

SECTION: PUPILS

TITLE: HARASSMENT

ADOPTED: March 22, 2005

REVISED: August 10, 2021

LINE MOUNTAIN SCHOOL DISTRICT

<p>1. Purpose</p> <p>2. Authority Sec. 703 of Title VII of Civil Rights Act of 1964; Sec. 5(a) PHRC Act; Title IX of the 1972 Education Amendment</p> <p>3. Definitions OCR Guidelines on Sexual Harassment, Fed. Reg. Vol. 62, #49; PHRC Guidelines; PA Bulletin Vol. II, #5 Policy Memo OCR USDE March 1997</p>	<p style="text-align: center;">248. HARASSMENT</p> <p>The Board strives to provide and maintain a safe, positive learning climate for students that is free from harassment. Harassing behavior, including Title IX sexual harassment, is inconsistent with the educational goals of the District and is prohibited at all times.</p> <p>The Board prohibits all forms of unlawful harassment of students by all district students and staff members, contracted individuals and vendors, and volunteers in the schools.</p> <p>The Board encourages students who have been harassed to promptly report such incidents to the designated employees.</p> <p>The Board directs that complaints of harassment be investigated promptly, and corrective action be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good faith charges of harassment.</p> <p><u>Definitions</u></p> <p>Harassment means verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, handicap/disability, or membership in any other protected class when such conduct:</p> <ol style="list-style-type: none"> 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. <p>Harassment includes, but is not limited to, slurs, jokes, bullying, hazing or other</p>
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verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, handicap/disability, or membership in any other protected class. Harassment also includes Title IX sexual harassment, as defined below.

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

1. 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;
2. 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
3. Sexual assault, dating violence, domestic violence, or stalking.

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

Dating violence means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship.
 - b. The type of relationship.
 - c. 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 co-habiting with or has co-habited 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:

<p>4. Delegation of Responsibility</p> <p>Guidelines</p> <p>Pol. 317, 417, 517</p>	<ol style="list-style-type: none"> 1. Fear for their safety or the safety of others; or 2. Suffer substantial emotional distress. <p><u>Delegation of Responsibility</u></p> <p>The Superintendent or designee shall develop and promulgate Administrative Guidelines implementing this Policy in accordance with applicable law and the general guidelines listed below.</p> <p>Each staff member shall be responsible for promoting an educational environment free from all forms of harassment, including Title IX sexual harassment.</p> <p><u>Guidelines</u></p> <p>The Board encourages students who believe they or others have been subjected to harassment, including Title IX sexual harassment, to promptly report such incidents in accordance with the accompanying Administrative Guideline.</p> <p>Students, teachers, parents/guardians, coaches, activity sponsors, volunteers, District employees, representatives, agents, and contractors shall be alert to incidents of harassment and Title IX sexual harassment and shall promptly report such conduct in accordance with the accompanying Administrative Guideline.</p> <p>The District will promptly investigate all complaints or other reports of harassment, including Title IX sexual harassment. Claims of harassment will be investigated in the same manner as other student disciplinary investigations, except that allegations of Title IX sexual harassment shall be investigated and handled by the Title IX Coordinator, in accordance with applicable legal obligations and the procedures set forth in the District's Policy.</p> <p>The District will administer appropriate discipline to any individual who violates this Policy or the accompanying Administrative Guideline in accordance with Board Policy, any applicable Code of Conduct or provision of the Student Handbook, and applicable law.</p> <p>Complaints or other reports of harassment, including Title IX sexual harassment, may be referred to the appropriate law enforcement agency for investigation, as determined by the Superintendent or designee.</p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be maintained in accordance with law and the District's legal and investigative obligations.</p>
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Reprisal or retaliation relating to good faith reports of harassment, including sexual harassment, or participation in an investigation of allegations of harassment or Title IX sexual harassment is prohibited and shall be subject to disciplinary action.

Legal

1. 34 CFR 106.30
 2. 20 U.S.C. 1092
 3. 34 U.S.C. 12291
 4. Pol. 218
 5. Pol. 233
 6. Pol. 317
 7. Pol. 317.1
 8. Pol. 417
 9. Pol. 417.1
 10. Pol. 517
 11. Pol. 517.1
 12. 20 U.S.C. 1232g
 13. 34 CFR 106.44
 14. 34 CFR 106.45
 15. 34 CFR 106.71
 16. 34 CFR Part 99
- 34 CFR Part 106
- Office for Civil Rights - Resources for Addressing Racial Harassment
- Pol. 103
- Pol. 103.2
- Pol. 113
- Pol. 247
- Pol. 249
- Pol. 251

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248. HARASSMENT - AG

Reporting Procedures

Students who believe they or others have been subjected to harassment, including Title IX sexual harassment, are encouraged to promptly report such incidents to their principal, assistant principal, athletic director, school counselor, coach/activity sponsor, or other trusted school official. In the event a report is received by an individual other than the building principal, the building principal shall be notified so that a proper investigation may begin. Additionally, students are also encouraged to report allegations of Title IX sexual harassment to the District's Title IX Coordinator. In the event a report of sexual harassment is received by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be notified so that a proper investigation may begin.

Parents/Guardians, coaches, activity sponsors, volunteers, District employees, representatives, agents, and contractors shall be alert to incidents of harassment, including Title IX sexual harassment, and shall promptly report such conduct to their immediate supervisor or the appropriate building principal. In the event a report is received by an individual other than the building principal, the building principal shall be notified so that a proper investigation may begin. Individuals are also encouraged to report allegations of Title IX sexual harassment to the District's Title IX Coordinator. In the event a report of Title IX sexual harassment is received by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be notified so that a proper investigation may begin.

Investigation and Response to Complaints

Complaints of harassment by a student against another student shall be handled in the same manner as other student disciplinary investigations. Notwithstanding anything to the contrary in this Administrative Guideline or the accompanying Board Policy, allegations of Title IX sexual harassment shall be investigated and handled by the Title IX Coordinator.

Except for complaints of Title IX sexual harassment, which shall be handled in accordance with the procedures referenced immediately above, upon receipt of a

complaint of harassment, the building principal or designee shall determine what, if any, interim measures should be put in place to protect students from further harassment of similar conduct.

Disciplinary Consequences

In the event that it is determined that a violation of this Administrative Guideline or the accompanying Board Policy has occurred, school-based discipline will be administered, as appropriate, in accordance with Board Policy, any applicable provision of a Code of Conduct or Student Handbook, and applicable law.

Employees who fail to report known instances of harassment, including Title IX sexual harassment, shall be subject to appropriate discipline, in accordance with applicable law and any applicable collective bargaining agreement.