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UNLAWFUL HARASSMENT
BOARD ADOPTED MAY 15, 2017

209 UNLAWFUL HARASSMENT

A. PURPOSE

1. The Board strives to provide a safe, positive learning climate for students in the Intermediate Unit programs. Therefore, it shall be the policy of the Intermediate Unit to maintain an educational environment in which harassment in any form is not tolerated.

B. AUTHORITY

1. The Board prohibits all forms of unlawful harassment of students by all Intermediate Unit students and staff members, contracted individuals and vendors, and volunteers in its programs.
2. The Board encourages students who have been harassed to promptly report such incidents to the designated employees.
3. The Board 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 Intermediate Unit's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

C. DEFINITIONS

1. For purposes of this policy, **Harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, religion, sex, sexual orientation, national origin/ethnicity, age or handicap/disability. When such conduct: 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.
 - a. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
 - b. Otherwise adversely affects an individual's learning opportunities.
2. **For purposes of this policy, Sexual Harassment** shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
 - b. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
 - c. Such conduct deprives a student of educational aid, benefits, services or treatment.

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- 35 d. Such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of
36 substantially interfering with the student's school performance or creating an intimidating,
37 hostile or offensive education environment.
- 38 3. **Police Officer** shall be defined to include Intermediate Unit school police officers, municipal
39 police officers, and Pennsylvania State Police officers or any other member of the law
40 enforcement community with legal jurisdiction in the matter. The Intermediate Unit recognizes
41 that given the numerous and diverse number of locations utilized by the Intermediate Unit that
42 any one of these types of officers may respond to a complaint to investigate an allegation of
43 harassment involving student-on-student behavior.
- 44 4. Each staff member shall be responsible to maintain an educational environment free from all
45 forms of unlawful harassment.
- 46 5. Each student shall be informed that they must report harassment complaints to program
47 supervisors, teachers, counselors, nurses or administrators.
- 48 6. All employees who receive harassment complaints from a student shall report such to the
49 program supervisor.

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51 **D. DELEGATION OF RESPONSIBILITY**

- 52 1. In order to maintain an educational environment that discourages and prohibits unlawful
53 harassment, the Executive Director has designated the Director of Human Resources as the
54 Compliance Officer for the Intermediate Unit.
- 55 2. The Director of Special Programs & Services or designee shall publish and disseminate this
56 policy and the complaint procedure at least annually to students, parents/guardians and
57 employees.
- 58 3. Upon receiving a complaint of unlawful harassment, the Special Education Supervisor or
59 designee shall be responsible to inform the student or third party of the right to file a complaint
60 and refer the complainant to the Compliance Officer.

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62 **E. GUIDELINES**

- 63 1. When a student believes that she/he is being harassed, the student should immediately inform the
64 harasser that his/her behavior is unwelcome, offensive or inappropriate. If the unwelcome,
65 offensive or inappropriate behavior continues, the student shall follow the established complaint
66 procedures.
- 67 2. **Complaint Procedure**
- 68 a. **Step One**
- 69 i. A student of the Carbon Lehigh Intermediate Unit who believes s/he has been the subject
70 of harassment or sexual harassment, may file a written complaint with the designated

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- 71 Compliance Officer. Such a complaint shall set forth the names of all parties involved,
72 dates of alleged discrimination, and all other material facts on which the grievance is
73 based. The statement shall be signed by complainant, guardian, or duly authorized
74 representative of the complainant.
- 75 ii. Upon receiving the complaint, the Compliance Officer shall acknowledge by written
76 notice to the complainant that the complaint has been received. Depending upon the
77 nature of complaint, the Compliance Officer shall send a copy of the complaint to each
78 party involved with a request for a written response.
- 79 iii. The Compliance Officer and at least one other member of the Compliance Committee
80 shall review the complaint and investigate the allegations. The investigation shall
81 attempt to determine whether the factual allegations are substantiated, whether the facts
82 as determined indicate that policy was violated and if a violation has occurred, the
83 corrective action to take, if any.
- 84 iv. The Compliance Officer shall, within ten (10) CLIU business days after receiving the
85 complaint, mail or otherwise deliver to the complainant the results of the review and
86 investigation. Resulting action may include any of the following: (1) a rejection of the
87 charges; (2) a finding that the matter complained of has been, or is in the process of being
88 resolved; (3) an indication that the investigation is not completed and that a further
89 response will follow within the next ten (10) CLIU business days; (4) referral of the
90 matter to the full Compliance Committee for the purpose of conducting a hearing on the
91 complaint; or (5) any other appropriate suggestion, recommendation, or decision.

92 **b. Step Two**

- 93 i. If the matter has not been resolved to the satisfaction of the complainant, the Compliance
94 Officer may, and upon the request of the complainant shall, refer the complaint to the
95 Compliance Committee which may, upon request of the complainant, conduct a hearing
96 at which time the complainant or any other party involved may be represented by legal
97 counsel.
- 98 ii. The committee shall attempt to determine whether the factual allegations are
99 substantiated, whether the facts as determined indicate that policy was violated and if a
100 violation has occurred, the corrective action to take, if any. Any such hearing shall be
101 held as promptly as the circumstances warrant, and the Compliance Committee shall
102 reply to the complainant in writing within ten (10) CLIU business days following the
103 conclusion of the hearing.

104 **c. Step Three**

- 105 i. If the complainant is not satisfied with the findings of the Compliance Committee, a
106 written appeal may be taken to the Board of Directors, indicating the nature of the
107 disagreement with the Compliance Committee and the reasons underlying such
108 disagreement. A copy of the Committee response and a copy of the complaint shall be
109 provided to each member of the Board. The Board of Directors shall consider the appeal

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110 at its first regularly scheduled meeting occurring ten (10) or more CLIU business days
111 after receiving notice of the appeal. The Board of Directors shall address the appeal
112 either in public or closed executive session, as determined by the Board. The Board shall
113 provide the complainant with its written decision within seven (7) CLIU business days
114 following completion of the hearing.

115 ii. If a complaint has been finally resolved to the satisfaction of the complainant, an
116 agreement by the complainant and the other parties involved shall be evidenced by their
117 signatures, and an appropriate release shall be executed by the complainant or by the
118 guardian or representative of the complainant.

119 **3. Other Remedy**

120 a. Although the above complaint procedure is intended to be a simple procedure to insure
121 compliance with the above policy and to resolve a discrimination complaint, nothing herein is
122 intended to preclude a complainant from pursuing any other remedy under applicable law.

123 **4. Prohibition of Retaliation**

124 a. Retaliation against any individual who reports discrimination or participates in any related
125 proceeding is strictly prohibited.

126 **5. Student-to-Student Harassment with Police Investigation**

127 a. In the event police are summoned to investigate an incident between Intermediate Unit
128 students, Intermediate Unit staff shall fully cooperate with the investigation and provide all
129 information and materials consistent with the current Memorandum of Understanding in
130 effect between the Intermediate Unit and the law enforcement agency.

131 b. Upon completion of the police investigation and any prosecution, the Intermediate Unit
132 Special Education Supervisor or designee responsible for the students shall ensure all
133 appropriate Intermediate Unit reports are completed and any Intermediate Unit follow-up
134 action is taken (i.e., school discipline, notifications, follow-up with support staff).

135 **6. Discipline**

136 a. A substantiated charge against a student shall subject such student to disciplinary action and
137 may include educational activities and/or counseling services related to unlawful harassment.

138 b. If it is concluded that a student has knowingly made a false complaint under this policy, such
139 student shall be subject to disciplinary action.

140 **7. Confidentially**

141 a. Information provided by students in the course of an investigation will be treated as
142 confidential and only be disclosed to individuals who have a need for the information, when
143 it is required in the course of investigating the complaint, or is otherwise required to be
144 disclosed by law.

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- 145 8. No provision of this policy shall be construed to supersede any section of the Public School Code
146 or any state or federal laws and/or regulations regarding, *inter alia*, student discipline; nor shall
147 these guidelines in any way be construed so as to limit the intent or applicability of other School
148 Board policies.