

SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PUPILS

TITLE: HARASSMENT

ADOPTED: September 22, 2010

REVISED: August 22, 2013

| 248. HARASSMENT | |
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| <p>1. Purpose</p> | <p>The School Reform Commission strives to provide a healthy, safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the District to maintain an educational environment in which harassment in any form is not tolerated. It shall also be the policy of the District that each staff member shall be responsible for maintaining an educational environment free from all forms of harassment, and that each student shall be responsible to respect the rights of his/her fellow students and employees and to ensure an atmosphere free from all forms of harassment.</p> |
| <p>2. Authority 43 P.S. Sec. 951 et seq Title IX 20 U.S.C. Sec. 1681 et seq 29 CFR Sec. 1606.8(a)</p> | <p>The SRC prohibits all forms of harassment of students and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The SRC encourages students or their parents/guardians and third parties who have been harassed to promptly report such incidents to the school principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators. Any staff member who receives such a report shall immediately notify the principal or designee of same. If the behavior continues or if the school does not take action, students or parents/guardians should report the incident to the District's hotline at 215-400-SAFE.</p> <p>This policy applies to students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, in transit to and from school, at a class or training program sponsored by the school at another location, or elsewhere. The policy also applies to any off-campus conduct that has a continuing effect on campus.</p> <p>The SRC directs that all complaints of harassment shall be investigated promptly and thoroughly, and corrective action taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations. All parties will be treated with dignity and shall be afforded legally-required due process.</p> <p>No reprisals or retaliation shall occur as a result of good faith reports of harassment.</p> |

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| <p>3. Definitions</p> | <p>For purposes of this policy, harassment shall consist of unwelcome verbal, written, graphic or physical conduct relating to an individual's gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, a student may be targeted because of his race and sexual orientation.</p> <p>Harassment can create a hostile environment when it:</p> <ol style="list-style-type: none"> 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 a student's education; or 3. Otherwise adversely affects an individual's learning opportunities, health, safety or well-being. <p>Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.</p> |
| <p>4. Delegation of Responsibility Pol. 103</p> | <p>In order to maintain an educational environment that discourages and prohibits harassment, the SRC shall designate a District Compliance Officer . The Compliance Officer shall:</p> <ol style="list-style-type: none"> 1. Coordinate the District's efforts to comply with this policy and applicable laws and regulations. 2. Publish and disseminate this policy and the complaint procedures at least annually to students, parents/guardians, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the Compliance Officer. 3. Receive and investigate reports or complaints from District employees, students, families and third parties if a school principal is the subject of a report or complaint; 4. Track all complaints, investigation materials and resolutions from harassment complaints District wide. 5. Make ad hoc reports (as necessary or appropriate) and annual reports to the School Reform Commission on harassment complaints and resolutions. <p>The Superintendent or designee shall develop Administrative Procedures to</p> |

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| <p>5. Guidelines</p> | <p>implement this policy.</p> <p>The District shall be responsible for providing training to students and employees regarding all aspects of harassment. Student training shall include the definition of harassment, examples of harassment, the reporting process and consequences of participating in harassment towards students and staff. Staff training shall include how to appropriately identify, address, and report incidents of harassment.</p> <p>The building principal or designee shall be responsible to investigate all reports and complaints of harassment in accordance with the Administrative Procedures. At a minimum, the building principal or designee shall be responsible to complete the following duties when receiving an oral or written report or complaint of harassment:</p> <ol style="list-style-type: none"> 1. Inform the student or third party of the complaint procedure, including their right to English language interpretation and translation during all steps of the complaint procedures. Even if the student does not explicitly request interpretation, employees are encouraged to use interpretation and translation if they feel it will improve the ability to communicate accurately with the student or third party. 2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure. 3. Ensure that complainants are notified of available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement. 4. Notify the complainant and the accused of the progress at appropriate stages of the investigation. 5. Refer the complainant to the Compliance Officer if the building principal is the subject of the report or complaint. 6. In cases involving potential criminal conduct, determine whether appropriate law enforcement authorities should be notified. <p>The SRC directs that District employees respond to all incidents of harassment according to the procedures in this policy, regardless of whether they are alleged to have created a hostile environment.</p> |
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Complaint Procedure

Step 1 – Reporting

A student or his/her parent/guardian or third party who believes s/he has been subjected to conduct that may constitute a violation of this policy is encouraged to immediately report the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, **bilingual counseling assistants (BCAs)**, coaches, and administrators.

A school employee who observes, suspects or is notified that a student has been subjected to conduct that may constitute a violation of this policy must immediately report the incident to the building principal or designee.

Any school employee who observes an act of harassment or discrimination toward a student shall intervene to attempt to stop the act unless the staff member believes that taking such steps would pose a risk to his or her safety and/or the safety of others, in which case the staff member must immediately summon school security.

The complainant or reporting employee is encouraged to use the complaint form available from the building principal, but oral and electronic complaints shall be acceptable. **The principal or designee shall complete the District's complaint form if the complainant chooses to make an oral or electronic report. In each school building, to the extent practicable, complaint forms shall be readily available in any and all languages that are spoken by one or more students attending that school.**

If the building principal is the subject of a complaint, the student, parent/guardian, third party or employee shall report the incident directly to the Compliance Officer.

Step 2 – Investigation

Upon receiving a complaint of harassment, the building principal or designee shall **take immediate and appropriate action to investigate or otherwise determine what occurred in accordance with the Administrative Procedures. At a minimum, the investigation shall consist of the following:**

1. The investigation should 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.

2. The investigator shall attempt to secure statements from all participants in, and witnesses to, the incident(s). The complainant shall not be required to meet face-to-face with the accused.
3. **When a student with limited English proficiency is a party to a complaint, interpretation and/or translation services shall be provided. The limited English proficiency of a complainant, witness, or the accused is not an acceptable reason for failure to secure a statement from him or her.**
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 concluded.
5. **The obligation to conduct this investigation shall not be negated by the fact that the complainant cannot identify the accused.**

All complaints should be forwarded and/or uploaded to the Compliance Officer for the purpose of monitoring, evaluating and providing District level support to diminish harassment.

All investigations shall be completed by the assigned investigator within fourteen (14) days from the reporting of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer. The extension must be a specified period of time not exceeding fourteen (14) days, and must be communicated to the complainant.

Step 3 – Investigative Report

The building principal or designee shall prepare a written report which 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.

The findings of the investigation shall be provided to the complainant, **and his or her parent, if s/he is under 18 years old**, the accused, and the Compliance Officer.

Step 4 – District Action

If the investigation determines that the accused engaged in conduct that constitutes a violation of this policy, the District shall take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. **When appropriate, students who have been found to violate this policy will receive instruction or training on why their actions were inappropriate and/or hurtful.**

Complainants and the accused, and their parents, if they are under 18 years old, shall be notified of the final disposition/action taken by the District. Either party may appeal the final disposition/action to the Compliance Officer, or if the Compliance Officer has conducted the investigation, to the Superintendent.

Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative procedures, and state and federal laws.

If it is concluded that a student has intentionally made a false report or complaint under this policy, such student may be subject to disciplinary action.

Expedited Resolution of Harassment Incidents

While the SRC cautions that all incidents of harassment are hurtful to students and negatively impact the school environment, there are some harassment incidents that District employees can effectively address and resolve immediately. The investigative procedures (Steps 1-4 above) shall not apply when a District employee witnesses or receives a report of harassment and the District employee, in his/her professional judgment determines:

- (1) The harassment was not severe, persistent, or pervasive, and
- (2) The District employee is able to fully and adequately address the harassment with the target(s) (if any) and the perpetrator(s), including:
 - (a) Educating the perpetrator(s) on the wrongfulness of his/her actions, identifying the harassing language and behavior involved, and referring the student for counseling, community service or imposing discipline, if appropriate, and
 - (b) Speaking with the target student(s) (if any) to ensure s/he has not been a repeated target of harassment, is satisfied with the employee's response, and is notified of his/her right to file a complaint with the principal.

Whenever the Expedited Resolution process is followed, the District employee shall file a written report on the incident in accordance with the Administrative Procedures.

The following are examples of harassment prohibited by this policy:

Some students anonymously inserted offensive notes into African-American students' lockers and notebooks, used racial slurs, and threatened African-American students who tried to sit near them in the cafeteria.

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| <p>6. Examples</p> | <p><i>Students mockingly refer to Asian students as “Bruce Lee” “China boy” “f*ckin’ Asian” and use racial slurs and create noises intended to reference made-up speech around Asian languages. Asian students are routinely targeted in unmonitored student-centric areas such as stairwells, hallways, bathrooms, and walking to and from school with students screaming at them with threats of harm and physical assault. One student threatens an Asian student by drawing a finger across the throat with the statement, “F*ck you China people.”</i></p> <p><i>School employees at a junior high school received reports of several incidents of anti-Semitic conduct at the school. Anti-Semitic graffiti, including swastikas, was scrawled on the stalls of the school bathroom. At the same school, a teacher caught two ninth-graders trying to force two seventh-graders to give them money. The ninth-graders told the seventh-graders, “You Jews have all of the money, give us some.” At the same school, a group of eighth-grade students repeatedly called a Jewish student “Drew the dirty Jew.”</i></p> <p><i>Shortly after enrolling at a new high school, a female student had a brief romance with another student. After the couple broke up, other male and female students began routinely calling the new student sexually charged names, spreading rumors about her sexual behavior, and sending her threatening text messages and e-mails.</i></p> <p><i>A gay high school student was called names (including anti-gay slurs and sexual comments) both to his face and on social networking sites, physically assaulted, threatened, and ridiculed because he did not conform to stereotypical notions of how teenage boys are expected to act and appear (e.g., effeminate mannerisms, nontraditional choice of extracurricular activities, apparel, and personal grooming choices).</i></p> <p><i>Several classmates repeatedly called a student with a learning disability “stupid,” “idiot,” and “retard” while in school and on the school bus. On one occasion, these students tackled him, hit him with a school binder, and threw his personal items into the garbage.</i></p> <p><i>Students yell “Speak English!” at immigrant youth at a school who speak their native language in school. In full view of other students, native born English speakers routinely mimic or otherwise make fun of immigrant students’ accents and comment on how “weird” they sound.</i></p> <p>References:</p> |
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| | <p>Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.</p> <p>Federal Anti-Discrimination Law – 20 U.S.C. Sec. 1681 et seq. (Title IX)</p> <p>Harassment Regulations and Guidelines</p> <p>Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)</p> <p>Federal Register – 66 Fed. Reg. 5512</p> <p>School Reform Commission Policy – 103, 103.1, 249, 806</p> <p>OCR Guidance: April 4, 2011 Dear Colleague Letter; October 26, 2010 Dear Colleague Letter; 2001 Sexual Harassment Guidance</p> |
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