

Lower Merion School District

Policy No.: 246
Section: STUDENTS
Title: DISCRIMINATORY HARASSMENT, BULLYING AND HAZING
Date Adopted: 6/20/88
Date Last Revised: 10/19/2020; 5/20/19; 1/28/19; 3/17/14; 3/20/95

246 DISCRIMINATORY HARASSMENT, BULLYING AND HAZING

Purpose

The purpose of this Policy is to promote and maintain a safe, positive and respectful environment that is free from bullying, hazing, and discriminatory harassment.

Definitions

Discriminatory harassment means verbal, written, electronic, graphic or physical conduct relating to an individual’s race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects a student’s educational performance or creates an intimidating, threatening or abusive educational environment; and/or
2. Has the purpose or effect of unreasonably interfering with a student’s educational performance; and/or
3. Adversely affects a student’s educational opportunities.

Discriminatory harassment includes, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion. Discriminatory harassment also includes sexual harassment, as defined in the accompanying regulation.

For purposes of effective enforcement of the policy, particular forms of discriminatory harassment shall be defined in the accompanying regulation.

Delegation of Responsibility

The Board directs that the Superintendent or designee promptly investigate all complaints of bullying, hazing, and discriminatory harassment, and administer appropriate discipline to any individual who violates this Policy or the accompanying Administrative Regulation, in accordance with applicable Board Policies, Administrative Regulations, and any applicable Code of Conduct.

Guidelines

Any form of bullying, hazing, or discriminatory harassment that is a part of a school sponsored or student activity or organization is prohibited.

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No student, coach, activity sponsor, volunteer, District employee, administrator, representative, agent, or contractor shall plan, direct, encourage, assist, engage in, tolerate, condone, ignore or fail to properly report or investigate any known instances of bullying, hazing, or discriminatory harassment.

Students who believe they or others have been subjected to bullying, hazing, or discriminatory harassment are encouraged to promptly report such incidents in accordance with the provisions outlined in the accompanying Administrative Regulation.

Students, administrators, coaches, activity sponsors, volunteers, District employees, representatives, agents, and contractors shall be alert to incidents of bullying, hazing, and discriminatory harassment, and shall promptly report such conduct to their supervisor or the building principal.

Reports of alleged bullying or hazing that could be interpreted to also constitute discrimination and/or Discriminatory harassment shall be handled in coordination with the appropriate Title IX Coordinator. The Title IX Coordinator shall be provided with appropriate training regarding investigative procedures and protocol.

If the person receiving a complaint of bullying, hazing, or discriminatory harassment is a mandated reporter and has reasonable cause to suspect that a child is the victim of child abuse, the incident should immediately be reported to Children and Youth Services in accordance with Policy and Administrative Regulation No. 806, Child/Student Abuse.

Complaints of bullying, hazing, and discriminatory harassment may be referred to the appropriate law enforcement agency for investigation, as required by law or as determined by the Superintendent or designee.

Retaliation against an individual who files a good faith complaint in accordance with the procedures in this Board Policy or the accompanying Administrative Regulation, or against an individual who participates in or cooperates with an investigation, is prohibited. Such retaliation will result in the same disciplinary action applicable to one who engages in prohibited conduct. Individuals who file intentionally false accusations will be disciplined.

Reporting bullying, hazing, or discriminatory harassment in accordance with this Policy or the accompanying Administrative Regulation will not affect the reporting individual's status with respect to either an employee's future employment or work assignments or a student's future academic opportunity, progress or record.

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The District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Appropriate corrective and preventative action shall be taken when allegations of bullying, hazing, or discriminatory harassment are substantiated.

The District shall inform students, staff, parents/guardians, independent contractors and volunteers that bullying, hazing, and discriminatory harassment of students will not be tolerated. The Superintendent or designees will plan and implement appropriate programs to educate students, staff, parent/guardians, independent contractors and volunteers about this Policy and the accompanying Administrative Regulations.

A copy of this Board Policy and the accompanying Administrative Regulation shall be posted on the District's publicly accessible website. Additional methods of communication shall be determined by the Superintendent or designee.

Legal References:

18 Pa. C.S.A. 2801 et seq (Timothy J. Piazza Antihazing Law)
24 P.S. 1303.1-A; 1302-A
22 PA Code Sec. 12.3
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)
Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681-1688
EEOC Policy Guidelines on Sexual Harassment, 29 C.F.R. §1604.11
PA Human Relations Act, 43 Pa. Cons. Stat. Ann. § 951-960 (Purdon 1964 & Supp. 1991)
Human Relations Commission Guidelines on Sexual Harassment, 11 Pa. Bulletin No. 5 (Jan. 31, 1981)
Child Protective Services Law, 23 Pa. C.S.A. § 6301 et seq

Cross Reference

- Policy and Administrative Regulation No. 235, Student Rights and Responsibilities
- Policy and Administrative Regulation No. 806, Child/Student Abuse
- Policy and Administrative Regulation No. 006, Civility
- Policy and Administrative Regulation No. 346, 446, 546, Prohibited Harassment by and of Employees and Other Members of the School Community
- Policy and Administrative Regulation No. 354, 454, 554, 831 Maintaining Appropriate Boundaries with Students