

Lower Merion School District

ADMINISTRATIVE REGULATIONS

Nos: 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: 9/21/2020; 2/18/14

R346, 446, 546 DISCRIMINATORY HARASSMENT BY AND OF EMPLOYEES AND OTHER MEMBERS OF SCHOOL COMMUNITY

Reporting

The District encourages employees and third parties who believe they or others have been subject to discriminatory harassment, including sexual harassment, Title IX sexual harassment, other discrimination or retaliation to promptly report such alleged incidents to the Title IX Coordinator, even if some elements of the related incident took place or originated away from school ground, school activities, or school conveyances. If the Title IX Coordinator is the subject of the report, then the incident shall be reported to the Superintendent. A person who is not an intended victim or target of discrimination but is adversely affected by the harassing conduct is also encouraged to file a report of discrimination in accordance with this Policy.

The burden is on the Title IX Coordinator to determine what conduct constitutes Title IX sexual harassment, not the complainant or other person reporting the alleged discrimination.

Title IX Coordinator

The Contact information for the Title IX Coordinator for the District is set forth below:

Title IX Coordinator	Megan Shafer
Office Address	301 E. Montgomery Ave., Ardmore, PA 19003
Email	shaferm@lmsd.org
Telephone Number	610-645-1928

Definitions

Discriminatory harassment means 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 perform job functions or creates an intimidating, threatening or abusive work environment.

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2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.

3. Otherwise adversely affects an individual's employment opportunities. Discriminatory harassment may include sexual harassment which meets the following definition but not the definition of Title IX sexual harassment:

Unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. Sexual assault, dating violence, domestic violence, or stalking.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.

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- ii. The type of relationship.
- iii. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for their safety or the safety of others; or
- B. Suffer substantial emotional distress.

Procedures for Resolving Report of Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of Title IX sexual harassment shall be investigated and handled in accordance with the specific procedures included in the document attached hereto as **Appendix GP – Title IX Grievance Process**.

Procedures for Resolving Reports of Discriminatory Harassment

- A. Any employee who believes that the actions or words of a supervisor or other District employee constitute sexual or other discriminatory harassment has a responsibility, first, to make the objection known to that supervisor or employee and in the absence of a satisfactory resolution, to report in writing such conduct to the immediate supervisor, or to the Superintendent of Schools, if the complaint involves that supervisor. A written statement or report will be requested following an initial oral report to the supervisor.
- B. Any District employee who observes or becomes aware of sexual or other

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discriminatory harassment of or by a District employee by or of a District student(s), contracted individual(s), vendor(s), volunteer(s), or other third party(s) in the schools, on District property and/or in connection with any District/school-sponsored event must report such conduct to the immediate supervisor, or to the Superintendent of Schools, if the complaint involves that supervisor.

- C. Any complaints of harassment shall be made to the employee's supervisor, any member of the administrative staff, or the Superintendent when the complaint involves the supervisor, as soon as possible but in no event more than 30 days after the alleged incident. The supervisor shall confer with the Director of Personnel, who shall normally be designated by the Superintendent to investigate such complaints. Such complaints shall be investigated promptly and in an impartial and as confidential a manner as possible. If an employee is not satisfied with the handling of a complaint or the action taken by the investigator, then the employee may bring the complaint to the attention of the Superintendent of Schools. In all cases, the employee will be advised of relevant findings and conclusions in a timely fashion.
- D. There shall be no reprisals in cases where an employee has complained about sexual harassment.
- E. Any employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee shall be subject to disciplinary action, depending on the circumstances, up to and including termination, consistent with the Pennsylvania School Code of 1949, as amended and the applicable provisions of the collective bargaining agreement.

Cross References:

LMSD Policy & Administrative Regulation 246 (Discriminatory Harassment, Bullying and Hazing by and of Students)
LMSD Policy & Administrative Regulation 006 (Civility)

Legal References:

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)

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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)