

SOUDERTON AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: ANTI-HARASSMENT

ADOPTED: August 22, 1988

REVISED: September 27, 2001

248. ANTI-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 Sec. 703 of Title VII of Civil Rights Act of 1964; Sec. 5(a) PHRC Act; Title IX of the 1972 Education Amendment</p>	<p>The Board prohibits all forms of unlawful harassment of students by all district students and staff members, contracted individuals and vendors, and volunteers in the schools.</p> <p>The Board encourages students 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 shall be taken when allegations are verified. 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.</p>
<p>3. Definitions OCR Guidelines on Sexual Harassment, Fed. Reg. Vol. 62, #49; PHRC Guidelines; PA Bulletin March 1997 USDE OCR Policy Memo Vol. II, #5</p>	<p>The term harassment means verbal or physical conduct relating to a student's sex, race, color, religion, national origin, age or disability when the unwelcome conduct is so severe, pervasive or persistent that it substantially affects a student's ability to participate in or benefit from an educational program or activity, or otherwise denies a student access to the school's educational resources.</p> <p>Harassment includes the repeated, unwelcome and offensive use of any derogatory word, phrase or action characterizing a given protected class that is so severe or pervasive that it substantially affects a student's ability to participate in or benefit from an educational program or activity, or otherwise denies a student access to the school's educational resources.</p>

<p>4. Delegation of Responsibility</p>	<p>Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal 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 decisions affecting the student.3. Such conduct is so severe, persistent or pervasive that it deprives a student of educational aid, benefits, services or treatment. <p>Examples of conduct which may, depending on surrounding circumstances, 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, or overt sexual conduct, which is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or otherwise denies a student access to the school's educational resources.</p> <p>The district shall annually inform students, staff, parents, independent contractors and volunteers that harassment will not be tolerated, by means of:</p> <ol style="list-style-type: none">1. Distribution of written policy.2. Publication in handbooks.3. Presentation by staff to students. <p>Each staff member shall be responsible to maintain an educational environment free from all forms of harassment.</p> <p>Each student shall be responsible to respect the rights of their fellow students and to ensure an atmosphere free from all forms of harassment.</p> <p>Students shall be informed that they may choose to report harassment complaints to:</p> <ol style="list-style-type: none">1. Building principals.2. Teachers.
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Discipline

A substantiated charge against a district staff member shall subject such staff member to disciplinary action, including discharge.

A substantiated charge against a district student shall subject such student to disciplinary action, consistent with the student discipline code, and may include educational activities and/or counseling services related to unlawful harassment.

If it is concluded that a student has made false accusations, such student shall be subject to disciplinary action, consistent with the student discipline code.

Appeal Procedure

1. If the complainant or accused is not satisfied with the principal's decision, s/he may file a written appeal to the Superintendent and/or Director of Human Resources.
2. The Superintendent and/or Director of Human Resources shall also review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare a written response to the appeal. Copies of the response shall be provided to the complainant, the accused, building principal and others directly involved, as appropriate.

INTERNAL GUIDELINES FOR HANDLING
SEXUAL HARASSMENT COMPLAINTS
STUDENTS

ALL INFORMATION OR COMPLAINTS SHALL BE INVESTIGATED IN A MANNER WHICH PRESERVES CONFIDENTIALITY TO THE MAXIMUM PRACTICAL EXTENT, RECOGNIZING THAT THE THOROUGHNESS OF THE INVESTIGATION IS NOT TO BE COMPROMISED.

COUNSELING AND OTHER SUPPORT SERVICES WILL BE AVAILABLE AS NEEDED THROUGHOUT THIS PROCESS.

STEP I. The Complaint

1. Initial Meeting with Complainant – whoever receives the initial complaint should refer this information to the building principal or, in his/her absence, to his/her designee as soon as practically possible.
 - a. The administrator will meet with the Complainant immediately. The purpose of this meeting is to assist the Complainant in formulating a written complaint and to explain the sexual harassment procedure.
 - b. PARENT NOTIFICATION: In the event the Complainant is under the age of majority (currently 18 years of age), then in that event, the District shall contact the parents of the Complainant as soon as practically possible, either during the initial meeting with the Complainant or as soon thereafter as possible. For the purposes of this Policy, the term "parent" shall have the following meaning:
 - (1) If both parents of the Complainant are living and residing with the Complainant in the family home, the term shall mean either parent;
 - (2) If one parent is deceased and the Complainant is living with the surviving parent, the term shall mean the surviving parent;
 - (3) If the parents are separated or divorced, the term shall mean the parent who has official custody over the Complainant, unless there is a joint custody order, when this will mean either parent;

- (4) If both parents are deceased, the term shall mean the legal guardian of the Complainant, or
 - (5) In instances where there is no legal guardian or a parent of the Complainant is not available, the term shall mean the person who appears to be performing the functions and duties of the parent to the student.
 - c. In the event a parent of a student under the age of majority wishes to terminate the complaint process at any point, a statement to this effect must be signed by the parent and maintained as an administrative record. The District will encourage, but not require, the student also to withdraw any complaint.
- 2. NOTIFICATION OF CHARGES TO THE RESPONDENT: The Respondent meets with the administrator in charge of the investigation to hear charges made by the Complainant.
 - a. Parents of the Respondent who is less than the age of majority are to be contacted either during the initial meeting held with the Complainant or as soon thereafter as possible.
 - b. Respondent shall be given the opportunity to respond to accusations in writing.
- 3. Matter is resolved between Complainant and Respondent as Level II HARASSMENT or referred for investigation.

STEP II. INVESTIGATION

- 1. Investigating administrator will meet with witnesses in support of Complainant.
- 2. Investigating administrator will meet with witnesses in support of Respondent.
- 3. All investigation shall be concluded within two (2) school days following the filing of the complaint.

STEP III. FINDINGS

1. Decision: A decision should be reached by the building principal as to whether there is or is not probable cause for the charges of sexual harassment within one (1) school day following the conclusion of the investigation and immediately reported to the District Title IX Coordinator.
2. Findings of Fact and Conclusions of Law: After a probable cause decision has been reached, the building principal shall prepare a report detailing specific findings of fact with regard to the District Discipline Code violations and charges under the Pennsylvania Criminal Code.
3. Notice of Report. The report should be submitted within one (1) school day, not to exceed three (3) calendar days, of rendering a decision, to the following persons:
 - a. Complainant
 - b. Respondent
 - c. Superintendent of the School District
 - d. District Title IX Coordinator

STEP IV. CONCILIATION/DISCIPLINE

1. If the investigation reveals that Sexual Harassment has occurred, the report shall include notification to the Respondent to cease and desist from the specific discriminating acts or practices.
2. The building principal shall charge the Respondent with disciplinary action in keeping with the District Disciplinary Code.
3. The principal shall notify the Respondent if charges are to be referred to the appropriate law enforcement agencies.

SOUDERTON AREA SCHOOL DISTRICT

ANTI-HARASSMENT COMPLAINT FORM

COMPLAINT

1. The person filing this complaint is: _____

2. The complaint is being filed against: _____

3. Please describe your complaint: _____

4. The anti-harassment (check one):

Policy 248 - Attachment

SOUDERTON AREA SCHOOL DISTRICT
ANTI-HARASSMENT RESPONDENT FORM

RESPONDENT

6. The person filing this complaint is: _____

7. The complaint is being filed against: _____

8. Please describe your complaint: _____

9. Explain how you would like this resolved:
