



**NORTH ALLEGHENY  
SCHOOL DISTRICT**

<b>SECTION:</b>	<b>PUPILS</b>
<b>TITLE:</b>	<b>UNLAWFUL HARASSMENT</b>
<b>ADOPTED:</b>	<b>6/22/16</b>
<b>REVISED:</b>	

**248 – UNLAWFUL HARASSMENT**

**Section 1. Purpose**

The District strives to provide a safe, positive learning environment for students. Therefore, it shall be the policy of the North Allegheny School District to maintain an educational environment in which harassment in any form is not tolerated.

**Section 2. Authority**

- a. The Board prohibits all forms of unlawful harassment of students and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties. The Board encourages students and third parties who have been harassed to promptly report such incidents to the administration or designee.
- b. The Board 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 North Allegheny School District’s legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of harassment.

**Section 3. Definitions**

- a. 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, religion, or genetic information when such conduct:
  - 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.
  - 2. Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance.

43 P.S.  
Title IX  
20 U.S.C.  
Sec. 1681  
29 CFR  
Sec. 1606.8(a)

42 U.S.C.  
Sec. 1606.8(a)  
29 CFR

<p>18 P.C.S. Sec. 2709 (a.1) Pol. 249</p> <p>29 CFR Sec. 1604.11(a)</p>	<ul style="list-style-type: none"><li>3. Otherwise adversely affects an individual's learning opportunities.</li></ul> <p>b. Cyber Harassment of a Child – when a person engages in a continuing course of conduct with an intent to directly harass, annoy, or alarm through electronic means or by publication through an electronic media service.</p> <ul style="list-style-type: none"><li>1. Seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity, or mental or physical health or condition.</li><li>2. Threat to inflict harm.</li></ul> <p>c. Sexual Harassment – any unwelcome/unwanted sexual advance or any form of improper physical contact, sexual remarks, requests for sexual favors, or other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:</p> <ul 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 academic performance or creating an intimidating, hostile, or offensive</li><li>5. Sexual harassment shall be included in Level III or IV category of the <i>Student Code of Conduct</i>. The definition as specified in 1.3b above shall be incorporated into the Student Rights and Responsibilities section of the <i>Student Code of Conduct</i>.</li><li>6. Sexual harassment is strictly forbidden and will not be tolerated. Harassment of a student(s) by other students or any member of the staff is contrary to the School Board's commitment to provide a physically and psychologically safe environment in which to learn. Additionally, such actions may be a violation of Federal or State law.</li></ul>
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7. Examples of sexual conduct may include, but are not limited to:

- Making sexual propositions or pressuring others for sexual favors.
- Touching of a sexual nature.
- Writing graffiti of a sexual nature.
- Displaying or distributing sexually explicit drawings, pictures, or written materials.
- Performing sexual gestures or touching oneself sexually in front of others.
- Telling sexual or dirty jokes.
- Spreading sexual rumors or rating others as to sexual activity or performance.
- Circulating or showing emails or websites of a sexual nature.

**Section 4. Delegation of Responsibility.**

- a. In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent and Chair of the Respecting Human Diversity as the Compliance Officer for the student-related issues in the North Allegheny School District. The Superintendent or designee shall publish and disseminate this policy and the complaint procedure at least annually to students, parent(s) / guardian(s), employees, independent contractors, vendors, and the public. The publication shall include the position, office address, and telephone number of the Superintendent.
- b. The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.
- c. Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.
- d. Each student shall be responsible to respect the rights of their fellow students and District employees and to ensure an atmosphere free from all forms of unlawful harassment.
- e. The building administrator shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:
  1. Inform the student or third party of the right to file a complaint and the

complaint procedure.

2. Inform the complainant's parent(s)/guardian(s).
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building administrator or program supervisor is the subject of the complaint.

**Section 5. Guidelines**

Complaint Procedure – Student/Third Party

a. Reporting

1. 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 District employee.
2. A District employee 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 or program supervisor.
3. If the building administrator or program supervisor is the subject of a complaint, the student, third party, or employee shall report the incident directly to the Compliance Officer.

b. Investigation

1. Upon receiving a complaint of unlawful harassment, the building administrator or program supervisor shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building administrator or program supervisor to investigate the complaint, unless the building administrator or program supervisor is the subject of the complaint or is unable to conduct the investigation.
2. If the building administrator or program supervisor is the subject of the complaint, the Superintendent shall be notified and conduct ~~and conduct~~ the investigation.
3. 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.
4. 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

23 P.C.S. 6311

concluded.

c. Investigative Report

1. The building administrator shall prepare and submit a written report to the Superintendent and Chair of Respecting Human Diversity within 24 hours, 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 to include documentation of communication to the victim and his/her parents along with review of discipline records and an educational component.
2. The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

d. District Action

1. If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the North Allegheny School District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.
2. Disciplinary actions shall be consistent with the code of Conduct, Board policies and program procedures, and state and Federal laws, and shall include educational activities and/or counseling services.
3. Cyber harassment of a child is a third-degree criminal misdemeanor in Pennsylvania punishable by a maximum of \$2,500 fine and/or one year in prison.
4. If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

**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)  
 Child Protective Services Law – 23 P.C.S. 6311  
 Crimes Code – 18 PA Code Sec. 2709  
 Harassment Regulations and Guidelines  
 Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)  
 Board Policy – 218, 233, 249

**Replaces Policy:**

3519

Act 26 of 2015  
 18 P.C.S.  
 Sec. 2709(a.1)  
 Pol. 249  
 Pol. 218, 233