

York Adams Academy

Section:	Pupils
Title:	Unlawful Harassment
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Status:	Active
Legal:	1. 20 U.S.C. 1681 et seq 4. Pol. 103 5. 29 CFR 1606.8 6. 43 P.S. 951 et seq 7. 29 CFR 1604.11 8. 66 Fed. Reg. 5512 Pol. 103.1 Pol. 806
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	248. Unlawful Harassment
1. Purpose	The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the academy to maintain an educational environment in which harassment in any form is not tolerated.
2. Authority	<p>The Board prohibits all forms of unlawful harassment of students and third parties by all academy students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[1][5][6]</p> <p>The Board directs that verbal and written complaints of harassment shall be investigated promptly, and corrective or preventative action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the academy's legal and investigative obligations.</p>
2. Retaliation	The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

<p>3. Definitions</p>	<p>For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation or religion when such conduct:[5][8]</p> <ol style="list-style-type: none"> 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. 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance. 3. Otherwise adversely affects an individual's learning opportunities. <p>For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:[7]</p> <ol style="list-style-type: none"> 1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status 2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual. 3. Such conduct deprives a student of educational aid, benefits, services or treatment. 4. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment. <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 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> <p>Federal law declares sexual violence a form of sexual harassment. Sexual violence means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to</p>
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	rape, sexual assault, sexual battery and sexual coercion.
4. Delegation of Responsibility	<p>In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent of Record as the Academy's Compliance Officer.[4]</p> <p>The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.</p> <p>The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.</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 academy employees and to ensure an atmosphere free from all forms of unlawful harassment.</p> <p>The director or designee shall be responsible to promptly complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none"> 1. Inform the student or third party of this policy and the right to file a complaint. 2. Immediately notify the Compliance Officer of the complaint. 3. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure. 4. Notify the complainant and the accused of the progress at appropriate stages of the procedure. 5. Refer the complainant to the Compliance Officer if the director is the subject of the complaint. 6. After consideration of the allegations and in consultation with the Compliance Officer, promptly implement interim measures as appropriate to protect the complainant during the course of the investigation.
5. Guidelines	<p><u>Complaint Procedure – Student/Third Party</u></p> <p>Step 1 – Reporting</p> <p>A student or third party who believes s/he has been subject to conduct by any student, employee, or third party that constitutes a violation of this</p>

policy is encouraged to immediately report the incident to the director.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the director as well as make any mandatory police or Child Line reports as required by law.

If the director is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the director, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of discrimination, the director shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the director to investigate the complaint, unless the director is the subject of the complaint or is unable to conduct the investigation.

The investigator shall conduct an adequate, reliable, and impartial investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the director shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

The parties shall be informed of the prohibition against retaliation and shall be instructed to keep the matter confidential.

Step 3 – Investigative Report

The director shall prepare a written report within fifteen (15) days, unless additional time to complete the 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 a recommended disposition of the complaint.

Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – Academy Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the academy shall take prompt, corrective action to ensure that such conduct ceases and that no retaliation occurs. The academy shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school environment.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and administrative regulations, academy procedures, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer 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 director who conducted the initial investigation.