and the building principal or other designated administrator or party who conducted the initial investigation.

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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 statement (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