



# PENNSYLVANIA TECHNOLOGY STUDENT ASSOCIATION

## Anti-Harassment / Anti-Discrimination Policy

### I. STATEMENT OF PURPOSE

It is the policy of the PA-TSA Board of Directors to provide a safe and orderly educational environment that is free from harassment and conducive to the mission of the association to provide each and every student the best opportunity to receive the educational experience to which he or she is entitled under State and Federal law. The PA-TSA Board of Directors asserts that it has a compelling interest in promoting an educational environment that is safe and conducive to learning and competition

It is the intention of the PA-TSA Board of Directors consistent with State and Federal law, to strive to maintain a learning environment which is free of harassment since the association finds that incidents of harassment prevent students from receiving the education to which they are entitled, materially disrupt the mission of the PA-TSA Association to provide educational opportunities, substantially interfere with a student's educational performance and foster incidents of violence.

The PA-TSA Board of Directors finds that incidents of harassment and violence or threatened violence are and have been increasing in recent years in school districts nationally and that such increase prompted the adoption of the predecessor Anti-Harassment / Decimation Policy. The PA-TSA Board of Directors also notes that input from members of the administration, professional staff and citizens has confirmed that the adoption and promulgation of an Anti-Harassment Discrimination Policy has served to increase awareness and provide a tool for addressing alleged harassment. The Association recognizes the recent and well-known incidents of violence in various schools across this Commonwealth and the country, and seeks to avoid such incidents.

It is the purpose of this Policy to prohibit and prevent acts of harassment and violence. The PA-TSA Board of Directors 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.

## II. CONTENTS

This Policy defines harassment and violence, specifies and describes prohibitions, outlines reporting procedures, provides for the undertaking of appropriate remedial actions calculated to stop the harassment and/or violence, and prohibits retaliation against those who, in good faith, report harassment pursuant to this Policy.

## III. DEFINITIONS

A. 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:

1. Substantially or materially interfere with a student’s or students’ educational performance; and/or
2. deny any student or students the benefits or opportunities offered by the School District; and/or
3. Substantially disrupt association operations or activities; and/or
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.

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 association 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 association operations or the rights of others.

B. Personnel: The term “school personnel” as used in this Policy means PA-TSA board members, employees, agents, volunteers, contractors and/or persons subject to the supervision and control of the PA-TSA Board of Directors.

## IV. PROHIBITIONS

A. It shall be a violation of this Policy for any student or school personnel of the to engage in harassment of a PA-TSA Board of Directors student on

school property, during the use of association facilities or during association-sponsored activities, services and/or events.

- B. It shall also be a violation of this Policy for any school personnel to tolerate harassment, 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 extra-curricular activities, on association property or at association related activities, services or events.
- C. Harassment such as is prohibited under this Policy includes, but is not limited to, harassment based on race, gender, color, national origin, ethnicity, sexual orientation, religion, and/or disability.
- D. The determination of whether harassment, 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 occurs, and the nature and severity of the alleged harassment at issue.
- E. When harassment, as defined in III.A. of this Policy, 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; bullying; stalking; extortion.

The PA-TSA Board of Directors 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" has occurred. If any activity described in the foregoing list does not rise to the level of harassment as defined in III.A. of this Policy, harassment shall not be deemed to have occurred.

## V. PROCEDURES FOR NOTIFICATION

- A. The PA-TSA Board of Directors shall inform students, parents and school personnel that harassment will not be tolerated by means of one or more of the following:

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 PA-TSA.

B. 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.

## VI. PROCEDURE FOR REPORTING, INVESTIGATING & RESOLUTION

### A. Reporting

1. The harassment complaint officials for purposes of this Policy are (1) the President of the Board of Directors of the Pennsylvania Technology Student Association and PA-TSA Board of Directors.
2. Any association personnel who hears, observes or otherwise becomes aware of harassment, or who reasonably believes that harassment has occurred, must take prompt and appropriate action to stop the harassment 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 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 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 complaint officials is the alleged harasser, the complaint may be filed with any complaint official not alleged to have engaged in harassment or any other school personnel not alleged to have engaged in the harassment complained of.

### B. Grievance Procedure

#### 1. Informal Procedure:

It may be possible to resolve a complaint through a voluntary conversation between the complaining student, or personnel and the alleged harasser which is facilitated by an employee or by a designated

harassment complaint official. The PA-TSA Board of Directors believes that this Informal Procedure may be an opportunity for educating students regarding what may not be understood to be harassment. In addition, those trained in mediation may provide an avenue to resolve issues of harassment in a problem-solving model. If the complaining student or alleged harasser is a student under the age of 18, the harassment complaint official should promptly notify each student's parent(s)/guardian(s) in all cases except where the harassment 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 student/personnel and the alleged harasser may be accompanied by a person of his/her choice for support and guidance. If the complaining student and the alleged harasser 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 President of the Association. If the complaining student or association personnel the alleged harasser, or the school employee/harassment complaint official, chooses not to utilize the informal procedure, or believes that the informal procedure has been unsuccessful, he/she 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 complaint official shall fill out a harassment complaint form based on the written or verbal allegations of the complaining student. 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 18 years of age is involved, his/her parents shall be notified immediately except where the harassment 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 complaint official within 10 school days from the date of the complaint or report.

Step 2: The investigation may consist of personal interviews with the complaining student, the alleged harasser 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 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 PA-TSA Board of Directors may take immediate steps, at its discretion, to protect the complaining student, alleged harasser, witnesses, and school employees pending completion of an investigation of alleged harassment 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, as but no later than 10 days from the complaint or report. The harassment 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 complaint official shall recommend to the President what action, if any, is required. The PA-TSA Board of Directors shall take appropriate action in all cases where the harassment complaint official concludes 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 State and Federal law, including but not limited to the due process protections for students with disabilities.
- Step 4: The President 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 complaint official concludes 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, or personnel and the alleged harasser 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.

## VII. 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, and 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 24 hours of the time the educator becomes aware of the suspected abuse.

## VIII. CONFIDENTIALITY

The Pennsylvania Technology Student Association recognizes that both the complaining student and the alleged harasser have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining student, 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.

## IX. ALTERNATIVE COMPLAINT PROCEDURES

In addition to, or instead of, filing a harassment complaint through this policy, a person may choose to exercise other options, including but not limited to filing a complaint with outside agencies including the police or filing a private lawsuit.

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.

Litigation: A student who has been harassed may file a lawsuit under a number of Federal or State statutes (including Titles IV, VI, and IX of the Federal Civil Rights Act of 1964, the Rehabilitation Act of 1973 and appropriate Pennsylvania laws). He or she or his/her parent(s) should consult with a private attorney about these rights and options.

## X. 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.



# PENNSYLVANIA TECHNOLOGY STUDENT ASSOCIATION

## Sexual Harassment Policy

In 2008, the Pennsylvania Technology Student Association Board of Directors adopted policies prohibiting the sexual harassment of students, chapter advisors, volunteers, members of the board of directors and/or private citizens. The policies state in part:

The Pennsylvania Technology Student Association will not tolerate any behavior by board of directors members, chapter advisors, volunteers or students which constitutes sexual harassment. In addition, it is the responsibility of all supervisory personnel, chapter advisors, staff and students to report any conduct perceived to be of a sexual harassment. This policy is in compliance with provisions of Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination.

Sexual harassment lowers morale and is damaging to the association's student and staff environment; it is also illegal. This policy is in compliance with the Civil Rights Act of 1964 as amended, Equal Employment Opportunity Commission regulations published as 29 CFR Sec. 1604, and guidelines adopted by the Pennsylvania Human Relations Commission.

The policy sets guidelines for procedures for dealing with situations involving possible sexual harassment, including unwelcome sexual advances, unwelcome sexual requests and/or unwelcome conduct of a sexual nature when the conduct has the effect of unreasonably interfering with one's performance or creating an intimidating, hostile or offensive work or learning environment.

No student, chapter advisor, volunteer, members of the board of directors nor private citizen shall be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. The PA-TSA Board of Directors shall provide for the orderly, fair and expeditious investigation of all complaints of sexual harassment.