

STATE COLLEGE
 AREA
 SCHOOL DISTRICT

SECTION: PUPILS

TITLE: ANTI-HARASSMENT and ANTI-BULLYING

ADOPTED: July 9, 2001

REVISED: December 15, 2008

249. ANTI-HARASSMENT/ANTI-BULLYING	
1. Purpose	<p>It is the policy of the State College Area School District to provide a safe and orderly educational environment that is free from harassment and/or bullying and conducive to the mission of the school district to provide each and every student the best opportunity to receive the education to which s/he is entitled under state and federal law. The school district asserts that it has a compelling interest in promoting an educational environment that is safe and conducive to learning.</p> <p>It is the intention of the school district, consistent with state and federal law, to strive to maintain a learning environment which is free of harassment and/or bullying since the school district finds that incidents of harassment and/or bullying prevent students from receiving the education to which they are entitled, materially disrupt the mission of the school district to educate the children of the school district, substantially interfere with a student's educational performance and foster incidents of violence.</p> <p>It is the purpose of this policy to prohibit and prevent acts of harassment and/or bullying and violence. The school district does recognize that students retain certain rights under state and federal law, including freedom of expression, although such rights are not necessarily co-extensive with the rights of adults in society at large. It is not the purpose of this policy to impinge upon the legitimate rights of students or school personnel under state and federal law in the school environment.</p> <p>This policy defines harassment and/or bullying and violence, specifies and describes prohibitions, outlines reporting procedures, provides for the undertaking of appropriate remedial actions calculated to stop the harassment and/or bullying and/or violence, and prohibits retaliation against those who, in good faith, report harassment pursuant to this policy.</p>
2. Definitions	<p>Harassment – the term harassment as used in this policy means verbal, written, graphic or physical conduct which does or is reasonably believed under the totality of the circumstances to:</p> <ol style="list-style-type: none"> 1. Substantially or materially interfere with a student's or students' educational performance.

<p>3. Authority</p> <p>Title IX</p>	<ol style="list-style-type: none"> 2. Deny any student or students the benefits or opportunities offered by the school district. 3. Substantially disrupt school operations or activities. 4. Create a hostile or abusive environment which is of such pervasiveness and severity that it materially and adversely alters the condition of a student's or students' educational environment, from both an objective viewpoint and the subjective viewpoint of the student at whom the harassment is directed. <p>The term harassment for purposes of this policy does not mean merely offensive expression, rudeness or discourtesy; nor does the term harassment mean the legitimate exercise of constitutional rights within the school setting. The school district recognizes there is a right to express opinions, ideas and beliefs so long as such expression is not lewd or profane or materially disruptive of school operations or the rights of others.</p> <p>Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent or pervasive and has the effect of doing any of the following:</p> <ol style="list-style-type: none"> 1. Substantial interference with a student's education. 2. Creation of a threatening environment. 3. Substantial disruption of the orderly operation of the school. <p>Bullying, as defined in this policy, includes cyberbullying.</p> <p>School personnel – the term school personnel as used in this policy means School Board members, school employees, agents, volunteers, contractors and/or persons subject to the supervision and control of the school district.</p> <p>School setting means in the school, on school grounds, in school vehicles, at a designated bus stop, at any activity sponsored, supervised or sanctioned by the school or within any of the school's electronic systems.</p> <p>It shall be a violation of this policy for any student or school personnel of the State College Area School District to engage in harassment and/or bullying of a student on school property, during the use of school facilities or during school-sponsored activities, services and/or events.</p> <p>It shall also be a violation of this policy for any school personnel to tolerate</p>
-------------------------------------	---

<p>42 U.S.C. Sec. 1681 43 P.S. Sec. 951 et seq 29 CFR Sec. 1606.8(a)</p> <p>29 CFR Sec. 1606.8(a) 62 Fed. Reg. 12033 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)</p>	<p>harassment and/or bullying, as defined by this policy, by any student or school personnel or third parties who are participating in, observing or otherwise engaged in activities, including extracurricular activities, on school property or at school related activities, services or events.</p> <p>Harassment and/or bullying such as is prohibited under this policy includes, but is not limited to, harassment and/or bullying based on race, gender, color, national origin, ethnicity, sexual orientation, religion, and/or disability.</p> <p>The determination of whether harassment and/or bullying, as defined herein, has occurred will require the reasonable assessment of the totality of surrounding circumstances attendant to a given situation which may include the frequency of the conduct at issue, the physical surroundings, the ages and maturity of those involved, the activity or program within which the situation occurs, the forum in which the alleged harassment and/or bullying occurs, and the nature and severity of the alleged harassment and/or bullying at issue.</p> <p>When harassment and/or bullying, as defined above, occurs it may include instances or a series of instances involving unwelcome sexual advances; touching, patting, grabbing another's intimate parts; coercing or forcing physical contact with another; demands for sexual favors; slurs; dissemination of lewd, profane or obscene materials; lewd, vulgar or profane language; threatening or intimidating conduct, writing or expression; degrading name-calling, remarks, notes, gestures or actions; damage to property or person; assault; stalking; or extortion.</p> <p>The school district recognizes that the foregoing list includes items which vary in nature and severity, and that, as such, the totality of all surrounding circumstances must be considered in making the determination as to whether harassment and/or bullying has occurred. If any activity described in the foregoing list does not rise to the level of harassment and/or bullying as defined above, harassment and/or bullying shall not be deemed to have occurred.</p>
<p>4. Guidelines</p>	<p><u>Procedures for Notification</u></p> <p>The district shall inform students, parents and school personnel that harassment and/or bullying will not be tolerated by means of one or more of the following:</p> <ol style="list-style-type: none"> 1. Distribution of policy. 2. Publication in handbooks.

3. Assembly presentation.
4. Training session(s).
5. Posting of notices/signs.
6. Other means of notice to be implemented by the district.

The district shall use its discretion in developing and initiating age-appropriate programs to effectively inform students, parents and school personnel about the substance of the policy and procedures in order to help prevent harassment and/or bullying.

Procedures for Reporting, Investigating and Resolution

Reporting

1. The harassment and/or bullying complaint officials for purposes of this policy are (1) the principal in each building and his/her designee; and (2) the school district's Director of Personnel.
2. Any school personnel who hears, observes or otherwise becomes aware of harassment and/or bullying, or who reasonably believes that harassment and/or bullying has occurred, must take prompt and appropriate action to stop the harassment and/or bullying and prevent its recurrence. In the event that said school personnel is unable to take prompt and appropriate action, said personnel shall report the incident or complaint of harassment and/or bullying to the complaint official(s) designated by this policy within one (1) school day or as soon as practicable thereafter.
3. Any student who believes, in good faith, that harassment and/or bullying has occurred shall inform any school personnel and/or one of the complaint official(s) designated by this policy. The complaint may be made orally or in writing.
4. If one or more of the harassment and/or bullying complaint officials is the alleged harasser and/or bully, the complaint may be filed with any complaint official not alleged to have engaged in harassment and/or bullying or any other school personnel not alleged to have engaged in the harassment and/or bullying complained of.

Grievance Procedure

1. Informal Procedure

It may be possible to resolve a complaint through a voluntary conversation between the complaining individual and the alleged harasser and/or bully which is facilitated by a school employee or by a designated harassment and/or bullying complaint official. The State College Area School District believes that this Informal Procedure may be an opportunity for educating students regarding what may not be understood to be harassment and/or bullying. In addition, those trained in mediation may provide an avenue to resolve issues of harassment and/or bullying in a problem-solving model. If the complaining individual or alleged harasser and/or bully is a student under the age of eighteen (18), the harassment complaint official should promptly notify each student's parent(s)/guardian(s) in all cases except where the harassment and/or bullying complaint official has a reasonable basis to believe that notification will result in serious physical, emotional, or mental harm to the student.

Both the complaining individual and the alleged harasser and/or bully may be accompanied by a person of his/her choice for support and guidance. If the complaining individual and the alleged harasser and/or bully feel that a resolution has been achieved, then the conversation may remain confidential and no further action is necessary. The results of an informal resolution shall be reported by the facilitator, in writing, to the Superintendent, Director of Personnel, and to the school principal. If the complaining individual, the alleged harasser and/or bully, or the school employee/harassment and/or bullying complaint official, chooses not to utilize the informal procedure, or believes that the informal procedure has been unsuccessful, s/he may proceed to the formal procedure. Any complaint against a school employee shall be handled through the formal procedure.

2. Formal Procedure

Step 1 - The harassment and/or bullying complaint official shall fill out a harassment and/or bullying complaint form based on the written or verbal allegations of the complaining individual. This complaint form shall be kept in a centralized and secure location. (a) The complaint form shall detail the facts and circumstances of the incident or pattern of behavior. (b) If a student under eighteen (18) years of age is involved, his/her parents shall be notified immediately except where the harassment and/or bullying complaint official has a reasonable basis to believe that notification will result in serious physical, emotional, or mental harm to the student. (c) An investigation shall be completed by the harassment and/or bullying complaint official within ten (10) school days from the date of the complaint or report.

Step 2 - The investigation may consist of personal interviews with the complaining individual, the alleged harasser and/or bully and any other individuals who may have knowledge of the alleged incident(s) or circumstances

giving rise to the complaint. In determining whether alleged conduct constitutes a violation of this policy, the harassment and/or bullying complaint official should consider all surrounding circumstances, including any relevant documents, the nature of the behavior, the age and maturity of the persons involved, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In addition, the State College Area School District may take immediate steps, at its discretion, to protect the complaining individual alleged harasser and/or bully, witnesses, and school employees pending completion of an investigation of alleged harassment and/or bullying and may make any appropriate referrals for assistance, including but not limited to counseling, rape crisis intervention, notification of police, etc. The investigation will be completed as soon as practicable, but no later than ten (10) school days from the complaint or report. The harassment and/or bullying complaint official shall make a written report to the Superintendent and the school principal upon completion of the investigation. The report shall include a determination as to whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

Step 3 - Following the investigation, the harassment and/or bullying complaint official shall recommend to the Superintendent and/or school principal what action, if any, is required. The State College Area School District shall take appropriate action in all cases where the harassment and/or bullying complaint official conclude that this policy has been violated. Any person who is determined to have violated this policy shall be subject to action, including but not limited to warning, exclusion, suspension, expulsion, transfer, termination, discharge or any other remedial action, including but not limited to training, education, or counseling. Action taken for violation of this policy shall be consistent with the requirements of any applicable collective bargaining agreement, State College Area School District policy, and state and federal law, including but not limited to the due process protections for students with disabilities.

Step 4 - The director of personnel or school principal shall maintain the written report of the investigation and results in his/her office. In the case of an investigation conducted by the school district, the Superintendent shall receive a copy of the investigation report and results. If the harassment and/or bullying complaint official conclude that the policy has been violated by a professional educator or administrator, a report of the findings shall be filed in the employee's personnel file. The complaining student and the alleged harasser and/or bully shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a violation of the policy, and whether disciplinary action was or will be taken.

Pol. 806

Reporting of Potential Physical and/or Sexual Abuse

Several behaviors listed as harassment (e.g., sexual touching, grabbing, pinching, being forced to kiss someone, being forced to do something sexual other than kissing, sexual assault) may also constitute physical or sexual abuse. The term physical abuse is defined as the intentional infliction of bodily harm. The term sexual abuse is defined as any act or acts by a person involving sexual molestation or exploitation of another person, including but not limited to incest, prostitution, rape, sodomy or any lewd or lascivious conduct. Thus, under certain circumstances, alleged harassment may also be possible physical and/or sexual abuse under Pennsylvania law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the appropriate authorities within twenty-four (24) hours of the time the educator becomes aware of the suspected abuse.

Confidentiality

The State College Area School District recognizes that both the complaining individual and the alleged harasser/bully have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining individual, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

Outside Agencies

A charge of harassment may also be investigated by the Pennsylvania Human Relations Commission, the Pennsylvania Department of Education, or the Office for Civil Rights of the U.S. Department of Education which may be contacted as follows: PA Human Relations Commission, Harrisburg Regional Office, 1101-1125 South Front Street, Harrisburg, PA 17104, Phone: (717)787-9784, TTY: (717) 787-7279; Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, Phone: (717) 787-2644, TTY: (717) 783-8445; Office for Civil Rights, Philadelphia Office, U.S. Department of Education, 3535 Market Street, Room 6300, 03-2010, Philadelphia, PA 19104-3326, Phone: (215) 596-6787, TTY: (215) 596-6794.

Construction

This policy shall not be construed to impinge upon the exercise of legitimate rights of students or school personnel in the school setting. To the extent that any provision of this policy is declared to be invalid or unenforceable, said declaration shall not affect the validity or enforceability of any of the remaining provisions, which shall

	remain in full force and effect.
--	----------------------------------