

Book Policy Manual
Section 200 Pupils
Title Unlawful Harassment
Number 248
Status Active

Legal

[1. 20 U.S.C. 1681 et seq](#)

2. Pol. 103

[3. 29 CFR 1606.8](#)

[4. 43 P.S. 951 et seq](#)

[5. 29 CFR 1604.11](#)

6. Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties

7. Pol. 103.1

8. Pol. 806

9. Pol. 815.2

10. Pol. 218

11. Pol. 247

12. Pol. 249

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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.

The Plum Borough School District believes in the fundamental convictions that all individuals are entitled to equal protection and equal opportunity to civil liberties. Any and all acts and omissions that discriminate against or profess bigotry, hatred or oppression of any race, ethnicity, religion, gender, or sexual orientation undermine our fundamental beliefs and promise of equal protection and justice. The district will not tolerate prejudicial or discriminatory treatment of any student, employee, volunteer, Board Member or visitor.

Authority

The Board prohibits all forms of unlawful harassment of students by all district students and staff members, contracted individuals, vendors, and volunteers in the schools. [\[1\]](#)[\[3\]](#)[\[4\]](#)

The Board encourages students 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 impartially, 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. Neither reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Definitions

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:[\[3\]](#)

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. Has the effect of substantially disrupting or interfering with the rights of other students.
4. Otherwise adversely affects an individual's learning opportunities.

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:[\[5\]](#)

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.

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.

Student-on-Student Harassment

The Board recognizes that a certain amount of teasing is inherent among school age children. Therefore, verbal or physical actions that are not specifically defined as harassment, may be deemed harassment in particular situations, on a case-by-case basis, by the school principal under the following conditions:

1. The principal shall warn the offending student that the principal considers the conduct to have reached the level of inappropriate behavior.
2. The warning shall be verbally issued and shall be confirmed in writing to the offending student and the offending student's parent/guardian.
3. The warning shall advise the student and parent/guardian that the school principal is available to further explain the purpose for the principal's warning.

If the offending student continues the inappropriate behavior, the student shall be in violation of this policy.

Determining whether or not student-on-student harassment has, in fact, occurred requires a determination based on all the facts and surrounding circumstances. School officials should consider the following:

1. The nature of the behaviors.
2. Whether there were past incidents involving same or other students.
3. Whether there were continuing patterns of behavior.
4. Relationship between the parties.
5. Context in which the alleged incident occurred.
6. How often the conduct occurred.
7. The race, national origin, religion, sex or age of the respective parties.
8. Whether the alleged perpetrator was in a position of power over the student allegedly subjected to harassment.
9. Number of alleged perpetrators.
10. Where harassment occurred.
11. Whether the conduct adversely affected the victim's education or learning environment.

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Assistant Superintendent as the district's Compliance Officer.[2]

The district shall annually inform students, staff, parents/guardians, independent contractors and volunteers that unlawful harassment of students will not be tolerated, by means of publication in handbooks, presentation at an assembly, and/or posting of notice/signs.

The district 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 Assistant Superintendent.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

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.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student 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 Assistant Superintendent if the building principal is the subject of the complaint.

Guidelines

Complaint Procedure – Student

Step 1 – Reporting

A student 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.

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 the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Assistant Superintendent.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Assistant Superintendent. The Assistant Superintendent 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.

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.

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.

The Board recognizes that harassment law is continually evolving as a result of judicial decisions. Therefore, upon receipt of any complaint or report of harassment, the Assistant Superintendent shall consult with the solicitor to determine if any portions of this policy, including investigation and disciplinary procedures, are no longer lawful; or if additional procedures are required.

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 findings of the investigation shall be provided to the complainant, the accused, and the Assistant Superintendent. In all cases where the complaint is founded and a decision has been made to take disciplinary action against the accused, the complainant may be informed as to the discipline only to the extent permissible by law.

If the allegations remain indeterminate, unsubstantiated or unverifiable, the report shall carefully record the investigator's 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 Compliance Officer (Assistant Superintendent), separate and apart from any personnel or student file.

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. Corrective action may include educational activities, training, and/or counseling services related to unlawful harassment, as well as discipline.

Violation of this policy could result in student expulsion and termination of employment, as the case may be. 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.

In the case of student-on-student harassment and when appropriate, a reasonable attempt may be made to bring resolution to a matter between the complaining student and the alleged harassing student under the mediation of the principal or designee. Under no circumstances is mediation to be considered as a mandatory step. The principal or designee shall not propose mediation without the prior approval of the Assistant Superintendent. Mediation shall not be undertaken without the consent of both students' parents/guardians.

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 corrective action recommended in the investigative report, s/he may submit a written appeal to the Assistant Superintendent or designee within fifteen (15) days.
2. The Assistant Superintendent or designee shall review the investigation and the investigative report and may also conduct further investigation.
3. The Assistant Superintendent 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.