

MIDDLE BUCKS INSTITUTE OF TECHNOLOGY

SECTION: PUPILS

TITLE: UNLAWFUL HARASSMENT

ADOPTED: July 1, 1991

REVISED: September 10, 2012

248. UNLAWFUL HARASSMENT	
<p>1. Purpose</p>	<p>The Executive Council strives to provide a safe, positive learning climate for students in the school. Therefore, it shall be the policy of the school to maintain an educational environment in which harassment in any form including ethnic and sexual harassment, hazing and discrimination 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 Executive Council prohibits all forms of unlawful harassment of students by all school students and staff members, contracted individuals and vendors, and volunteers in the schools. The Executive Council encourages students who have been harassed to promptly report such incidents to the designated employees as outlined in this policy.</p> <p>The Executive Council 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 school's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of harassment.</p>
<p>3. Definitions 29 CFR Sec. 1606.8(a)</p>	<p>The term harassment 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, sex, sexual orientation, national origin, age or handicap/disability that create an intimidating, hostile or offensive educational environment.</p> <p>Ethnic harassment 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>29 CFR Sec. 1604.11(a)</p>	<p>Sexual harassment 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"> 1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.

<p>4. Delegation of Responsibility</p>	<p>2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.</p> <p>3. Such conduct deprives a student of educational aid, benefits, services or treatment.</p> <p>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.</p> <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> <p>Hazing is defined as "harassing by exacting unnecessary or disagreeable work" or an "initiation process involving harassment."</p> <p>The school shall annually inform students, staff and parents/guardians that unlawful harassment of students will not be tolerated. This will be done by publication in staff and student handbooks and posting of notice.</p> <p>The school shall provide training for students and staff concerning 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 to ensure an atmosphere free from all forms of unlawful harassment.</p> <p>Students shall be informed that they may choose to report harassment complaints to their teacher, school nurse, counselors, and/or CTE Supervisor.</p> <p>All employees who receive harassment complaints from a student shall report such to the CTE Supervisor.</p> <p>If the CTE Supervisor is the subject of a complaint, the student shall report the complaint directly to the Administrative Director.</p>
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<p>5. Guidelines</p>	<p>When a student believes that s/he is being harassed, the student should immediately inform the harasser that the behavior is unwelcome, offensive or inappropriate. If the unwelcome, offensive or inappropriate behavior continues, the student shall follow the established complaint procedure.</p> <p><u>Complaint Procedure</u></p> <ol style="list-style-type: none"> 1. A student shall report a complaint of harassment, in writing, to the CTE Supervisor, who shall inform the student of his/her rights and of the complaint process. 2. The CTE Supervisor immediately shall conduct an impartial, thorough and confidential investigation of the alleged harassment. 3. In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct and context in which the alleged conduct occurred shall be investigated. 4. The CTE Supervisor shall prepare a written report summarizing the investigation and recommending disposition of the complaint. Copies of the report shall be provided to the complainant, the accused, the Administrative Director and others directly involved, as appropriate. 5. If the investigation results in a substantiated charge of harassment, the assistant principal shall take prompt corrective action to ensure the harassment ceases and will not recur.
<p>Pol. 317, 417, 517</p>	<p><u>Discipline</u></p> <p>A substantiated charge against a district staff member shall subject such staff member to disciplinary action, including discharge.</p>
<p>Pol. 218</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 discipline code.</p>
	<p><u>Appeal Procedure</u></p> <ol style="list-style-type: none"> 1. If the complainant or accused is not satisfied with the CTE Supervisor's decision, s/he may file a written appeal to the Administrative Director.

2. The Administrative Director shall review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare a written response to the appeal. Copies of the response shall be provided to the complainant, the accused, CTE Supervisor and others directly involved, as appropriate.

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: Harassment of Students By School Employees, Other Students, or Third Parties

Executive Council Policy – 103, 806