

SUGAR VALLEY RURAL CHARTER SCHOOL

POLICY NUMBER: 248
SECTION: 200 PUPILS
TITLE: **UNLAWFUL HARASSMENT**
DATE ADOPTED: NOVEMBER 2003
DATE LAST REVISED: MARCH 2020

UNLAWFUL HARRASMENT

PURPOSE

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the school to maintain an educational environment in which harassment in any form is not tolerated.

The board will not tolerate any behavior by administrators, faculty, staff or students which constitutes unlawful harassment of a student, to include sexual harassment. In addition, it is the responsibility of all administrators and supervisory personnel, faculty, staff and students to report any conduct that is perceived to be harassment or sexual harassment. This policy is in compliance with provisions of Title IX of the Civil Rights Act of 1964 prohibiting sexual discrimination.

DEFINITION

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, sex, age, disability, sexual orientation or religion when such conduct:

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.

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:

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, work, or social 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, rumors, touching or propositions; verbal abuse of a sexual nature; sexually graphic or suggestive comments; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; drawings; pictures; written materials; innuendoes; references to sexual activities; overt sexual conduct or gestures; circulating or showing emails or websites of a sexual nature; 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.

GUIDELINES

SVRCS will act positively to provide information to student about the policy against sexual harassment, the procedures for registering a complaint, and rights specified in the Pennsylvania Human Relations Commission guidelines and the Office for Civil Rights.

The school will take steps to thoroughly investigate allegations of sexual harassment and to effectively remedy them when probable cause is established.

The school will enforce appropriate disciplinary action against any person who sexually harasses a student. Such disciplinary action might include, but not limited to, warning, suspension, or job termination of the offending person.

Disciplinary action against a student who sexually harasses another student might include, but not limited to, warning, detention or suspension.

DELEGATION OF RESPONSIBILITY

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the CEO as the school's Compliance Officer.

The Compliance Officer or designee 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 or designee.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

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

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 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 Compliance Officer if the building principal is the subject of the complaint.

Complaint Procedure – Student/Third Party

Step 1 – Reporting

1. A student or third party who believes they have been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the principal or a school employee. A student or third party has the responsibility to report a complaint to the appropriate (administrative supervisor, Compliance Officer or Director of Human Resources) within twenty-four (24) hours of the occurrence of the allegation, so the charges can be investigated in a timely fashion. The complain may be relayed verbally to one (1) of the aforementioned individuals who will attain all of the necessary details but must be followed up within three (3) days on written form. (The Compliance Officer or designee shall conduct a thorough investigation.)
2. 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 principal or Compliance Officer.
3. If the principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.
4. In some cases, complaints may not be able to be resolved informally. If an informal resolution is reached, which is satisfactory to the complaint, the complainant shall sign off in writing tot hat fact and no further investigation or action by the district will be required.

5. All other complaints not formally resolved to the complainant's satisfaction shall be referred to the Compliance Officer or designee who will initiate an investigation that may include, but not limited to, the following:
 - a. Interview of the complainant;
 - b. Interview of the accused;
 - c. Interview of any other person with personal knowledge of the allegations of the complaint;
 - d. Compliance with all state and federal mandates, statutes and laws;
6. Both the charging party and the person accused of the unlawful harassment shall be given every opportunity to express themselves during the investigation. They may, if so desired, approach the Compliance Officer either during the investigation or after they receive notice of the findings. Individuals addressing the Compliance Officer may have a representative present. Such representatives may listen but no speak, except to ask a clarifying question.
7. All employees should be aware that the privacy of the charging party and the person accused of the unlawful harassment shall be kept as confidential as possible, constituent with the school's legal obligations and necessity to investigate allegations and to take disciplinary action. Investigative files shall be kept separate from the regular personnel files. Investigative files and any transcribed minutes are maintained as school property and are not share outside the Human Resource Office. In all cases, the charging party and the person accused will be advised of the findings and conclusions and, if appropriate, the recommendations of the compliance Officer or designee.
8. If the building principal is the subject complain, the student, third party or employee shall report the incident directly to the Compliance Officer or designee.

Step 2 – Investigation

1. Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer or designee 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.
2. 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.
3. The investigation shall continue regardless on an open, pending or closed investigation.

Step 3 – Investigative Report

1. The building principal shall prepare and submit a formal written report to the Compliance Officer 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.

2. 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

1. 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. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.
2. Disciplinary actions shall be consistent with the Code of Student Behavior, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.
3. 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 recommended corrective action, s/he may submit a written appeal to the Compliance Officer within one (1) school day of the determination of the findings.
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. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

REFERENCES

43 P.S 951 et seq, 20 U.S.C. 1681 et seq, 29 CFR 1606.8, 29 CFR 1604.11, Pol 103, Pol 103.1, Pol 806, Office of Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, Or Third Parties.