

SOUTHERN TIOGA SCHOOL DISTRICT

SECTION: Districtwide

TITLE: UNLAWFUL HARASSMENT

ADOPTED: October 12, 2009

REVISED: August 8, 2016

<p>248. UNLAWFUL HARASSMENT</p>	
<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 43 P.S. Sec. 951 et seq Title IX 20 U.S.C. Sec. 1681 et seq 29 CFR Sec. 1606.8(a)</p>	<p>The Board prohibits all forms of unlawful harassment of students and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board has jurisdiction over all Title IX complaints involving students, staff, or any other District employees. The Board encourages students and third parties 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 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 good faith charges of harassment.</p>
<p>3. Definitions 29 CFR Sec. 1606.8(a) 66 Fed. Reg. 5512</p>	<p>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, gender identity or religion when such conduct:</p> <ol style="list-style-type: none"> 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.

<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"> 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. <p>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.</p> <p>For the purposes of this policy, Gender-based harassment shall be defined as follows:</p> <p>Gender-based harassment is a form of sex discrimination, and refers to differential treatment or harassment of a student based on student's sex, including gender identity, gender expression, and nonconformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based harassment regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.</p>
<p>4. Delegation of Responsibility Pol. 103</p>	<p>In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the District's Compliance Officer (Currently Sam Rotella. Phone# 570-638-2183).</p> <p>The Compliance Officer 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,</p>

<p>5. Guidelines</p>	<p>office address and telephone number of the Compliance Officer. The Compliance Officer shall track all complaints, investigation materials, and resolutions from harassment complaints District-wide.</p> <p>The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.</p> <p>Each staff member and employee 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.</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"> 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. 5. Inform the student that they have a right to file a criminal complaint and a Title IX complaint simultaneously. 6. The student has the right to interim protective measures while any investigation is ongoing. These measures include but are not limited to separation of the student and the alleged perpetrator, a third-party District employee supervising interactions between the student and the alleged perpetrator, and the temporary suspension of the alleged perpetrator depending on the severity of the offense. Any suspension must be in accordance with Pennsylvania and Federal law. <p><u>Complaint Procedure – Student/Third Party/Staff</u></p> <p>Step 1 – Reporting</p> <p>A student, third party or staff member 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.</p>
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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.

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

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable. Any student, parent or District employee who is a victim of harassment, including those cases where an investigation is on-going, will have access to adequate counseling, advocacy services, and additional support. Advocacy support could include a counselor or an advocate who has the knowledge, background and/or expertise in these types of cases. These services could include Haven, the Women's Coalition, Concern, Tioga County Human Services Agency, or private counseling.

Any student, parent or District employee may also contact Superintendent Sam A. Rotella, Jr. located at 241 Main Street. Blossburg, PA 16912. Mr. Rotella can be reached at 570-638-2183 and his email address is srotella@southerntioga.org. Mr. Rotella is the Title IX Coordinator for the Southern Tioga School District.

All complaints, verbal or written, shall remain confidential at all times. The right to confidentiality for both the complainant and accused will be respected consistent with the District's responsibility to investigate and address such complaints. The Compliance Officer will be responsible for ensuring the confidentiality of the complaints to the best of their ability.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal or other designee 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. There will be an opportunity for both the complainant and the alleged perpetrator to present witnesses and evidence.

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

preponderance of the evidence standard shall be the standard applied to the facts of the investigation. Every investigation will be adequate, reliable and impartial throughout the process.

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 in written form 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 to prevent the harassment from recurring) and will not recur. Additionally, the District will take steps to remedy the discriminatory effects on the complainant and others, if appropriate.

Complainant(s) and the accused, and their parents, if they are under 18 years old, shall be notified of the disposition/action taken by the district. Any notification will be submitted in compliance with FERPA.

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 any person has knowingly made a false complaint under this policy, such person shall be subject to disciplinary action. All victims of harassment, including those cases where an investigation is still ongoing, will have access to counseling, advocacy services, and additional support. The Compliance Officer will determine on a case-by-case basis if the school's in-house counseling is sufficient or if outside resources will be required. A student or District employee, who is found to have violated this policy, or any other policy, shall be subject to discipline consistent with the School District's policy book. This discipline could include a referral to law enforcement, suspension, expulsion, removal from extra-curricular activities, suspensions without pay, and/or dismissal. All disciplinary sanctions against anyone affiliated with the School District shall be in accordance with all state and federal laws, School District procedures and any collective bargaining agreements.

Appeal Procedure

1. If the complainant or the accused 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 Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.

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.

References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination Law – 20 U.S.C. Sec. 1681 et seq. (Title IX)

Harassment Regulations and Guidelines

Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

Federal Register – 66 Fed. Reg. 5512

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