

SECTION: PUPILS

TITLE: HARASSMENT

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248. HARASSMENT

1. Purpose

The Joint Committee 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.

2. Definition

For purposes of this policy, harassment of a student consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, disability, sexual orientation or religion when such conduct:

29 CFR
Sec.
1606.1(a)
62 Fed. Reg.
12033
(March 13,
1997)
66 Fed. Reg.
5512
(Jan. 19,
2001)

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 of a student shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:

29 CFR
Sec.
1604.11(a)

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 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 education 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 or 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.

3. Authority

The Joint Committee prohibits all forms of unlawful harassment of employees by all school students and staff members, contracted individuals and vendors, and volunteers in the school.

The Joint Committee encourages employees who have been harassed to promptly report such incidents to the designated administrators.

The Joint Committee directs that complaints of harassment shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations. Neither reprisals nor retaliation shall occur as a result of good faith charges of harassment.

All persons associated with this school, including, but not necessarily limited to, the Board, the administration, the staff and the students, are expected to conduct themselves at all times so as to provide an atmosphere free from any harassment. Any person who engages in any harassment while acting as a member of the school community will be in violation of this policy.

Harassment is strictly forbidden and will not be tolerated. Harassment of a student(s) by other students or any member of the staff is contrary to the school's commitment to provide a physically and psychologically safe environment in which to learn. Additionally, such actions are a violation of federal or State law.

4. Delegation of Responsibility

A.W. Beattie Career Center shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment of students will not be tolerated, by publication and distribution of this policy and complaint procedure at least annually in the school handbook and through other appropriate means, including posting in a visible area of the school facility and on the school website. Publication shall include the position, office address and telephone number of those administrator(s) or employees designated to ensure compliance with this policy.

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

Each staff member shall be responsible to maintain an educational environment

Title IX
42 U.S.C.
Sec. 1681
43 P.S.
Sec. 951 et
seq.
29 C.F.R.
Sec.
1606.8(a)

free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and to ensure an atmosphere free from all forms of unlawful harassment.

Students shall be informed that they may choose to report harassment complaints to the principal, guidance counselor, teachers, or the Career & Technical Education Director.

All employees who receive a harassment complaint from a student shall report such to the Principal or guidance counselor.

If the Principal or guidance counselor is the subject of complaint, the student shall report the complaint directly to the Career & Technical Education Director.

5. Guidelines

Complaint Procedure

1. Any student who feels that she/he has been the subject of alleged harassment must contact the school Principal or guidance counselor as soon as the objectionable conduct occurs, or otherwise as soon as possible after the incident. This report can be oral or written, but the student, parent or reporting employee are encouraged to use the A.W. Beattie Career Center Harassment Report Form. A written and signed statement of the complaint should be submitted by the complaining student within three (3) days of the initial report.
2. Upon receipt of the written complaint, the Principal or guidance counselor shall contact the person who initiated the alleged harassment, and inform the person of the basis of the complaint, as well as provide the opportunity to respond in writing to the allegations set forth in the complaint.
3. The Principal or guidance counselor shall conduct an investigation of the factual allegations of the complaint as expeditiously as possible. Witnesses, if any, will be interviewed when appropriate. The complainant and the individual identified as the person charged with alleged harassment shall also be interviewed. All of the information obtained in the investigation will be kept in confidence.
4. The Principal or guidance counselor shall prepare a written report within fifteen (15) days, unless additional time to complete a thorough 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 and the accused.
5. If it is determined that harassment by a student has occurred and constitutes a violation of this policy, appropriate and prompt corrective action will be taken. Violations by students will be dealt with according to the guidelines of student conduct/behavior/interventions.

Any discipline will be determined by the severity and frequency of the offense, or other relevant conditions surrounding the incident.

6. Cases which involve charges against a student shall be subject to the student discipline policies and procedures and all applicable state and federal laws. If it is concluded that a student has knowingly made a false complaint under this policy, such student may be subject to disciplinary action.
7. It must be recognized that an individual's failure to report an incident of harassment within ten (10) days of its occurrence may impair the school's ability to investigate and deal with any unlawful harassment. Similarly, an individual's failure to submit a written complaint within three (3) days of his/her verbal report of harassment addressing the alleged unlawful activity may affect the credibility of the person making the charge. If the individual against whom the complaint of harassment is filed fails to respond to the complaint within seven (7) days of notification by the school, the school may, nevertheless, pursue the investigation of the complaint and impose appropriate discipline.
8. The obligation to conduct an investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

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, she/he may submit a written appeal to the Career & Technical Education Director within fifteen (15) days.
2. The Director shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Director 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 Principal or guidance counselor who conducted the initial investigation.

A.W. BEATTIE CAREER CENTER

(Check box for appropriate reporting)

BULLYING REPORT FORM

OR

HARASSMENT REPORT FORM

All Bullying/Harassment Report Forms require the signature of the Director

COMPLAINANT _____

RELATIONSHIP TO AWBCC: EMPLOYEE STUDENT VOLUNTEER

OTHER _____
SPECIFY _____ DEPARTMENT/SCHOOL _____

HOME ADDRESS: _____

WORK ADDRESS: _____

HOME PHONE: _____ WORK PHONE: _____

DATE OF ALLEGED INCIDENT(S) _____

NAME OF PERSON YOU BELIEVE HARASSED YOU _____

LIST ANY WITNESSES WHO WERE PRESENT:

WHERE DID THE INCIDENT(S) OCCUR? _____

DESCRIBE THE INCIDENT(S) AS CLEARLY AS POSSIBLE, INCLUDING SUCH THINGS AS: ANY VERBAL STATEMENTS (I.E. THREATS, REQUESTS, DEMANDS, ETC.); WHAT, IF ANY, PHYSICAL CONTACT WAS INVOLVED; ETC. (ATTACH ADDITIONAL PAGES IF NECESSARY)

I HEREBY CERTIFY THAT THE INFORMATION I HAVE PROVIDED IN THIS COMPLAINT IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

COMPLAINANT SIGNATURE _____ DATE _____

PARENT SIGNATURE IF STUDENT IS CONSIDERED A MINOR _____ DATE _____

INTERVIEWED BY _____ DATE _____

RECEIVED BY DIRECTOR _____ DATE _____