

Twin Valley School District

No. 248, 348, 448, 548

SECTION(S): Pupils
 TITLE: Unlawful Harassment
 ADOPTED: May 14, 2001
 REVISED: August 15, 2011

1		248, 348, 448, 548. Unlawful Harassment	1
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3	1. Purpose	It is the policy of the Twin Valley School District to provide a	3
4	U.S. Civil Rights	working and learning environment free from all forms of illegal	4
5	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
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15		Unlawful harassment including but not limited to ethnic and	15
16	2. Authority	sexual harassment lowers morale and is damaging to the	16
17		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
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28		Examples of unlawful harassment include, but are not limited	28
29	3. Definitions	to, repeated, unwelcome and offensive slurs, jokes, or other	29
30		verbal, graphic, or physical conduct (such as touching, rubbing,	30
31		grabbing, pushing, hitting or punching) relating to an	31
32		individual's race, color, ancestry, religion, sex, national origin,	32
33		age, or handicap/disability.	33
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35		Ethnic harassment 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
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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
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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
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50		2. making submission to or rejections of such conduct the basis	50

1		for academic or employment decisions affecting the individual;	1
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3		3. creating an intimidating, hostile or offensive educational, social or	3
4		working environment by such conduct which causes actual	4
5		disruption to the student or employee.	5
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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		by implied or explicit threats concerning one's grades, job or	15
16	4. Enforcement	position.	16
17	Procedures		17
18		The district recognizes that the question of whether a particular	18
19		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
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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		employee's refusal to submit to sexual advances will adversely affect	29
30		the employee's employment, evaluation, wages, advancement,	30
31		assigned duties, shifts, or any condition of employment or career	31
32		development. This discipline can include termination.	32
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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		harassment can have serious effects on innocent men, women and	41
42		students. Therefore, false accusations will be considered for	42
43		disciplinary action.	43
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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

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
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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
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12	Step 1 - Informal meeting	12
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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
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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
41	notified if it is determined that the health, welfare, or safety of	41
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
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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

1		this purpose. If the immediate supervisor is the accused, the	1
2		report should be reported to the Title IX Officer.	2
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4		4. All reports of unlawful, ethnic, or sexual harassment	4
5		should be reported immediately to the Title IX Officer upon	5
6		request. The Title IX officer or an appropriate administrator	6
7		will conduct an informal inquiry.	7
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9		After an initial interview with the appropriate administrator, it	9
10		may be possible to resolve the problem through oral or	10
11		written communication with the person whose actions are the	11
12		subject of the complaint. If the informal inquiry is conducted	12
13		by an administrator other than the Title IX officer and the	13
14		results do not resolve the matter, it must then be mediated by	14
15		the Title IX officer in the final effort to achieve an informal	15
16		resolution to the problem.	16
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18		5. When the superintendent is the accused or the	18
19		complainant, the Title IX Officer shall conduct the conference:	19
20		or the administrative conference may be by-passed and	20
21		charges brought directly to the Board of Education: or a	21
22		Board member appointed by the president to the Board may	22
23		be appointed to conduct an informal inquiry or administrative	23
24		hearing.	24
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26		Step 2 - Formal hearing	26
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28		1. If the complaint is not resolved to the satisfaction of either	28
29		party at Step 1, the complainant and/or the accused will	29
30		submit a detailed written statement of account to the	30
31		President of the Board. Within ten (10) working days of the	31
32		complainant's request to appeal the complaint the President	32
33		of the Board shall submit to the governing board or its	33
34		designated representative(s) a copy of the written complaint	34
35		and notification of the hearing. The hearing shall be	35
36		scheduled for a date not to exceed twenty (20) working days	36
37		after the appeal/referral of the complaint for a formal hearing.	37
38		At the conclusion of the hearing both parties shall receive	38
39		within ten (10) working days written notice of the decision	39
40		rendered.	40
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42		2. Should the hearing be resolved in favor of the accused no	42
43		further action will be taken. The charges and the resolution	43
44		may be placed in the accused and the accuser's personnel	44
45		files if the accused so requests; otherwise, the charges and	45
46		the transcript will be sealed and impounded. Release from	46
47		impounding may be made only upon direction of the Title IX	47
48		Officer or a court order.	48
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1		3. A substantiated charge against an employee of the District shall subject the employee to disciplinary action which could include discharge if appropriate. A substantiated charge against a student in the school district shall subject the student to student disciplinary action including suspension or expulsion consistent with the student disciplinary code. A substantiated charge against a volunteer will result in the permanent revocation of that person's volunteer approval. Unlawful, ethnic, or sexual harassment could also constitute a violation of the criminal code. The district will cooperate fully with representatives of appropriate police organizations to ensure the strongest possible institutional climate to prevent sexual harassment.	1
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15		4. If it is substantiated that the accuser has made a false accusation it will result in disciplinary action against the accuser.	15
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19		5. In the event that the School District has already initiated discipline against the accused which seeks the termination of an employee or expulsion of a student, the disciplinary procedures and the rights of the accused available there under shall supersede the procedures.	19
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