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.

D. DELEGATION OF RESPONSIBILITY

1. In order to maintain an educational environment that discourages and prohibits unlawful
2. The Director of Special Programs & Services or designee shall publish and disseminate this
3. Upon receiving a complaint of unlawful harassment, the Special Education Supervisor or
4. Complaint Procedure

a. Step One

i. A student of the Carbon Lehigh Intermediate Unit who believes s/he has been the subject

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Compliance Officer. Such a complaint shall set forth the names of all parties involved, dates of alleged discrimination, and all other material facts on which the grievance is based. The statement shall be signed by complainant, guardian, or duly authorized representative of the complainant.

ii. Upon receiving the complaint, the Compliance Officer shall acknowledge by written notice to the complainant that the complaint has been received. Depending upon the nature of complaint, the Compliance Officer shall send a copy of the complaint to each party involved with a request for a written response.

iii. The Compliance Officer and at least one other member of the Compliance Committee shall review the complaint and investigate the allegations. The investigation shall attempt to determine whether the factual allegations are substantiated, whether the facts as determined indicate that policy was violated and if a violation has occurred, the corrective action to take, if any.

iv. The Compliance Officer shall, within ten (10) CLIU business days after receiving the complaint, mail or otherwise deliver to the complainant the results of the review and investigation. Resulting action may include any of the following: (1) a rejection of the charges; (2) a finding that the matter complained of has been, or is in the process of being resolved; (3) an indication that the investigation is not completed and that a further response will follow within the next ten (10) CLIU business days; (4) referral of the matter to the full Compliance Committee for the purpose of conducting a hearing on the complaint; or (5) any other appropriate suggestion, recommendation, or decision.

b. Step Two

i. If the matter has not been resolved to the satisfaction of the complainant, the Compliance Officer may, and upon the request of the complainant shall, refer the complaint to the Compliance Committee which may, upon request of the complainant, conduct a hearing at which time the complainant or any other party involved may be represented by legal counsel.

ii. The committee shall attempt to determine whether the factual allegations are substantiated, whether the facts as determined indicate that policy was violated and if a violation has occurred, the corrective action to take, if any. Any such hearing shall be held as promptly as the circumstances warrant, and the Compliance Committee shall reply to the complainant in writing within ten (10) CLIU business days following the conclusion of the hearing.

c. Step Three

i. If the complainant is not satisfied with the findings of the Compliance Committee, a written appeal may be taken to the Board of Directors, indicating the nature of the disagreement with the Compliance Committee and the reasons underlying such disagreement. A copy of the Committee response and a copy of the complaint shall be provided to each member of the Board. The Board of Directors shall consider the appeal.
at its first regularly scheduled meeting occurring ten (10) or more CLIU business days after receiving notice of the appeal. The Board of Directors shall address the appeal either in public or closed executive session, as determined by the Board. The Board shall provide the complainant with its written decision within seven (7) CLIU business days following completion of the hearing.

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

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

4. Prohibition of Retaliation
   a. Retaliation against any individual who reports discrimination or participates in any related proceeding is strictly prohibited.

5. Student-to-Student Harassment with Police Investigation
   a. In the event police are summoned to investigate an incident between Intermediate Unit students, Intermediate Unit staff shall fully cooperate with the investigation and provide all information and materials consistent with the current Memorandum of Understanding in effect between the Intermediate Unit and the law enforcement agency.
   b. Upon completion of the police investigation and any prosecution, the Intermediate Unit Special Education Supervisor or designee responsible for the students shall ensure all appropriate Intermediate Unit reports are completed and any Intermediate Unit follow-up action is taken (i.e., school discipline, notifications, follow-up with support staff).

6. Discipline
   a. A substantiated charge against a student shall subject such student to disciplinary action and may include educational activities and/or counseling services related to unlawful harassment.
   b. If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

7. Confidentially
   a. Information provided by students in the course of an investigation will be treated as confidential and only be disclosed to individuals who have a need for the information, when it is required in the course of investigating the complaint, or is otherwise required to be disclosed by law.
8. No provision of this policy shall be construed to supersede any section of the Public School Code or any state or federal laws and/or regulations regarding, *inter alia*, student discipline; nor shall these guidelines in any way be construed so as to limit the intent or applicability of other School Board policies.