

# NORTHERN WESTMORELAND CAREER AND TECHNOLOGY CENTER

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: October 20, 2011

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 43 P.S. Sec. 951 et seq Title IX 20 U.S.C. Sec. 1681 et seq 29 CFR Sec. 1606.8 (a)</p>	<p>The Joint Operating Committee prohibits all forms of unlawful harassment of students and third parties by all students and staff members, contracted individuals, vendors, volunteers, and third parties in the center. The Joint Operating Committee encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.</p> <p>The Joint Operating Committee directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the center's legal and investigative obligations.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of harassment.</p>
<p>3. Definitions 29 CFR Sec. 1606.8 (a)</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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.</li> <li>3. Otherwise adversely affects an individual's learning opportunities.</li> </ol>

<p>29 CFR Sec. 1604.11 (a)</p>	<p>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:</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> <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 is sufficiently severe, persistent or pervasive 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.</li> </ol>
<p>4. Delegation of Responsibility Pol. 103</p>	<p>In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Joint Operating Committee designates the Administrative Director as the center's Compliance Officer.</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 center employees and to ensure an atmosphere free from all forms of unlawful harassment.</p> <p>The building administrator shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:</p> <ol style="list-style-type: none"> <li>1. Inform the student or third party of the right to file a complaint and the complaint procedure.</li> </ol>

<p>5. Guidelines</p>	<p>2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</p> <p>3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</p> <p>4. Refer the complainant to the Compliance Officer if the building administrator is the subject of the complaint.</p> <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 that constitutes a violation of this policy is encouraged to immediately report the incident to the building administrator or a center employee.</p> <p>An employee of the center 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 building administrator.</p> <p>If the building administrator is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.</p> <p>The complainant or reporting employee is encouraged to use the report form available from the building administrator, but oral complaints shall be acceptable.</p> <p>Step 2 – Investigation</p> <p>Upon receiving a complaint of unlawful harassment, the building administrator shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building administrator to investigate the complaint, unless the building administrator is the subject of the complaint or is unable to conduct the investigation.</p> <p>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.</p> <p>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.</p> <p>Step 3 – Investigative Report</p> <p>The building administrator shall prepare and submit a written report within fifteen</p>
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(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.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

#### Step 4 – Action Of Center

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the center shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Joint Operating Committee staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Student Code of Conduct, Joint Operating Committee policies and the center's procedures, applicable collective bargaining agreements, and state and federal laws.

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

#### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
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 building administrator who conducted the initial investigation.
- 4 The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

#### References:

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination Law – 20 U.S.C. Sec. 1681 et seq. (Title IX)

Harassment Regulations and Guidelines

Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)

Office for Civil Rights – Revised Sexual Harassment Guidance: Harrassment of Students By School Employees, Other Students, or Third Parties

Joint Operating Committee Policy – 103, 806