

Policy No.: 346, 446, 546  
Section: PROGRAMS  
Title: DISCRIMINATORY HARASSMENT BY AND OF EMPLOYEES  
AND OTHER MEMBERS OF SCHOOL COMMUNITY  
Date Adopted: 6/20/88  
Date Last Revised: 10/19/2020; 3/17/14; 3/20/95

**346, 446, 546 DISCRIMINATORY HARASSMENT BY AND OF EMPLOYEES AND OTHER MEMBERS OF SCHOOL COMMUNITY**

In order to maintain a working environment which promotes self-worth and respect for the dignity and worth of others, it is the policy of the Lower Merion School District to prohibit all forms of harassment based on membership in designated classifications identified below (referred to as “discriminatory harassment” and more specifically defined below and in the accompanying regulation), to provide education about the problem of discriminatory harassment and to provide guidelines for a prompt and appropriate response to allegations of discriminatory harassment as well as guidelines for a prompt and appropriate remedy of any instance of discriminatory harassment. This policy applies to all students, to all District employees, to all school directors, and to all District contractors and consultants, and to all school volunteers (collectively, “members of school community”). This policy only applies to behavior defined specifically as discriminatory harassment; other policies may apply to other forms of behavior such as any listed at the end of this Policy.

*Definitions*

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

1. Is sufficiently severe, persistent or pervasive that it affects an individual’s performance or creates an intimidating, threatening or abusive working environment; and/or,
2. Has the purpose or effect of unreasonably interfering with an individual’s performance; and/or,
3. Adversely affects an individual’s employment opportunities or other District-related responsibilities.

The term discriminatory harassment includes but is not limited to slurs, jokes, bullying, hazing or other verbal, graphic or physical conduct relating to an individual's handicap/disability, race, color, age, creed, religion, sex, sexual orientation, gender identity, gender expression, ethnicity or national origin.

“Sexual harassment” is one specific form of discriminatory harassment and refers to any unwelcome sexual attention, sexual advances, requests for sexual favors and other

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inappropriate verbal, visual or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
2. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

A. Discriminatory Harassment by District Employees or Other Members of School Community

Discriminatory harassment is unacceptable conduct in the educational and work environment and is prohibited. It is a violation of this policy for any District employee or another member of the school community to harass a District employee or another member of the school community.

B. Retaliation Prohibited

Retaliation against an individual who files a good faith complaint in accordance with either the formal or informal procedures, 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 harassment.

Reporting harassment 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.

C. Intentionally False Accusations Prohibited

False accusations of harassment can have serious effect on innocent men and women, boys and girls. Therefore, it is prohibited to intentionally falsely accuse an individual of harassment. Such intentionally false accusations will result in disciplinary action.

D. Reporting and Investigating Discriminatory Harassment

The administration shall report the circumstances of discriminatory harassment to law enforcement officials and the district attorney's office as required by law. The

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Superintendent will conduct an independent investigation and recommend disciplinary action as appropriate.

The Board directs that complaints of discriminatory harassment shall be investigated promptly in accordance with the accompanying administrative regulation, and corrective action shall be taken when allegations are verified. No reprisals or retaliation shall occur as a result of good faith charges of discriminatory harassment.

The District shall inform students, staff, parents, independent contractors and volunteers that discriminatory harassment of and by employees will not be tolerated, by a variety of methods including publication in handbooks and presentations to students and staff when appropriate.

Each staff member shall maintain an educational environment free from all forms of discriminatory harassment.

Each employee shall respect the rights of other students with the goal of creating and maintaining an atmosphere free from all forms of discriminatory harassment. All members of the school community shall be informed that they may choose to report discriminatory harassment complaints to building principals, teachers, counselors, nurses, administrators or other trusted adult employee. All employees should be trained to refer complaints of discriminatory harassment to the principal or other designated employees.

The Superintendent shall ensure that procedures for resolving complaints involving discriminatory harassment of members of the school community are developed and made part of Administrative Regulation. The procedures shall be distributed periodically to all employees and students as applicable and posted in a prominent location in each school building.

E. Confidentiality

In all phases of the complaint resolution process, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties, consistent with the District's responsibility to investigate and address such complaints.

F. Employees and Agents

A substantiated charge against a District employee or agent will subject such employee or agent to disciplinary action, up to and including discharge.

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Supervisors who either condone or fail to act to correct discriminatory harassment brought to their attention also may be subject to disciplinary action.

Staff members who become aware of discriminatory harassment involving a student and fail to report the complaint to the building principal will be subject to disciplinary action.

G. Students

A substantiated charge against a student shall subject such student to disciplinary action, up to and including suspension or expulsion.

H. Implementation

The Superintendent is responsible for implementing this policy. Implementation will include, but is not limited to, the following activities:

1. Education

The Superintendent or his designees will plan and implement appropriate programs to educate staff and students about discriminatory harassment, and about this policy and its procedures.

Programs for staff will include mandatory training seminars or in-service programs which will reach all professional and support staff.

Programs for students will be age appropriate.

2. Procedures

The Superintendent or his designees will prepare written procedures for prompt and satisfactory resolution of any complaint arising from a purported violation of this policy.

3. Communication

The Superintendent or his designees will implement a plan to communicate the policy and written procedures to students, parents or guardians and District employees and agents. Information about discriminatory harassment and this policy shall be distributed with such frequency and in such a form as to ensure that all students and District employees and agents are aware of the various forms that discriminatory harassment

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can take, the District's prohibition of discriminatory harassment, and the procedures that are available to enforce the policy.

discriminatory harassment policy and administrative regulations will be included in staff and student handbooks.

**Cross References:**

LMSD Policy & Administrative Regulation 246 (Discriminatory Harassment, Bullying, & Hazing)  
LMSD Policy & Administrative Regulation 006 (Civility)

**Legal References:**

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  
Pennsylvania 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)