## No. 248, 348, 448, 548

## Twin Valley School District

SECTION(S): Pupils

TITLE: Unlawful Harassment

ADOPTED: May 14, 2001 REVISED: August 15, 2011

| 1 2      |                     | 248, 348, 448, 548. Unlawful Harassment                               | 1 2 |
|----------|---------------------|---|-----|
| 3        | 1 Durnese           | It is the policy of the Twin Valley School District to provide a      | 3   |
| 4        | 1. Purpose          |   | 4   |
| 5        | U.S. Civil Rights   | working and learning environment free from all forms of illegal       |     |
|          | Act                 | discrimination, including unlawful, ethnic, or sexual                 | 5   |
| 6        | of 1964, Title VII; | harassment.   | 6   |
| 7        | EEOC                |   | 7   |
| 8        | Regulations         | It shall be a violation of this policy for any member of the staff to | 8   |
| 9        | Published           | harass a student through conduct or communications of an              | 9   |
| 10       | at 29 CFR           | unlawful nature as defined below. It shall also be a violation of     | 10  |
| 11       | Sec. 1604           | this policy for students to harass other students through             | 11  |
| 12       |                     | conduct or communications of an unlawful nature as defined            | 12  |
| 13       |                     | below.  | 13  |
| 14       |                     |   | 14  |
| 15       |                     | <b>Unlawful harassment</b> including but not limited to ethnic and    | 15  |
| 16       | 2. Authority        | sexual harassment lowers morale and is damaging to the                | 16  |
| 17       | Ĭ                   | educational environment; it also is illegal pursuant to Titles VI,    | 17  |
| 18       |                     | VII and IX of the Civil Rights Act of 1964 and the Pennsylvania       | 18  |
| 19       |                     | Human Relations Act. Therefore, the District will treat unlawful      | 19  |
| 20       |                     | harassment like any other form of employee or student                 | 20  |
| 21       |                     | misconduct, and it will not be tolerated. For purposes of             | 21  |
| 22       |                     | student speech, it is regulated here only insofar as it               | 22  |
| 23       |                     | substantially disrupts or interferes with the work of the school      | 23  |
| 24       |                     | or the rights of other students, is lewd, vulgar or profane, or is    | 24  |
| 25       |                     | school-sponsored, i.e., speech that a reasonable observer would       | 25  |
| 26       |                     | view as the school's own speech.                                      | 26  |
| 27       |                     | view as the school's own speech.                                      | 27  |
| 28       |                     | Examples of unlawful harasament include but are not limited           | 28  |
| 29       | 3. Definitions      | Examples of unlawful harassment include, but are not limited          | 29  |
| 30       | 3. Delilitions      | to, repeated, unwelcome and offensive slurs, jokes, or other          | 30  |
|          |                     | verbal, graphic, or physical conduct (such as touching, rubbing,      | 31  |
| 31<br>32 |                     | grabbing, pushing, hitting or punching) relating to an                | 32  |
|          |                     | individual's race, color, ancestry, religion, sex, national origin,   |     |
| 33       |                     | age, or handicap/disability.  | 33  |
| 34       |                     | This is homeoned in the decider of a constant and a second            | 34  |
| 35       |                     | <b>Ethnic harassment</b> includes the repeated, unwelcome, and        | 35  |
| 36       |                     | offensive use of any derogatory word, phrase, or action               | 36  |
| 37       |                     | characterizing a given racial or ethnic group that creates an         | 37  |
| 38       |                     | intimidating, hostile or offensive educational or employment          | 38  |
| 39       |                     | environment.  | 39  |
| 40       |                     | <b>O</b>  | 40  |
| 41       |                     | Sexual harassment is illegal and it is against the policies of this   | 41  |
| 42       |                     | district for any employee or student, male or female, to sexually     | 42  |
| 43       |                     | harass another employee or student by:                                | 43  |
| 44       |                     |   | 44  |
| 45       |                     | 1. making acceptance of unwelcome sexual advances or requests         | 45  |
| 46       |                     | for sexual favors or other verbal or physical conduct of a sexual     | 46  |
| 47       |                     | nature, a condition of an employee's continued employment or          | 47  |
| 48       |                     | the student's education;  | 48  |
| 49       |                     |   | 49  |
| 50       |                     | 2. making submission to or rejections of such conduct the basis       | 50  |
|          |                     | Page 1 of 5   |     |
|          | ·                   |   |     |

| 1        |                | for academic or employment decisions affecting the individual;   | 1        |
|----------|----------------|--|----------|
| 2 3      |                | 2 areating an intimidating hostile an affancing advantional assistant  | 2 3      |
| 4        |                | 3. creating an intimidating, hostile or offensive educational, social or working environment by such conduct which causes actual         | 4        |
| 5        |                | disruption to the student or employee.   | 5        |
| 6        |                | disruption to the student of employee.   | 6        |
| 7        |                | Sexual harassment, as defined by the board policy, may include,  | 7        |
| 8        |                | but is not limited to the following: pressure for sexual activity;   | 8        |
| 9        |                | repeated sexual remarks with demeaning implications to a person;   | 9        |
| 10       |                | unwelcome touching (e.g. pinching or patting); unwelcome   | 10       |
| 11       |                | flirtations, including those of sexual nature; graphic verbal  | 11       |
| 12       |                | commentaries or innuendoes about a person's body; displaying   | 12       |
| 13       |                | sexually suggestive objects or pictures; using obscene remarks or  | 13       |
| 14       |                | gestures; suggesting or demanding sexual involvement accompanied   | 14       |
| 15       | 4.5.6          | by implied or explicit threats concerning one's grades, job or   | 15       |
| 16       | 4. Enforcement | position.  | 16       |
| 17<br>18 | Procedures     | The district recognizes that the question of whather a particular  | 17<br>18 |
| 19       |                | The district recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a | 19       |
| 20       |                | discriminatory employment effect requires a factual determination  | 20       |
| 21       |                | based on all facts in each case.   | 21       |
| 22       |                |  | 22       |
| 23       |                | The district will act positively to investigate alleged unlawful, ethnic,  | 23       |
| 24       |                | or sexual harassment claims and to effectively remedy them when  | 24       |
| 25       |                | an allegation is determined to be valid.   | 25       |
| 26       |                |  | 26       |
| 27       |                | The district will enforce disciplinary action against any person who   | 27       |
| 28       |                | threatens or insinuates, either explicitly or implicitly, that an  | 28       |
| 29<br>30 |                | employee's refusal to submit to sexual advances will adversely affect<br>the employee's employment, evaluation, wages, advancement,      | 29<br>30 |
| 31       |                | assigned duties, shifts, or any condition of employment or career  | 31       |
| 32       |                | development. This discipline can include termination.  | 32       |
| 33       |                | developments this discipline can incidate termination.   | 33       |
| 34       |                | A substantiated charge against a student in the school district shall  | 34       |
| 35       |                | subject that student-to-student disciplinary action including  | 35       |
| 36       |                | suspension or expulsion, consistent with the student discipline  | 36       |
| 37       |                | code.  | 37       |
| 38       |                |  | 38       |
| 39       |                | Given the nature of the type of discrimination, the district also  | 39       |
| 40       |                | recognizes that false accusations of unlawful, ethnic, or sexual   | 40       |
| 41<br>42 |                | harassment can have serious effects on innocent men, women and students. Therefore, false accusations will be considered for             | 41<br>42 |
| 43       |                | disciplinary action.   | 43       |
| 44       |                | alsolphilary action.   | 44       |
| 45       |                | All employees and students must recognize that sensitivities differ.   | 45       |
| 46       |                | It is the desire of Twin Valley School District to have as many  | 46       |
| 47       |                | complaints as possible resolved informally between the parties. The  | 47       |
| 48       |                | primary purpose is to resolve the complaint at the earliest possible   | 48       |
| 49       |                | time. The purpose of the initial conflict resolution is intended to be   | 49       |
| 50       |                | corrective rather than punitive and shall be accomplished through  | 50       |
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|          |                | Page 2 of 5  |          |

| 1  | education. This policy will only deal with that conduct which                    | 1  |
|----|--|----|
| 2  | is severe or pervasive enough to create an objectionable                         | 2  |
| 3  | hostile or abusive environment to a reasonable person and                        | 3  |
| 4  | which actually does adversely affect the victim.                                 | 4  |
| 5  |  | 5  |
| 6  | The right to confidentiality, both of the complainant and of                     | 6  |
| 7  | the accused, will be respected consistent with the district's                    | 7  |
| 8  | legal obligations, and with the necessity to investigate                         | 8  |
| 9  | allegations of misconduct and to take corrective action when                     | 9  |
| 10 | this conduct has occurred.   | 10 |
| 11 | this conduct has occurred.   | 11 |
| 12 | Ston 1 Informal masting  | 12 |
|    | Step 1 - Informal meeting  |    |
| 13 | 1 An analogo an ata-faut ante faitana ata-fa-fa-fa-fa-fa-fa-fa-fa-fa-fa-fa-fa-fa | 13 |
| 14 | 1. An employee or student who believes she/he has been                           | 14 |
| 15 | unlawfully, ethnically, or sexually harassed shall attempt to                    | 15 |
| 16 | stop the unwanted attention by informing the offending party                     | 16 |
| 17 | that his/her actions or attentions are offensive and firmly                      | 17 |
| 18 | asking that the actions or attentions cease.                                     | 18 |
| 19 |  | 19 |
| 20 | The employee or student may want another adult or student                        | 20 |
| 21 | present when the offending person is confronted.                                 | 21 |
| 22 |  | 22 |
| 23 | If this request does not stop the harassment, or if the                          | 23 |
| 24 | offended person prefers not to approach the offender,                            | 24 |
| 25 | corrective action may be pursued as follows:                                     | 25 |
| 26 |  | 26 |
| 27 | 2. A student believes she/he has been subjected to unlawful,                     | 27 |
| 28 | ethnic or sexual harassment shall report the incident to any                     | 28 |
| 29 | adult in the school with whom the student feels comfortable:                     | 29 |
| 30 | e.g., teacher, school nurse, or principal. During this                           | 30 |
| 31 | reporting process a student may request that another adult                       | 31 |
| 32 | or student be present. The student and the adult shall then                      | 32 |
| 33 | report the incident to a guidance counselor or administrator.                    | 33 |
| 34 | The attached Unlawful, Ethnic, or Sexual Harassment Report                       | 34 |
| 35 | Form shall be used for this purpose. It is the responsibility of                 | 35 |
| 36 | both the accused and the accuser to maintain confidentiality                     | 36 |
| 37 | about the identity of the parties and the specifics of the                       | 37 |
| 38 | allegations, except as it is revealed to those persons who are                   | 38 |
| 39 | responsible for conducting an investigation and participating                    | 39 |
| 40 | in any disciplinary action. Parents or guardians will be                         | 40 |
| 40 |  | 40 |
|    | notified if it is determined that the health, welfare, or safety of              |    |
| 42 | the student is in jeopardy. The student shall be informed                        | 42 |
| 43 | that his/her parents or guardians are going to be notified.                      | 43 |
| 44 |  | 44 |
| 45 | 3. Any person who alleges unlawful, ethnic, or sexual                            | 45 |
| 46 | harassment by any employee or approved volunteer in the                          | 46 |
| 47 | district should report such action directly to his/her                           | 47 |
| 48 | immediate supervisor, building principal, or other individual                    | 48 |
| 49 | who could receive such a complaint. The attached Unlawful,                       | 49 |
| 50 | Ethnic or Sexual Harassment Report Form shall be used for                        | 50 |
|    |  |    |
|    | Page 3 of 5  |    |
|    |  |    |

| this purpose. If the immediate supervisor is the accused, the report should be reported to the Title IX Officer.  4. All reports of unlawful, ethnic, or sexual harassment should be reported immediately to the Title IX Officer upon request. The Title IX officer or an appropriate administrator will conduct an informal inquiry.  After an initial interview with the appropriate administrator, it may be possible to resolve the problem through oral or unit may be possible to resolve the problem through oral or unit may be possible to resolve the problem through oral or unit the complaint. If the informal inquiry is conducted by an administrator other than the Title IX officer and the results do not resolve the matter, it must then be mediated by the Title IX officer in the final effort to achieve an informal resolution to the problem.  5. When the superintendent is the accused or the complainant, the Title IX Officer shall conduct the conference: or the administrative conference may be by-passed and charges brought directly to the Board of Education: or a Board member appointed by the president to the Board may be appointed to conduct an informal inquiry or administrative hearing.  Step 2 - Formal hearing  25.  Step 2 - Formal hearing  1. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing.  33 of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  44 conclusion of the hearing both parties shall receive within  |    |   |    |
|--|----|---|----|
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| by an administrator other than the Title IX officer and the results do not resolve the matter, it must then be mediated by the Title IX officer in the final effort to achieve an informal resolution to the problem.  5. When the superintendent is the accused or the complainant, the Title IX Officer shall conduct the conference: or the administrative conference may be by-passed and charges brought directly to the Board of Education: or a Board member appointed by the president to the Board may be appointed to conduct an informal inquiry or administrative hearing.  Step 2 - Formal hearing  11. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the President of the Board. Within ten (10) working days of the complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  2. Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused and the accuser's personnel files if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.   | 11 | written communication with the person whose actions are the       | 11 |
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| the Title IX officer in the final effort to achieve an informal resolution to the problem.  16 17 18 18 19 5. When the superintendent is the accused or the complainant, the Title IX Officer shall conduct the conference: or the administrative conference may be by-passed and charges brought directly to the Board of Education: or a Board member appointed by the president to the Board may be appointed to conduct an informal inquiry or administrative hearing.  21 22 23 24 24 25 25 26 27 28 28 29 20 30 30 30 31 31 32 32 32 33 43 44 45 45 35 36 37 38 34 46 46 47 48 48 49 50 50 50 51 51 51 51 52 54 54 55 54 55 55 54 55 55 55 55 65 65 65 66 66 67 67 67 67 67 67 67 67 67 67 67  | 14 |   |    |
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| 5. When the superintendent is the accused or the complainant, the Title IX Officer shall conduct the conference: or the administrative conference may be by-passed and charges brought directly to the Board of Education: or a Board member appointed by the president to the Board may be appointed to conduct an informal inquiry or administrative hearing.  Step 2 - Formal hearing  1. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the President of the Board. Within ten (10) working days of the complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complain and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  2. Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused and the accuser's personnel files if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.  |    |   |    |
| 5. When the superintendent is the accused or the complainant, the Title IX Officer shall conduct the conference: or the administrative conference may be by-passed and charges brought directly to the Board of Education: or a Board member appointed by the president to the Board may be appointed to conduct an informal inquiry or administrative hearing.  21  |    | resolution to the problem.  |    |
| complainant, the Title IX Officer shall conduct the conference: or the administrative conference may be by-passed and charges brought directly to the Board of Education: or a Board member appointed by the president to the Board may be appointed to conduct an informal inquiry or administrative hearing.  23  24  25  26  27  28  29  1. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the president of the Board. Within ten (10) working days of the complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. 37  At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  28  29  30  31  32  33  34  35  36  36  37  38  38  39  40  41  42  42  43  2. Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused and the accuser's personnel files if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.  48  49  50  50   |    | E When the experience dept is the accused on the                  |    |
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| Board member appointed by the president to the Board may be appointed to conduct an informal inquiry or administrative hearing.  Step 2 - Formal hearing  1. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the President of the Board. Within ten (10) working days of the complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  22   |    |   |    |
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| hearing.  Step 2 - Formal hearing  1. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the President of the Board. Within ten (10) working days of the complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  24 2 2 Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused; the resolution may be placed in the accused; the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.   | 22 |   |    |
| hearing.  Step 2 - Formal hearing  1. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the President of the Board. Within ten (10) working days of the complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  28  39  40  40  41  22  25  36  37  38  At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  40  41  42  43  44  45  46  46  47  48  47  48  48  49  50  50  Step 2 - Formal hearing 26 26 26 27  27  28  28  29  30  10  11  12  12  13  13  13  14  15  15  16  16  17  17  18  18  18  18  18  18  18  18  | 23 | be appointed to conduct an informal inquiry or administrative     | 23 |
| Step 2 - Formal hearing  25 26 27 28 29 29 29 20 30 30 30 30 31 31 31 31 32 32 33 34 4 35 35 36 36 36 37 37 38 38 39 40 39 40 40 41 42 42 42 42 42 43 44 45 45 47 48 48 49 50 50 42  Step 2 - Formal hearing  25 26 27  1. If the complaint is not resolved to the satisfaction of either party at Step 1, the complainant and/or the accused will submit a detailed written statement of account to the party at Step 1, the complainant and/or the accused of the Complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  40 41 42 43 44 45 46 46 47 48 48 49 50 50  Step 2 - Formal hearing 26 27  28  28  28  29  29  29  20  21  28  28  28  29  29  29  29  29  20  21  28  28  29  29  29  29  29  20  21  22  28  28  29  29  29  29  20  21  22  28  22  28  28  29  29  29  29  20  21  22  23  33  34  32  33  34  45  46  47  48  49  50  50  Step 2 - Formal hearing 29  28  28  28  29  29  20  21  22  28  28  29  29  28  28  29  29  29  | 24 |   | 24 |
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| President of the Board. Within ten (10) working days of the complainant's request to appeal the complaint the President of the Board shall submit to the governing board or its designated representative(s) a copy of the written complaint and notification of the hearing. The hearing shall be scheduled for a date not to exceed twenty (20) working days after the appeal/referral of the complaint for a formal hearing. At the conclusion of the hearing both parties shall receive within ten (10) working days written notice of the decision rendered.  2. Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused and the accuser's personnel files if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.  |    |   |    |
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| rendered.  rendered.  2. Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused and the accuser's personnel files if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.  40  41  42  43  44  45  46  46  47  48  49  50  50   |    |   |    |
| 2. Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused and the accuser's personnel files if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.  41  42  43  44  45  46  47  48  48  49  50   |    | , , ,   |    |
| 2. Should the hearing be resolved in favor of the accused no further action will be taken. The charges and the resolution may be placed in the accused and the accuser's personnel files if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon direction of the Title IX Officer or a court order.  42  43  44  45  46  47  48  49  50  50   |    | rendered.   |    |
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| Schoo  | l District |

No. 248, 348, 448, 548 Unlawful Harassment – Page 5

| 1  | 3. A substantiated charge against an employee of the District  | 1  |
|----|--|----|
| 2  | shall subject the employee to disciplinary action which could  | 2  |
| 3  | include discharge if appropriate. A substantiated charge       | 3  |
| 4  | against a student in the school district shall subject the     | 4  |
| 5  | student to student disciplinary action including suspension    | 5  |
|    |  |    |
| 6  | or expulsion consistent with the student disciplinary code. A  | 6  |
| 7  | substantiated charge against a volunteer will result in the    | 7  |
| 8  | permanent revocation of that person's volunteer approval.      | 8  |
| 9  | Unlawful, ethnic, or sexual harassment could also constitute   | 9  |
| 10 | a violation of the criminal code. The district will cooperate  | 10 |
|    |  |    |
| 11 | fully with representatives of appropriate police organizations | 11 |
| 12 | to ensure the strongest possible institutional climate to      | 12 |
| 13 | prevent sexual harassment.                                     | 13 |
| 14 |  | 14 |
| 15 | 4. If it is substantiated that the accuser has made a false    | 15 |
| 16 | accusation it will result in disciplinary action against the   | 16 |
| 17 | - v  | 17 |
|    | accuser.   |    |
| 18 |  | 18 |
| 19 | 5. In the event that the School District has already initiated | 19 |
| 20 | discipline against the accused which seeks the termination of  | 20 |
| 21 | an employee or expulsion of a student, the disciplinary        | 21 |
| 22 | procedures and the rights of the accused available there       | 22 |
| 23 | -  | 23 |
|    | under shall supersede the procedures.                          |    |
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