

BLOOMSBURG AREA SCHOOL DISTRICT Policy Manual
--

Section: PUPILS
Title: SEXUAL HARASSMENT
Date Adopted: April 18, 1994
Date Last Revised: October 21, 2002

248. SEXUAL HARASSMENT

.1 Sexual Harassment Prohibited

It is the policy of the Bloomsburg Area School District to maintain a working and learning environment free from sexual harassment. Sexual harassment is hereby prohibited. Any student in the district who engages in conduct that constitutes sexual harassment as defined in this policy shall be subject to discipline up to and including expulsion. Any student in the district who is subjected to sexual harassment by district employees, agents, or students, or by others in the course of his/her attendance at school, shall have the right to file a complaint under this policy.

.2 Definition of Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by Titles VII and IX of the Civil Rights Act of 1964, as amended, and the Pennsylvania Human Relations Act. The following behavior constitutes prohibited sexual harassment for purposes of this policy.

- .21 unwelcome sexual advances; or
- .22 requests for sexual favors; or
- .23 other unwelcome verbal or physical conduct of a sexual nature, where
- .24 submission to such conduct is explicitly or implicitly required of the recipient; or
- .25 submission to or rejection of such conduct is used as the basis of school or work related decisions affecting the recipient; or

.26 such conduct has the purpose or effect of unreasonably interfering with the recipient's work or school performance or of creating an intimidating, hostile, or offensive working or learning environment.

.3 Consequences of Violation of Policy

.31 Any student in this district who is found to have engaged in conduct constituting sexual harassment may be subject to discipline up to and including expulsion. In addition, any student found to have violated this policy might be required to participate in educational activities related to sexual harassment as part of any discipline imposed. Determination of the appropriate disciplinary sanctions or educational requirements shall be based upon the circumstances of the individual case, considering the following factors among others:

.311 severity of the misconduct;

.312 pervasiveness or persistence of the misconduct;

.313 effect on the victim or victims;

.314 intent of the perpetrator.

.4 Complaint Procedure

.41 Each building principal shall designate one individual to receive sexual harassment complaints from staff and students in that building. Each school year, staff and secondary students shall be notified of the identity of the designated individual, and shall be informed that the said individual is available to receive sexual harassment complaints, answer questions concerning sexual harassment, and assist in resolving problems within the building which may involve sexual harassment. Sexual harassment complaint forms shall be made available in each school office for individuals who would prefer to file such complaints in writing.

.42 Students shall also be informed that they may lodge sexual harassment complaints with other appropriate individuals in the district, including teachers, counselors, nurses, ~~or~~ administrators, or through the BASE team. All sexual harassment complaints so lodged shall be promptly and thoroughly investigated.

.43 Complaints involving student-to-student sexual harassment which are lodged at the classroom or building level may be resolved informally. If an informal resolution satisfactory to the complainant and/or complainant's parents is reached, no further investigation or action by the district is required. If the problem cannot be informally resolved, it should

be referred to the district sexual harassment liaison for investigation as set forth below.

- .44 All other complaints not informally resolved to the complainant's satisfaction, and all complaints lodged by students against staff, shall be referred to the district sexual harassment liaison, who shall immediately initiate an investigation which shall include, but not be limited to, the following:
 - .441 interview of complainant
 - .442 interview of accused
 - .443 interview of any other persons with personal knowledge of the allegations of the complaint.

All employees involved in such an investigation shall maintain strict confidentiality.

- .51 In all cases investigated by the district sexual harassment liaison, the results of the investigation shall be reported in writing to the Superintendent, the Building Principal, and the staff member to whom the complaint was initially made. Such report shall include a conclusion and a summary of facts upon which such conclusion is based, and a recommendation as to remediation, if appropriate.
- .52 If the sexual harassment liaison concludes that unlawful sexual harassment has occurred, the Building Principal shall determine appropriate remediation and/or discipline. Any disciplinary action shall be subject to limitations of the School Code, State Board regulations and other applicable law and any applicable collective bargaining agreement.
- .53 If the sexual harassment liaison concludes that no unlawful sexual harassment has occurred, the Superintendent and Building Principal shall be so notified. Under no circumstances shall any record of a complaint which is found to be without basis be placed in an accused student's record or released to any person other than the accused, the Superintendent, the Building Principal, and the staff member to whom the complaint was originally made, without consent of the accused, except by order of court.
- .54 If the investigation is inconclusive, the liaison shall so state in his/her report. The Building Principal in his/her discretion, may require nondisciplinary educational activities to be conducted as a result of an inconclusive investigation. Under no circumstances shall an accused or a complainant be disciplined based upon an inconclusive investigation.

.55 If the sexual harassment liaison concludes that the accused is not guilty of unlawful sexual harassment, and that the complaint was lodged in bad faith, then the Building Principal may impose appropriate discipline on the complainant, subject to limitations of law. In addition, if the sexual harassment liaison concludes that the accused retaliated against the complainant in any way because of the complaint, then the Building Principal may impose appropriate discipline on the accused, subject to limitations of law.