

Lower Merion School District

ADMINISTRATIVE REGULATIONS

Policy No.: 246
Section: STUDENTS
Title: DISCRIMINATORY HARRASSMENT, BULLYING AND HAZING
Date Adopted: 6/20/88
Date Last Revised: 9/21/2020; 5/10/19; 1/11/19; 2/18/14

Replacing Prohibited Harassment by and of Students

R246 DISCRIMINATORY HARASSMENT, BULLYING AND HAZING

Reporting

The District encourages students 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, a building administrator, teacher and/or school counselor. Any staff member who receives a complaint of bullying, hazing or discriminatory harassment from a student shall promptly refer such complaints 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 Compliance Officer/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:

Table with 2 columns: Title IX Coordinator, Office Address, Email, Telephone Number. Values: Megan Shafer, 301 E. Montgomery Ave., Ardmore, PA 19003, shaferm@lmsd.org, 610-645-1928

Definitions

For purposes of this Policy and the accompanying Administrative Regulation, the following definitions shall apply:

Bullying shall mean an intentional electronic, written, verbal or physical act, or a series of acts which meet the following criteria:

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1. directed at another student or students;
2. occurs in a school setting;
3. is severe, persistent or pervasive; and
4. has the effect of doing any of the following:
  - a. substantially interfering with a student's education;
  - b. creating a threatening environment; or
  - c. substantially disrupting the orderly operation of the school.

**School setting** shall mean in school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the District.

**Hazing** occurs any time a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student's membership or status in an organization, causes, coerces or forces a student to do any of the following:

1. Violate Federal or State criminal law.
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

**Aggravated hazing** occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:

1. The person acts with reckless indifference to the health and safety of the student; or
2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

**Organizational hazing** occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.

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Any hazing activity, as described above, shall be deemed a violation of this Policy and the accompanying Administrative Regulation, regardless of whether the consent of the student was sought or obtained or whether the conduct was sanctioned or approved by the student organization.

**Student activity or organization** means any activity, society, corps, team, club or service, social or similar group, operating under the sanction of or recognized as an organization by the District, whose members are primarily students or alumni of the District.

**Bodily injury** shall mean impairment of physical condition or substantial pain.

**Serious bodily injury** shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**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 below.

**Sexual harassment** is a specific form of discriminatory harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.

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**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.
  - 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.

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**Procedures for Resolving Report of Title IX 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 Report of Other Forms of Discriminatory Harassment**

Students who believe they or others have been subjected to bullying, hazing or discriminatory harassment are encouraged to promptly report such incidents to a building administrator, teacher and/or school counselor. Any staff member who receives a complaint of bullying, hazing or discriminatory harassment from a student shall promptly refer such complaints to their building administrator. The staff member receiving the complaint shall document the incident in writing using the “Record of Incident” form that is attached as **Attachment A** to this regulation. As appropriate, the student and/or parent/guardian may be asked to complete **Attachment A** and/or provide a written statement of the incident(s).

Each building administrator or designee shall be responsible for reviewing and investigating any reports received alleging bullying, hazing or discriminatory harassment. As part of the investigation process, the investigator should complete a “Record of Incident Investigation” form that is attached as **Attachment B** to this regulation to document the investigatory process. 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 Assistant to the Superintendent for District Administration as the District’s Title IX Coordinator under this Policy and Administrative Regulation.

The building administrator or designee responsible for reviewing and investigating reports of bullying, hazing, and discriminatory harassment shall conduct a prompt and thorough investigation. The investigation may include, but need not be limited to, interviewing the victim, accused, and any third-party witnesses. The Building administrator or designee shall determine what, if any, interim measures should be put in place to protect students from further hazing, bullying, or harassing conduct related to the alleged incident and report. Such interim measures may include, but need not be limited to, the separation of alleged victims and perpetrators. Records shall be maintained documenting the investigation performed, the outcome, any discipline imposed, and any preventative or corrective action taken.

Violations of this Administrative Regulation and the accompanying Board Policy shall be reported to local law enforcement in accordance with the Memorandum of Understanding in effect between the District and the local law enforcement agency. Annually, the building administrator

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or designee shall assist the Superintendent or designee with the compilation of all incidents required to be incorporated into the District’s annual report to the Pennsylvania Department of Education, Office for Safe Schools.

**Special Provisions – Hazing**

Coaches and activity sponsors are expected to be familiar with the Board’s Policy and the District’s Administrative Regulation regarding hazing, and shall inform students of its contents at the start of the activity. Coaches and activity sponsors shall instruct team captains or other students in team or activity leadership positions (“student leaders”) to check with them prior to the student leader(s) implementing any activity designed to encourage teambuilding to ensure that the activity does not violate this Administrative Regulation or the accompanying Board Policy.

If a student organization is found to have engaged in organizational hazing, it shall be subject to appropriate penalties, which could include rescission of permission for that organization to operate on school property.

Any person or organization that causes or participates in hazing may be subject to criminal prosecution. An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if they comply with the requirements of law relating to Safe Harbor.

**Special Provisions – Student Bullying Policy**

The Superintendent or designee will ensure that this Administrative Regulation and the accompanying Board Policy is reviewed with respect to bullying at least every three (3) years, in accordance with the law.

The building principal or designee shall be responsible for ensuring that at least once each school year, this Administrative Regulation and the accompanying Board Policy are reviewed with students, with discussion on the procedures for reporting and consequences of engaging in bullying.

Building administrators or designees will also ensure that this Administrative Regulation and the accompanying Board Policy is posted in each classroom and in a prominent location within the school building. An age-appropriate summary shall be included as part of this posting; those summaries are attached to this Administrative Regulation as **Attachments C-E**.

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Cross Reference

Board Policy and Administrative Regulation 235 (Students Rights and Responsibilities)