

No: 248, 348, 448, 548

SECTION: Pupils, Administration,
Professional, Classified

TITLE: Harassment and
Discrimination

ADOPTED: February 8, 1999

REVISED: January 13, 2003

PENN MANOR SCHOOL DISTRICT

248, 348, 448, 548: Harassment and Discrimination	
1. Level of Policy	Required
2. References	Statutes: Title VII, 42 U.S.C. § 2000 et seq. Title IX, 42 U.S.C. 1681 et seq. 43 P.S. § 951 et seq. Regulations: 29 C.F.R. § 1604 and § 1606 Office of Civil Rights, U.S.D.E., Policy Memo - March 1997 Office of Civil Rights, U.S.D.E., Guidelines, 62 Fed. Reg. 49
3. Summary of the Policy	The Board strives to provide a safe, positive learning environment for students, staff and third parties in the schools, free from discrimination and harassment. It shall be the policy of the School District, therefore, to prohibit all forms of harassment and discrimination. The Board encourages any person who has been harassed or subject to discrimination in connection with any School District program to promptly report such incidents to designated school personnel. Harassment or discrimination complaints will be investigated promptly, confidentiality will be maintained to the extent possible, consistent with the School District's legal and investigative obligations and corrective action shall be taken when allegations are substantiated. No reprisals or retaliation shall occur as a result of good faith complaints made under this policy.

4. Definitions

1. Discrimination means unfavorable or differential treatment based on a person's race, color, national origin, ethnicity, gender, age, disability, religion or sexual orientation.
2. Harassment means oral, written, graphic or physical conduct relating to an individual's race, color, national origin, ethnicity, gender, age, disability, religion or sexual orientation when such conduct:
 - (i) is severe or persistent and affects an individual's ability to participate in or benefit from academic or other educational programs;
 - (ii) disrupts school operations or activities; or
 - (iii) contains vulgar, obscene or profane expression or otherwise creates an intimidating or hostile environment.
3. Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other oral, written, graphic or physical conduct of a sexual nature when:
 - (i) submission of such conduct is made explicitly or implicitly a condition of a student's academic status, academic evaluation or participation in an educational program; or
 - (ii) submission of such conduct is made explicitly or implicitly a condition of an employee's employment status, evaluation or other condition of employment;
or
 - (iii) such conduct is so severe or persistent that it is intended to, or in fact does, create an intimidating, hostile or offensive educational environment or otherwise interferes with an individual's ability to participate in or benefit from educational programs.

Sexual harassment includes, but is not limited to, sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature or based on an individual's gender; graphic or suggestive comments about an individual's dress or body; use of sexually degrading words to describe an individual; jokes, pictures, objects, or graffiti of a sexual nature; or overt sexual conduct that is intended to create, or in fact creates an intimidating or hostile environment.

5. Statement of School District Policy

1. Harassment and discrimination shall not be tolerated in any form. The School District shall implement this policy and any other necessary guidelines to discourage and prohibit harassment and discrimination in any form.

2. Responsibilities

The Superintendent shall designate a Compliance Officer to coordinate and oversee implementation of this Policy. The Compliance Officer's name, position, address and phone number shall be published and disseminated to students, parents and staff members each year. The compliance Officer shall publish and disseminate this policy to students, parents and staff members each year. The Compliance Officer shall provide appropriate training for students and staff members about all aspects of harassment and discrimination when the Board deems such training necessary.

Each staff member shall be responsible for maintaining an environment free from harassment or discrimination. Any staff member who becomes aware of harassment or discrimination should report the matter to a building Principal or the Compliance Officer according to the provisions of the Complaint Procedure described below.

Each student or third party shall respect the rights of their fellow students, third parties and staff members and shall refrain from harassing or discriminatory conduct. Any student or third party who becomes aware of harassment or discrimination should report the matter to a building Principal or the Compliance Officer according to the provisions of the Complaint Procedure described below.

3. Complaint Procedure

Step one - Reporting

A person who believes he/she has been subjected to harassment or discrimination in connection with any School District Program is encouraged to immediately report the incident to a staff member.

Any staff member who receives a harassment or discrimination complaint, or who becomes aware of harassment or discrimination in connection with any School District program, shall report the incident to the appropriate building principal, or if the building principal is the subject of the complaint, to the Compliance Officer.

Use of the complaint form available in each school building is encouraged, but oral complaints shall be acceptable.

Step Two - Investigation

Upon receipt of a harassment or discrimination complaint, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, or shall personally conduct the investigation if the building principal is the subject of the complaint or is otherwise unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and any others with knowledge relevant to the incident. The complainant and other involved parties may present witnesses or other evidence relevant to the complaint, which the investigator shall fully and impartially consider. The investigation will remain confidential to the extent possible, consistent with the School District's legal and investigative obligations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation is pending or concluded.

Step Three - Investigative Report

The investigator shall prepare a written report within fifteen (15) days of receiving the complaint, unless additional time is required to complete the investigation. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated and whether it establishes a violation of this Policy, and a recommendation as to what corrective action, if any, is required. The report shall be provided to the Compliance Officer and the Superintendent.

A written statement summarizing the investigation's findings and the recommended disposition of the complaint shall be provided to the complainant and the accused, as well as the parents of any students involved.

Step Four - District Action

If the investigation results in a finding that the complaint is substantiated and constitutes a violation of this policy, the

School District shall take prompt, corrective action to ensure that such conduct ceases and will not recur, as well as remedial action to correct the effects of any violation on this policy on the complainant or other affected individuals, where necessary.

Disciplinary actions shall be consistent with Board Policies. If the investigation results in a finding that a student or staff member knowingly made a false complaint under this policy, the complainant shall be subject to disciplinary action.

Step Five - Appeal

If any involved party is not satisfied with the results of the investigation or with the recommended corrective/remedial action, he/she may submit a written appeal to the Compliance Officer (or to the Superintendent if the investigation was conducted by the Compliance Officer) within fifteen (15) days of receiving the written summary of the investigation and recommended disposition of the complaint.

The Compliance Officer or Superintendent shall review the investigation and may, if necessary, further investigate the complaint.

The Compliance Officer or Superintendent shall prepare a written response to the appeal within fifteen (15) days, unless more time is required to further investigate the complaint. Copies of the appeal response shall be provided to the complainant and his/her parents, as well as the accused and his/her parents.