

# NORTHAMPTON AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: April 18, 2005

REVISED: December 6, 2010; February 25, 2013

248 - UNLAWFUL HARASSMENT	
<p>1. Purpose</p>	<p>To establish a policy that protects students from unlawful harassment.</p>
<p>2. Authority Title VII 42 U.S.C. Sec. 2000e et seq Title IX 42 U.S.C. Sec. 1681 43 P.S. Sec. 951 et seq 20 CFR Sec. 1606.8 (a)</p>	<p>The Board prohibits all forms of unlawful harassment of students by all District students, staff members, contracted individuals, vendors, volunteers, and third parties on school premises. The Board encourages students who have been harassed to promptly report such incidents to a counselor, teacher or administrator.</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 or retaliation shall occur as a result of reporting good faith charges of harassment.</p> <p>For purposes of this policy, harassment shall consist of verbal, internet, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, religion, or genetic information when such conduct:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.</li> <li>3. Otherwise adversely affects an individual's learning opportunities.</li> </ol>
<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"> <li>1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.</li> </ol>

<p>3. Delegation of Responsibility Pol. 103</p>	<ol style="list-style-type: none"><li>2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.</li><li>3. Such conduct deprives a student of educational aid, benefits, services or treatment.</li><li>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.</li></ol> <p>Examples of behavior 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 inappropriate 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>The District shall annually inform students, staff, parents, independent contractors, and volunteers that unlawful harassment of students will not be tolerated, and shall name the Compliance Officer annually.</p> <p>The Compliance Officer shall establish procedures to ensure that students and staff are advised of this policy and are aware of its prohibitions and the availability of the complaint procedure. The procedure should ensure that students and staff can recognize improper conduct or harassment and that complaints will be handled confidentially and appropriately.</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"><li>1. Inform the student or third party of the right to file a complaint and the complaint procedure.</li><li>2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</li></ol>
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<p>4. Guidelines</p>	<ol style="list-style-type: none"> <li>3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</li> <li>4. Refer the complainant to the Superintendent or his/her designee if the building principal is the subject of the complaint.</li> <li>5. If a complaint is made against the Superintendent, the complaint will be submitted directly to the President of the School Board, who will convene a subcommittee of the board to investigate the matter.</li> <li>6. The District solicitor should be consulted, when necessary.</li> </ol> <p><u>Complaint Procedure - Student/Third Party</u></p> <p><u>Step 1 - Reporting</u></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 a counselor, teacher or building principal.</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 the incident to the building principal.</p> <p>If the building principal is the subject of the complaint, the student, third party or employee shall report the incident to the Superintendent or his/her designee.</p> <p><u>Step 2 - Investigation</u></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> <p>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.</p>
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Step 3 - Investigative Report

The building principal shall prepare a written report within fifteen (15) working 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, whether the complaint 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 Compliance Officer.

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.

Any employee or student found to have engaged in retaliation against an employee or student who has registered a complaint under this policy, or retaliation against any employee or student for assisting in the investigation of any registered complaint, shall be subject to immediate disciplinary action.

Appeal Procedure

1. If the complainant is not satisfied with a finding that there is no violation of this 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) working days of receiving the report.
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) working days. Copies of the response shall be provided to the complainant, the accused, and the building principal who conducted the initial investigation.

**REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT**

Complainant: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_  
School Building: \_\_\_\_\_  
Date of Alleged Incident: \_\_\_\_\_

Alleged harassment was based on: (circle those that apply)

- |          |                    |                           |
|----------|--------------------|---------------------------|
| Race     | Color              | National Origin/Ethnicity |
| 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 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