



SECTION: 548

TITLE: SEXUAL HARASSMENT

# NESHAMINY SCHOOL DISTRICT

1	I. PURPOSE	It is the policy of the Board of School Directors to maintain a learning	1
2		environment free from sexual harassment. Sexual harassment is hereby	2
3		prohibited. Any student who engages in conduct which constitutes sexual	3
4		harassment as defined by this policy shall be subject to discipline up	4
5		to and including expulsion. Any student who is subjected to sexual	5
6		harassment while attending Neshaminy School District shall have the right	6
7		to file a complaint under this policy.	7
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9	II. DEFINITIONS	<b>Sexual harassment</b> is a form of sex discrimination prohibited by Titles VII and	9
10	AND EXAMPLES	IX of the Civil Rights Act of 1964, as amended, and the Pennsylvania Human	10
11		Relations Act. The School Board recognizes that sexual harassment may	11
12		take many forms, including but not limited to:	12
13		a) Unwelcome sexual advances where:	13
14		• submission to such conduct is explicitly or implicitly required of recipient.	14
15		• submission to or rejection of such conduct is used as the basis of school	15
16		related decisions affecting the recipient.	16
17		• such conduct has the purpose or effect of unreasonably interfering with	17
18		the recipient's school performance or of creating an intimidating,	18
19		hostile, or offensive learning environment.	19
20		b) Requests for sexual favors where:	20
21		• submission to such conduct is explicitly or implicitly required of recipient.	21
22		• submission to or rejection of such conduct is used as the basis of school	22
23		related decisions affecting the recipient.	23
24		• such conduct has the purpose or effect of unreasonably interfering with	24
25		recipient's school performance or of creating an intimidating,	25
26		hostile, or offensive learning environment.	26
27		c) Other unwelcome verbal or physical conduct or communication of a sexual	27
28		nature where:	28
29		• submission to such conduct is explicitly or implicitly required of recipient.	29
30		• submission to or rejection of such conduct is used as the basis of school	30
31		related decisions affecting the recipient.	31
32		• such conduct has the purpose or effect of unreasonably interfering with	32
33		the recipient's school performance or of creating an intimidating,	33
34		hostile, or offensive learning environment.	34
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1		<b>POLICY 548 (con't)</b>	1
2		Two types of sexual harassment are recognized by the law:	2
3		• Quid pro quo harassment is unwelcome sexual conduct (advances,	3
4		requests for sexual favors, and other verbal or physical conduct of a sexual	4
5		nature) when submission to the conduct is made either explicitly or	5
6		implicitly a term or condition of the student's status in a course, program or	6
7		school related activity	7
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9		• Hostile environment harassment is unwelcome sexual conduct that has	9
10		the purpose or effect of unreasonably interfering with a student's school	10
11		performance or creating an intimidating, hostile, or offensive learning	11
12		environment.	12
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14		Although theoretically distinct, the line between the two is not always clear	14
15		and the two forms of harassment can often occur together. The EEOC	15
16		(Equal Opportunity Employment Commission) believes that when a	16
17		constructive discharge is due to a hostile environment, the claim also becomes	17
18		a quid pro quo claim.	18
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20	<b>III. REPORT</b>	Any student who feels he or she is being sexually harassed by an employee or	20
21	<b>PROCEDURE</b>	another student, or who is aware of sexual harassment against another	21
22		student should report it immediately to the building principal, a guidance	22
23		counselor, teacher or school nurse. Any employee who believes that a student	23
24		is being sexually harassed by another employee or a student shall report	24
25		it immediately to the school principal. Any employee receiving a complaint	25
26		of sexual harassment shall immediately notify the building principal	26
27		or assistant principal who shall commence an investigation of the charge.	27
28		Should a student have a complaint against the building principal or assistant	28
29		principal, the complaint should be reported to the Superintendent or alternate	29
30		designee of the Superintendent who shall begin an investigation of the charge.	30
31		Complaints should be made in writing. If it is not possible for the complaint	31
32		to be made in writing, the investigator shall confirm in writing the substance	32
33		of the complaint.	33
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35	<b>IV.</b>	The Neshaminy School District will respect the confidentiality of the	35
36	<b>CONFIDENTIALITY</b>	complainant, other parties and the individual(s) against whom the complaint	36
37		is made to the extent possible, consistent with the school district's legal	37
38		obligations and the necessity to investigate allegations of sexual harassment	38
39		and take appropriate action.	39
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41	<b>V. REPRISAL</b>	The Neshaminy School District will not tolerate any retaliation against a	41
42		student who complains of sexual harassment, regardless of the outcome	42
43		of the complaint. Proven retaliation will lead to disciplinary action.	43
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VI.  
CONSEQUENCES  
OF THE  
VIOLATION OF  
THIS POLICY

JR/sab  
App: 1/2011

**POLICY 548 (con't)**  
Any student of this District who is found to have engaged in conduct constituting sexual harassment will be subject to disciplinary action which may include exclusion from social activities, detention, suspension, and/or expulsion from school. Any exclusion from school shall be governed by the laws of Pennsylvania. Determination of appropriate disciplinary sanctions or education or conciliatory requirements shall be based on circumstances of the individual case, considering the following factors among others:

- severity of the misconduct
- pervasiveness or persistence of the misconduct
- effect on the victim or victims
- intent of the perpetrator

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