

**LAMPETER-STRASBURG SCHOOL DISTRICT**  
Lampeter, Pennsylvania 17537

**UNLAWFUL HARASSMENT**

POLICY STATEMENT

It is the policy of Lampeter-Strasburg School District to respect the dignity, uniqueness, and worth of every individual and to establish and maintain a learning and working environment that is free from harassment.

The Board prohibits all forms of unlawful harassment of employees and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in schools. It is the policy of the District not to tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work or educational environment or creates an intimidating, offensive, or hostile work or educational environment. All reports of harassment will be promptly investigated, and corrective action will be taken when allegations are substantiated. Violations of this policy will be treated as serious disciplinary infractions.

Confidentiality of all parties shall be maintained, consistent with all applicable laws and regulations.

No reprisals or retaliatory actions shall be taken in connection with good faith reporting of harassment.

DEFINITIONS

Harassment means unwelcome verbal, written, graphic or physical conduct relating to an individual's actual or perceived race, color, national origin/ethnicity, gender, age, disability, sexual orientation, or religion when such conduct:

1. Has the purpose or effect of unreasonably interfering with an individual's academic or job performance or creating an intimidating, hostile, or offensive educational or employment environment, or otherwise adversely affects an individual's opportunities; and
2. Is sufficiently severe, persistent, or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, abusive, or threatening work environment.

Sexual harassment is unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:

1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of contained employment; or
2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual; and
3. Such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment, as defined above, includes, but is not limited to, the following:

- Sexual flirtations, advances, or propositions;
- Sexually explicit or obscene jokes or gestures;

- Verbal or physical harassment or abuse of a sexual nature;
- Verbal comments of a sexual nature, sexual name calling, graphic or suggestive comments about an individual's dress or body;
- Sexually degrading words to describe an individual;
- Pressure to engage in sexual activity, repeated propositions;
- Repeated remarks to a person which contain sexual implications or suggestions;
- Unwelcome touching, pinching, patting, grabbing;
- Unwelcome body contact;
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.

### DELEGATION OF RESPONSIBILITY

The Board designates the Superintendent as the District's Compliance Officer.

The Compliance Officer shall ensure that this policy and the District's complaint procedures are published and disseminated annually to students, parents, independent contractors, vendors, and the public. Publication shall include the position, office address, and contact information for the Compliance Officer.

The Assistant Superintendent shall complete the following when a complaint of unlawful harassment is received:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure;
2. Notify the complainant and the accused of the progress at appropriate stages of the procedures; and
3. Refer the complainant to the Compliance Officer if the Assistant Superintendent is the subject of the complaint.

### PROCEDURES

Any individual who believes he or she is being subjected to sexually or otherwise harassing behavior by another person is encouraged to confront the harasser first in an effort to stop the offensive behavior. Thereafter, if the harassment does not stop or if the individual feels uncomfortable in confronting the harasser, a complaint of harassment should be communicated to a teacher, guidance counselor or the Assistant Superintendent.

Any employee who believes he or she has been subjected to harassment must promptly report the alleged harassment to his or her immediate supervisor, or to the Assistant Superintendent.

Verbal complaints will be reduced to writing and submitted to the Assistant Superintendent who has been designated to investigate such complaints.

It is the policy of the District that no person who files a complaint of or otherwise reports harassment may be retaliated against in any manner for that complaint and that no such complaint or report will affect the complaining individual's assignments or employment.

The District will respect the complainant's and the accused's rights to confidentiality, consistent with the District's legal obligations and with the requirement to investigate allegations of misconduct and to take corrective action when the District determines that misconduct has occurred. To the extent possible, all reports of harassment will be kept confidential.

The District will act promptly and positively to investigate all claims of alleged harassment and to take appropriate corrective action to remedy effectively such complaints when an allegation is determined to be valid. In all cases, the complainant shall be informed of the results of the investigation.

## PENALTIES

1. If a charge of harassment by a complainant is substantiated, the School District shall subject that employee to disciplinary action, up to and including discharge, pursuant to the appropriate disciplinary procedure for the employee's classification.
2. Given the nature of the type of discrimination, the district also recognizes that false accusations of harassment can have serious effects on innocent persons. False accusations will therefore result in the same severe disciplinary action which applies to any student or employee found to have committed harassment.

## APPEAL PROCEDURE

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, 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 principal who conducted the initial investigation.

## REFERENCES

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

Federal Anti-Discrimination and Civil Rights Laws –

20 U.S.C. Sec. 1681 et seq. (Title IX)

42 U.S.C. Sec. 2000e et seq. (Title VII)

Harassment Regulations and Guidelines

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

**LAMPETER-STRASBURG SCHOOL DISTRICT**  
Lampeter, Pennsylvania 17537

**REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT**

Complainant: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_  
School Building: \_\_\_\_\_ Date of Alleged Incident(s): \_\_\_\_\_

Alleged harassment was based on: (circle those that apply)

- |  |                                      |   |                                       |
|--|--------------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Race                    | <input type="checkbox"/> Color       | <input type="checkbox"/> National Origin  | <input type="checkbox"/> Ethnic Group |
| <input type="checkbox"/> Gender                  | <input type="checkbox"/> Age         | <input type="checkbox"/> Disability   | <input type="checkbox"/> Religion     |
| <input type="checkbox"/> Other Protected Classes | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Perceived to be in a protected category or associated with those in a protected category |                                       |

Name of person(s) you believe violated the District's unlawful harassment policy: \_\_\_\_\_

If the alleged harassment was directed against another person, identify the other person: \_\_\_\_\_

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved. Use the exact wording if remarks were directed to you. Please indicate why you believe the incident was based on your protected group status: (Attach additional pages, if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When and where incident occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_

Has any informal resolution been attempted? If so, please describe: \_\_\_\_\_

Have you previously reported such harassment, and, if so, when and to whom? \_\_\_\_\_

What action was taken? \_\_\_\_\_

What are you requesting that the District do as a result of this complaint? \_\_\_\_\_

Acknowledgment of Investigation:

I, \_\_\_\_\_, understand that the incident(s) reported on this form will be investigated by the District. I also understand that the alleged harasser will be notified that this complaint has been filed. This information will be communicated in the interest of the investigation. I have been informed, as is stated in District Policy 4116.22, that I may not be subjected to any form of retaliation in connection with the filing of this Complaint.

This complaint is based on my sincere belief that \_\_\_\_\_ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date