

ALLENTOWN SCHOOL DISTRICT

SECTION: PUPILS
TITLE: SEXUAL HARASSMENT
ADOPTED: 9/27/12
REVISED:

248. SEXUAL HARASSMENT

Section 1. Purpose

The purpose of this policy is to address and prevent sexual harassment, a form of sex-based discrimination, and ensure that the Allentown School District (ASD) is in compliance with Title IX, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106 and published guidance of the United States Department of Education, Office of Civil Rights which prohibits sex-based discrimination by school districts that receive federal money.

Section 2. Guidelines

In addition, the Allentown School District (ASD) is responsible for ensuring that its policies and guidelines comply with Title IX and its implementing regulations, as well as all other applicable federal, state and local law.

Section 3. Notice of Nondiscrimination

As required by federal and state law, ASD does not discriminate on the basis of sex with regard to participation in any academic, extracurricular, research, occupational training or other education program or activity operated by ASD.

Questions about the applicability of Title IX to any ASD program or activity may be directed to the ASD District Equity Coordinator (DEC), located in the ASD offices at 31 S. Penn Street, Allentown, PA 18105.

Section 4. Policy

ASD is committed to maintaining a school environment free of discrimination based on sex, including sexual harassment. Sexual harassment of any kind by administrators, teachers, coaches and other employees, students, vendors, consultants, volunteers, and other individuals at school or school-sponsored events or on busses is unlawful and is strictly prohibited. ASD requires all ASD personnel and students to conduct themselves in an appropriate manner, with respect for others in the ASD community.

ASD shall take reasonable and appropriate action to prevent, address, and eliminate sexual harassment in the education program and activities in every school and school sponsored activity. This effort shall include monitoring and supervision of schools and school sponsored activities to prevent, detect and correct instances of sexual harassment; eliminating any hostile environment; conducting investigations of complaints, formal or informal, of sexual harassment; protecting victims of sexual harassment; instituting remedial measures; and educating ASD personnel, students, parents and guardians about sexual harassment and this policy.

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Section 5. Title IX Coordination

The District Equity Coordinator (DEC) is responsible for administering and ensuring ASD's compliance with Title IX, and has supervisory authority over all School Equity Coordinators (SECs). The DEC has ultimate responsibility and oversight to investigate and resolve all complaints, whether made verbally or in writing, when the allegations of sexual harassment involve ASD personnel and other adults as well as employee-student harassment. The DEC shall timely notify all ASD personnel, students, and parents if revisions are made to this policy. Both the DEC and SEC are available to meet upon request with ASD students or parents/guardians about sexual harassment complaints, questions or concerns.

The obligation and responsibility of the DEC and the SECs to fully conduct an investigation and resolve all complaints of sexual harassment exists regardless of whether or not a criminal investigation involving the same or similar allegations is also pending or has been concluded. The procedure for making a complaint, investigating a complaint, guidelines for resolution of a complaint and appealing after a decision has been rendered is set forth in the Administrative Regulation that accompanies this policy and is incorporated herein by reference, No. 248-AR-1. A form for making a complaint also accompanies this policy, and is entitled No. 248 Sexual Harassment Report Form.

Each ASD school building shall have a School Equity Coordinator or SEC, who is the Principal. For a list of Principals, and their office and email addresses and telephone numbers, please refer to Administrative Regulation No. 248-AR-1 or the Allentown School District website, www.allentownsd.org.

The SEC is responsible for compliance with this policy with respect to such portions of the education program that involve students of the SEC's school. The SEC is authorized to conduct or appoint a designee in writing, a qualified Title IX investigator, who shall conduct all investigations of complaints, whether made verbally or in writing, involving allegations of sexual harassment involving students and adults in their school or school sponsored activities.

Section 6. Definitions

Complainant is the person who lodges or files a complaint, formal or informal, against another person.

ASD Personnel means all central office and school administrators and employees, including but not limited to principals, assistant principals, counselors, psychologists, nurses, teachers and substitute teachers, coaches, permanent and temporary staff, vendors and contractors (including school resource officers) who have regular interaction with ASD students.

Discrimination is the exclusion from participation, denial of benefits, or subjection of any student to disparate treatment or disparate impact in any academic, athletic, extracurricular, research, occupation, training, or other education program or activity based upon sex. Examples of discrimination include, but are not limited to, the following:

- a. Treating one person differently from another in determining whether such person satisfies any requirement or condition for the provision of aid, benefit or service;
- b. Providing different aid, benefits or services, or providing aid, benefits or services in a different manner;
- c. Denying any person such aid, benefit or services;

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- d. Subjecting any person to separate or different rules of behavior, sanctions or other treatment;
- e. Aiding or perpetuating discrimination against any person by providing significant assistance to any agency, organization, or person, which discriminates on the basis of a legally protected classification in providing any aid, benefit or service to students or ASD personnel; or
- f. Otherwise limiting any person in the enjoyment of any right, privilege, advantage or opportunity.

Education program includes, without limitation, all of ASD's operations; for example, academic, athletic and other extra-curricular activities and other programs at ASD schools, facilities, property, on busses and other programs.

Hostile environment exists when sex-based harassment is sufficiently severe, persistent, or pervasive to interfere with or limit one or more student's ability to participate in or benefit from the education program.

Respondent is the person who is alleged to have committed an act of sexual harassment.

Sexual harassment, a form of sex-based harassment, is defined to include sexual harassment, sexual abuse, sexual assault, sexual violence, sexual deviancy, sexually inappropriate contact, and inappropriate touching and, as such, shall include unwelcome verbal, visual, or physical conduct of a sexual nature; rape; attempted rape; intimidation, bullying or coercion of a sexual nature (conduct need not be physical); unwelcome or inappropriate sexual advances; non-consensual, forced physical sexual behavior; nonconsensual kissing and fondling; exposure of genitalia; voyeurism; exhibitionism; sexually suggestive statements or demands; the use of a position of trust to compel otherwise unwanted sexual activity with or without physical force; the forcing of undesired sexual behavior by one person upon another; assault of a sexual nature on another person; or any sexual act committed without consent. Examples of sexual harassment that would violate this policy include but are not limited to the following:

- a. Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- b. Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
- c. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
- d. Touching oneself sexually or talking about one's sexual activity in front of others;
- e. Spreading rumors about or rating other students as to sexual activity or performance;
- f. Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact;
- g. Other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises or preferential treatment.

This definition does not preclude legitimate, non sexual physical conduct, such as a teacher's consoling hug of a student or a demonstration of a sports move requiring contact with a student.

Sexual violence or sexual exploitation of students under the age of 18 also constitutes child abuse, which must be reported to law enforcement authorities and the Office of Children and Youth Services of Lehigh County as required in Board Policy No. 806, Child/Student Abuse.

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Section 7. Closure of Complaint and Appeal.

The District Equity Coordinator (DEC), or the School Equity Coordinator (SEC) shall provide written notice of the conclusions reached by the DEC (for example: founded, unfounded or indeterminate), the reasons therefore, and the actions taken as a result, within three (3) business days after the complaint is resolved to the complainant, target and respondent, and in the case of minor students to their parents/guardians, and shall advise them of their right to appeal an adverse decision to the Superintendent or the Superintendent's designee. If an appeal is requested, the appeal shall be submitted in writing to the DEC, who shall forward a copy of the appeal to the Superintendent or the Superintendent's designee, and the appropriate decision maker will consider all issues presented by the appealing complainant, target or respondent.

Section 8. Prohibition Against Retaliation

Retaliation or reprisals against by any student or ASD personnel complaining persons, targets, witnesses or any other person who reports allegations of sexual harassment or provides information to assist in a sexual harassment investigation are prohibited and subject or reprisals against complaining persons and witnesses are prohibited and subject to the same actions, remedies and responses set forth in the accompanying Administrative Regulation, No. 248-AR-1, regarding when a determination is made that a complaint of sexual harassment is founded. ASD officials, administrators and employees will take steps to prevent retaliation and will also take strong responsive action if retaliation occurs.

Section 9. Right to Additional Complaint Procedures

This policy is a good faith effort to address and remedy sexual harassment promptly and appropriately. The policy is not intended to be the exclusive remedy to sexual harassment. ASD Community members, complainants, targets and respondents are entitled to pursue additional avenues of recourse, which may include reporting or filing charges with appropriate legal, state and federal agencies, initiating civil action, or reporting perceived criminal conduct to the appropriate authorities, including but not limited to:

Pennsylvania Human Relations Commission	or	U.S. Department of Education
Harrisburg Regional Office		Office For Civil Rights
Riverfront Office Center, 5 th Floor		The Wanamaker Building
1101-1125 S. Front Street		100 Penn Square East, Suite 515
Harrisburg, PA 17104-2515		Philadelphia, PA 19107-3323
Tel. No. (717) 787-9784		Tel. No. (215) 656-8541
TTY: 717-787-7279		TDD: 877-521-2172

Section 10. Miscellaneous

This policy shall be translated, language accessible, and available for students and parents whose first language is not English, on the ASD website at www.allentownsd.org.

The DEC shall maintain a record of all complaints, reports, and allegations of sexual harassment consistent with the accompanying sexual harassment reporting regulation, No. 248-AR-1.

Section 11. This Policy Shall Supersede all Prior Policies and Statements

This policy shall supersede all policies, procedures, and other relevant language regarding sexual harassment developed prior to the date of adoption of this policy. This includes references in the School Board Policies, the Code of Conduct, and any other existing policies or statements that existed prior to the date of adoption of this Policy.

SEXUAL HARASSMENT REPORT FORM

1. Name: _____
2. School/Building: _____
3. Describe the conduct you found objectionable, including what force, if any, was used; verbal statements (threats, requests, demands, etc.); what if any physical contact was involved (additional sheets may be attached):

4. Name of the person(s) alleged to be engaged in harassment: _____

5. If the alleged sexual harassment was directed against another person, identify the other person: _____

6. Date of incident described in #3: _____

7. Approximate time of incident in #3 _____

8. Location of incident described in #3: _____

9. Names of any witnesses to incident described in #3: _____

10. Briefly describe the actions you would like to be taken by the School District in response to the matter you have identified:

11. Date this complaint submitted: _____.

12. Complainant's Signature: _____.

TO COMPLAINANTS: PLEASE RETURN THIS FORM TO YOUR SCHOOL EQUITY COORDINATOR (PRINCIPAL), YOUR DISTRICT EQUITY COORDINATOR (DIRECTOR OF HUMAN RESOURCES), SUPERINTENDENT OR SUPERINTENDENT'S DESIGNEE.

TO ALL PRINCIPALS AND OTHERS TO WHOM THIS COMPLETED FORM IS SUBMITTED: THIS COMPLETED FORM **MUST BE** TRANSMITTED TO THE DISTRICT EQUITY COORDINATOR (DIRECTOR OF HUMAN RESOURCES) WITHIN ONE BUSINESS DAY OF THE DATE OF SUBMISSION.