

# A. W. BEATTIE CAREER CENTER

SECTION: PUPILS  
 TITLE: HARASSMENT  
 ADOPTED: May 27, 1999  
 REVISED: February 24, 2005  
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<p>1 Purpose</p> <p>2. Definitions 29CFR Sec. 1606.8(a)</p>	<p style="text-align: center;">248 HARASSMENT</p> <p>The Joint Operating Committee strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the school to maintain an educational environment in which harassment in any form is not tolerated.</p> <p>For the purpose of this policy harassment of a student consists of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin, ethnicity, gender identity, gender expression, disability, sexual orientation or religion when such conduct:</p> <ol style="list-style-type: none"> <li>1. Is sufficiently severe, persistent, or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening, or abusive educational environment.</li> <li>2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.</li> <li>3. Otherwise adversely affects an individual's learning opportunities.</li> </ol> <p>For purposes of this policy, sexual harassment of a student shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> <li>1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.</li> <li>2. Submission to or rejection of such conduct is used as the basis for academic decisions affecting the individual.</li> <li>3. Such conduct deprives a student of educational aid, benefits, services, or treatment.</li> </ol>
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<p>3. Authority 43 P.S. Sec. 951 et seq. Title IX 20 U.S.C. Sec. 1681 et seq. 29 CFR Sec. 1606.8(a)</p> <p>4. Delegation of Responsibility</p>	<p>4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile, or offensive education environment.</p> <p>Examples of conduct that may constitute sexual harassment include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes, pin-ups, calendars, objects, graffiti, vulgar or abusive language, innuendoes, references to sexual activities, overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.</p> <p>The Joint Operating Committee prohibits all forms of unlawful harassment of employees by all school students and staff members, contracted individuals and vendors, and volunteers in the school. The Joint Operating Committee encourages employees who have been harassed to promptly report such incidents to the designated administrators.</p> <p>The Joint Operating Committee directs that complaints of harassment shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations. Neither reprisals nor retaliation shall occur as a result of good faith charges of harassment.</p> <p>All persons associated with this school, including, but not necessarily limited to, the Joint Operating Committee, the administration, the staff and the students, are expected to conduct themselves at all times so as to provide an atmosphere free from any harassment. Any person who engages in any harassment while acting as a member of the school community will be in violation of this policy.</p> <p>Harassment is strictly forbidden and will not be tolerated. Harassment of a student(s) by other students or any member of the staff is contrary to the school's commitment to provide a physically and psychologically safe environment in which to learn. Additionally, such actions are a violation of Federal or State law.</p> <p>A. W. Beattie Career Center shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment of students will not be tolerated, by publication and distribution of this policy and complaint procedure at least annually in the school handbook and through other appropriate means, including posting in a visible area of the school facility and on the school website. Publication shall include the position, office address and telephone number of those administrator(s) or employees designated to ensure compliance with this policy.</p>
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The administration shall be responsible to provide training for students and employees regarding all aspects of harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and to ensure an atmosphere free from all forms of unlawful harassment.

Students shall be informed that they may choose to report harassment complaints to the Principal or School Counselor.

If the Principal or School Counselor is the subject of complaint, the student shall report the complaint directly to the Executive Director.

#### 5. Guidelines

##### Complaint Procedure

1. Any student who feels that she/he has been the subject of alleged harassment must contact the school Principal or School Counselor as soon as the objectionable conduct occurs, or otherwise as soon as possible after the incident. This report can be oral or written, but the student, parent or reporting employee are encouraged to use the A. W. Beattie Career Center Harassment Report Form. A written and signed statement of the complaint should be submitted by the complaining student within three (3) days of the initial report.
2. Upon receipt of the written complaint, the Principal or School Counselor shall contact the person who initiated the alleged harassment, and inform the person of the basis of the complaint, as well as provide the opportunity to respond in writing to the allegations set forth in the complaint.
3. The Principal or School Counselor shall conduct an investigation of the factual allegations of the complaint as expeditiously as possible. Witnesses, if any, will be interviewed when appropriate. The complainant and the individual identified as the person charged with alleged harassment shall also be interviewed. All of the information obtained in the investigation will be kept in confidence.
4. The Principal or School Counselor shall prepare a written report within fifteen (15) days, unless additional time to complete a thorough investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and recommended disposition of the complaint. The findings of the investigation shall be provided to the complainant and the accused.

5. If it is determined that harassment by a student has occurred and constitutes a violation of this policy, appropriate and prompt corrective action will be taken. Violations by students will be dealt with according to the guidelines of student conduct/behavior/interventions. Any discipline will be determined by the severity and frequency of the offense, or other relevant conditions surrounding the incident.
6. Cases which involve charges against a student shall be subject to the student discipline policies and procedures and all applicable State and Federal laws. If it is concluded that a student has knowingly made a false complaint under this policy, such student may be subject to disciplinary action.
7. It must be recognized that an individual's failure to report an incident of harassment within ten (10) days of its occurrence may impair the school's ability to investigate and deal with any unlawful harassment. Similarly, if an individual fails to submit a written complaint within three (3) days of their verbal report of harassment is filed or if the person who initiated the alleged harassments fails to respond to the complaint within seven (7) days of notification by the school, the school may, nevertheless, pursue the investigation of the complaint and impose appropriate discipline.
8. The obligation to conduct an investigation shall not be negated by the fact that a criminal investigation of the incident is pending or had been concluded.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, she/he may submit a written appeal to the Executive Director within Fifteen (15) days.
2. The Executive Director shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Executive Director shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Principal or School Counselor who conducted the initial investigation.

References:

Pennsylvania Human Relations Act - 43 P.S. Sec. 95 et seq.

Federal Anti-Discrimination Law - 20 U.S.C. Sec. 1681 et seq. (Title IX)

Harassment Regulations and Guidelines

Code of Federal Regulations - 29 CFR Sec. 1604.11(a), 1606.8(a)

Office for Civil Rights - Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties

Board Policy - 103, 103.1, 122, 123, 218, 233, 237, 247, 249, 249, 806