

## STATE COLLEGE AREA SCHOOL DISTRICT

**SECTION:** 200 Pupils  
**TITLE:** Sexual and/or Gender-Based Harassment, Discrimination, and Misconduct  
**NUMBER:** 248  
**ADOPTED:** December 2, 2002  
**STATUS:** Draft Revisions to Incorporate Title IX Provisions - June 18, 2019

Current SCASD [policy 248](#)

### Contents:

- Policy
- Title IX Coordinator
- Consensual Relationships
- Sexual and Gender-Based Harassment
- Reporting Complaints
- Mandatory Reporting
- Confidentiality
- Retaliation
- Delegation of Responsibility
- Cross References

### **Policy**

The State College Area School District is committed to providing to all students access to equitable educational programs and activities in an educational environment that is free from all forms of harassment, discrimination. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals and will not be tolerated. Gender-based and sexual harassment, including sexual violence, are forms of gender discrimination in that they deny or limit an individual's ability to participate in or benefit from programs and activities.

All members of the SCASD community are expected to conduct themselves in a manner that does not infringe upon the rights of others. No student should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.[\[1\]](#)[\[2\]](#)[\[3\]](#)

It is the responsibility of all administrators, supervisors, faculty, staff, and students to report any conduct that is perceived to be in violation of this policy.

### **Title IX Coordinator**

Reporting directly to the Superintendent, the district's Title IX Coordinator oversees compliance with all aspects of this policy. Questions about this policy and/or reports relating to sexual and/or gender-based harassment, discrimination, and misconduct should be directed to the Title IX Coordinator:

Linda E. Pierce  
Human Resources Director and Title IX Coordinator  
814-272-4685  
lep16@scasd.org

Additionally, reports and concerns can be made with principals, counselors, and teachers - anonymous reports can be made by victims and/or third parties using the REACT online reporting form ([insert url](#)).

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights - Philadelphia Office  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515.  
Philadelphia, PA 19107  
Telephone: (215) 656-8541  
Email: OCR.Philadelphia@ed.gov

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Superintendent (814-231-1016).

### **Consensual Relationships**

Consent must be informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that they cannot understand the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious, where the respondent reasonably should have known that the person was incapacitated. Silence does not necessarily constitute consent.

Previous consent does not imply consent to sexual activity in the future. Consent, once given, can be withdrawn at any time.

Romantic and/or sexual relationships between employees and students are prohibited. Employees who develop a romantic and/or sexual relationship with a student will be reported as required by law and are subject to disciplinary action, up to and including immediate dismissal.

### **Sexual and Gender-Based Harassment**

**Sexual harassment** is a form of discrimination on the basis of sex and is prohibited by this policy. For purposes of this policy, sexual harassment is defined as unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other program offered by the District; or
2. Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or
3. Such conduct deprives a student or group of individuals of educational aid, benefits, services or treatment; or
4. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school-related programs, or otherwise creates an intimidating, hostile, or offensive school or school-related environment such that it unreasonably interferes with the complainant's access to or participation in school or school-related programs.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Federal law declares sexual violence a form of sexual harassment. Sexual violence means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion.

Sexual harassment may take different forms. Examples of conduct that may constitute sexual harassment are:

1. Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.
2. Nonverbal: The distribution, display, or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, text messages, Internet postings, etc., that are sexual in nature.
3. Physical: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions that are acceptable to and welcomed by both parties, are not considered to be harassment, including sexual harassment.

**Gender-Based harassment** is behavior consisting of physical or verbal conduct based on gender, sexual orientation, gender-stereotyping, perceived gender, or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe or pervasive such that it substantially interferes with an individual's education or ability to participate in or benefit from District programs, activities, or opportunities and would detrimentally affect a reasonable person under the same circumstances. Gender-Based harassment may include, but is not limited to, verbal or physical attacks, graphic or written statements, threats, or slurs. Whether the alleged conduct constitutes prohibited Gender-Based harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question, as well as the location and context in which it occurs.

### **Reporting Complaints**

Anyone who is concerned about the possibility of assault is strongly encouraged to immediately report the concern to the local police department.

The District encourages anyone to report concerns and complaints about acts of discrimination, harassment, sexual harassment, or intolerance to the Human Resources Director/Title IX Coordinator, Assistant Superintendents, Principals, Counselors, Security Officers, or the Director of Student Services. The District will

make every reasonable effort to promptly investigate and resolve complaints of discrimination, harassment, or sexual harassment with due regard for fairness and the rights of both the complainant and alleged offender, and to conduct all proceedings in the most confidential manner possible.

Any person electing to utilize this complaint resolution procedure will be treated courteously and the problem will be handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action. The registering of a complaint will in no way be used against the employee or student, nor will it have an adverse impact on the individual's employment/student status. While reporting such incidents might be a difficult personal experience, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees and students are strongly urged to utilize this procedure.

### **Mandatory Reporting**

Any 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 their Supervisor, Principal, Assistant Superintendent, or the Title IX Coordinator.

### **Confidentiality**

During the complaint process, while the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant regarding action by the office cannot be guaranteed in every instance, they will be protected to as great a degree as is legally possible. The expressed wishes of the complainant for confidentiality will be considered in the context of the District's legal obligation to act upon the charge and the right of the charged party to obtain information.

### **Retaliation**

Retaliation encompasses adverse actions taken against those who oppose discrimination, harassment, or intolerance or who participate in an investigation or proceeding involving charges of discrimination, harassment, or intolerance.

No hardship, no loss of benefit, and no penalty may be imposed on a student as punishment for:

1. Filing or responding to a bona fide complaint of discrimination or harassment.
2. Appearing as a witness in the investigation of a complaint.
3. Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions.

### **Delegation of Responsibility**

The Superintendent shall develop procedures for outlining the means by which incidents of sexual harassment shall be reported, investigated, and resolved according to this policy.

#### Legal

1. 42 U.S.C. 2000e et seq

2. 43 P.S. 951 et seq

3. 29 CFR 1606.8

4. 29 CFR 1604.11

5. Pol. 317

6. Pol. 417

7. Pol. 517

8. Pol. 218

9. Pol. 233

#### Cross References:

103

104

248R

249