

# SUN AREA TECHNICAL INSTITUTE

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: March 21, 2002

REVISED:

248. UNLAWFUL HARASSMENT	
<p>1. Purpose</p>	<p>The Joint Operating Committee strives to provide a safe, positive learning climate for students in the center. Therefore, it shall be the policy of the center to maintain an educational environment in which harassment in any form is not tolerated.</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>The Joint Operating Committee prohibits all forms of unlawful harassment of students by all students and staff members, contracted individuals and vendors, and volunteers in the center.</p> <p>The Joint Operating Committee encourages students who have been harassed to promptly report such incidents to the designated employees.</p> <p>The Joint Operating Committee directs that complaints of harassment be investigated promptly, and corrective action taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the center's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good faith charges of harassment.</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>The term <b>harassment</b> includes but is not limited to repeated, unwelcome and offensive slurs, jokes, or other verbal, graphic or physical conduct relating to an individual's race, color, religion, ancestry, gender, sexual orientation, national origin, age or handicap/disability that create an intimidating, hostile or offensive educational environment.</p> <p><b>Ethnic harassment</b> includes the repeated, unwelcome and offensive use of any derogatory word, phrase or action characterizing a given racial or ethnic group that creates an intimidating, hostile, or offensive educational environment.</p> <p><b>Sexual harassment</b> shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal 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> </ol>

	<ol style="list-style-type: none"><li>2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.</li><li>3. Such conduct deprives a student of educational aid, benefits, services or treatment.</li><li>4. Such conduct has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive education environment.</li></ol> <p>Examples of 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 statements, 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>
4. Delegation of Responsibility	<p>The center shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment of students will not be tolerated, by means of posting and keeping posted a copy of this policy and any reporting procedures in a conspicuous place and shall include in the student handbook, a summary of the policy and information pertinent to filing a complaint. Upon request, any student or parent shall be provided a free copy of this policy and any reporting procedures.</p> <p>Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.</p> <p>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.</p>
5. Guidelines	<p>Any student or parent/guardian who alleges unlawful harassment in the center may use the center's complaint procedure and report directly to the Administrative Director or, in the alternative, may complain to a teacher, the guidance counselor or the First Aid/Safety Officer.</p> <p>The Administrative Director shall be notified of every allegation of unlawful harassment reported by a student. Teachers, the guidance counselors and other staff members should notify the Administrative Director of such allegations made to them by a student or parent. Parent/Guardians will be notified of complaints of unlawful harassment involving their students.</p>

The center shall make available an unlawful harassment complaint form to facilitate its investigation. Interviews will be conducted with students with sufficient privacy to enable students to talk freely. Filing of a complaint or otherwise reporting harassment will not reflect upon the student's status nor will it affect treatment by employees.

The Administrative Director shall have the responsibility of investigating and resolving complaints promptly and impartially. Appropriate administrators and supervisors shall have the responsibility to assist the Administrative Director in making such an investigation. The following procedures are to be implemented:

1. The Administrative Director is the person responsible for receiving oral or written complaints of harassment from students. The Administrative Director or contact person shall ask the complainant to document in writing on the center's complaint form, what was said or done, when and where the incident occurred, and the perception of the complainant as to the occurrence. The report should include the name of any witnesses who observed the incident and whether other incidents have occurred, either reported or unreported, involving the alleged harasser.
2. Complaints involving student-to-student unlawful harassment, which are lodged at the classroom or building level, may be resolved informally. If an informal resolution satisfactory to the complainant and/or complainant's parents is reached, no further investigation or action by the center is required except a report of the resolution by the Administrative Director. If the problem cannot be informally resolved, it should be formally investigated by the Administrative Director as follows:
  - a. The investigation will be handled in a confidential manner in order to protect the identity of the person making the allegation and the person accused consistent with the center's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this misconduct has occurred.
  - b. The alleged harasser shall be promptly informed in writing by the Administrative Director of the substance of the complaint which has been made. A written response to the complaint shall be requested from the accused by the Administrative Director.

The Administrative Director shall produce a written, factual report regardless of the outcome, that makes an express finding as to whether unlawful harassment has occurred or that the evidence was inconclusive.

<p>Pol. 317, 417, 517</p> <p>Pol. 218, 233</p> <p>Pol. 218</p>	<p><u>Discipline</u></p> <p>A substantiated charge against a staff member shall subject such staff member to disciplinary action, including discharge.</p> <p>A substantiated charge against a student shall subject such student to disciplinary action, consistent with the Student Code of Conduct, and may include educational activities and/or counseling services related to unlawful harassment.</p> <p>A substantiated charge against an employee or student may result in affirmative steps to correct the situation including, when necessary, supervision to monitor the other student's or in an employee's behavior and to effect change and, where appropriate, counseling to the victim of the harassment and/or training and education of the other student or employee.</p> <p>If it is concluded that a student has made false accusations, such student shall be subject to disciplinary action, consistent with the Student Code of Conduct.</p> <p><u>Reprisal</u></p> <p>It shall be a violation of this policy for any employee or student to retaliate against complainants or against persons who testify, assist or participate in the investigation. Retaliation includes any form of intimidation, reprisal or harassment. The center shall discipline any employee or student who retaliates.</p>
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