

SHALER AREA SCHOOL DISTRICT

**DISCRIMINATION
COMPLAINT PROCESS**

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DISTRICT'S ANTI-DISCRIMINATION POLICIES

The Shaler Area School District is committed to a policy of non-discrimination against any applicant, student, and/or employee because of race, creed, color, national origin, sex, age, or handicap. Furthermore, it is the policy of the Shaler Area School District that all students and employees should enjoy an educational experience and/or working environment free from all forms of discrimination, including sexual harassment. No student or employee, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or harassment, either verbal or physical. Students and employees are encouraged to read and become familiar with the District's process for investigating and eliminating discrimination and sexual harassment. If a student or employee of the District feels that he/she has experienced discrimination or has been harassed, this process has been developed to provide relief from the discrimination or harassment.

COMPLAINT PROCESS

If you feel you have been discriminated against or harassed because of your race, creed, color, national origin, sex, age, or handicap, then you should notify your immediate supervisor or building principal immediately. If your building principal or supervisor is not available or you do not feel comfortable sharing your concerns with that person, or if your complaint involves that person, contact either of the District's Nondiscrimination Officers, Bryan O'Black, or Kathleen Graczyk. Bryan O'Black, Assistant Superintendent and Kathleen Graczyk, Director Student Services, are located at the District Central Office at 1800 Mt. Royal Boulevard, Glenshaw, PA 15116. Gary and Kathleen can also be contacted by telephone at (412) 492-1200 extension 2803 and extension 2814 respectively. Please be prepared to share the details of the discrimination or harassment you feel you have experienced. You will be asked to complete a copy of the Discrimination Complaint Form, which is also on the last page of this handbook.

INVESTIGATION OF DISCRIMINATION COMPLAINTS

The School District will immediately investigate your allegation(s) of improper conduct. Your supervisor, building principal and/or a District Nondiscrimination Officer (s) will conduct the investigation. If you have any questions concerning the School District's investigation of your complaint, you may contact either of the District's Nondiscrimination Officers at the address and telephone numbers provided above. During the investigation, you have the right to:

- Provide the School District with information and documentation concerning the alleged improper conduct and/or sexual harassment.
- Advise the School District of the identity and location of any possible witnesses.
- All the rights set forth in law or in School District Policies 248, 448, and 548.

Whenever possible the investigation shall be completed within several workdays, however, the number of alleged victims, perpetrators, availability of witnesses and complexity of the complaint may require additional time to complete the investigation.

The School District will take reasonable steps to preserve confidentiality, and will make every effort to prevent public disclosure of the names of the parties involved, except to the extent necessary to carry out the investigation and/or eliminate discrimination, sexual harassment, and other improper conduct.

The School District students and employees who are alleged to be perpetrators of discrimination, sexual misconduct or sexual harassment, will be entitled to due process and may be protected by certain confidentiality rights. The parties involved will receive notification of the results of the various

phases of the investigation and particularly the outcome of the complaint. This notification, however, must be balance with the right of confidentiality.

Both the alleged victim(s) and the alleged perpetrator(s) may appeal the decision to the Superintendent of Schools. If the Superintendent of Schools was involved in the decision then the appeal will be to the Board of Education.

If you have any questions concerning the progress of the investigation or the actions taken by the School District to remediate any discrimination, sexual harassment, or other misconduct that may have occurred, please feel free to contact either Nondiscrimination Officer (Bryan O'Black, Assistant Superintendent or Kathleen Graczyk, Director Student Services).

FOLLOW-THROUGH AT THE CONCLUSION OF THE INVESTIGATION

If it is concluded, following the investigation, that the allegations have merit and that action will be taken to remediate the situation, the School District will follow up with you to attempt to prevent a reoccurrence of the improper conduct and/or sexual harassment. If there is any repeat of improper conduct, we ask that you notify your immediate supervisor, building principal, and/or one of the Nondiscrimination Officers immediately. The School District has a policy of correcting any improper conduct, including discrimination and/or sexual harassment, and the effects of this discriminatory conduct on you or others. Please feel free to advise the District of actions that you believe the School District should take to correct the discriminatory effects of the improper conduct and/or sexual harassment.

Retaliation by anyone against an individual, who has reported improper conduct, including sexual harassment, is strictly forbidden. If you believe that anyone is retaliating against you in any way, please notify your supervisor, building principal, and/or one of the District's Nondiscrimination Officers immediately.

Thank you for your assistance and cooperation.

Bryan O'Black, Ed.D., Asst. Superintendent
1800 Mt. Royal Boulevard
Glenshaw, PA 15116-2196
412-492-1200, Ext. 2803

Kathleen Graczyk, Ed.D. Director Student Services
1800 Mt. Royal Boulevard
Glenshaw, PA 15116-2196
412-492-1200, Ext. 2814

DEFINITIONS OF TERMS

Bias: An inclination for or against a person or group of persons based in whole, or in part, on sex, race, color, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, learning disability, or handicap, that inhibits impartial or objective judgment affecting students or employees.

Discrimination: Any action, policy, or practice, including bias, stereotyping, and harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a group of persons opportunities, privileges, rules, or rewards, based in whole, or in part, on sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, learning disability, or handicapped, or which perpetuates the effects of past discrimination.

Harassment: Behavior toward a person based in whole, or in part, on sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability, or handicap, which substantially interferes with the person's performance, or creates an intimidating, hostile, or offensive school environment.

Hostile Environment Sexual Harassment: Occurs when sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party is sufficiently severe, persistent, or pervasive, to limit a student's ability to participate in or benefit from an educational program or activity, or create a hostile or abusive educational environment, or similarly limits a person's ability to work in, or benefit from, employment opportunities, or create a hostile or abusive work environment. A hostile environment can occur even if the harassment is not targeted specifically at the individual complainant.

Quid Pro Quo Harassment: Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a person's employment status with the District, or a student's participation in a education program or activity, or bases an employment or educational decision on a person's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful, whether the employee and/or student resists and suffers the threatened harm or submits, and thus avoids, the threatened punishment.

Stereotyping: Attributing behaviors, abilities, interests, values, and roles to a group(s) of persons on the basis in whole, or in part, of their sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability, or handicap.

Welcomeness: In order to be actionable as harassment, sexual conduct must be unwelcome. Conduct is unwelcome if the student and/or employee did not request or invite it and regarded the conduct as undesirable or offensive. The fact that a student and/or employee may have accepted the conduct does not mean that he/she welcomed it. Also the fact that a student and/or employee willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a student and/or employee actively participate in sexual banter or discussions and give no indication that he/she objects, and then the evidence generally will not support a conclusion that the conduct was unwelcome. The age of the student, the nature of the conduct involved, and other relevant factors, will be considered in determining whether a student had the capacity to welcome sexual conduct.

NOTICE TO VOLUNTEERS AND CHAPERONES

The elimination of improper conduct, including sexual harassment, is a high priority for the Shaler Area School District. It is the established policy for the Shaler Area School District to prohibit all forms of discrimination, including sexual harassment. You are encouraged to read this Discrimination Complaint Process Handbook and become familiar with its provisions. As a volunteer or chaperone in connection with a school-sponsored event, you are both subject to the prohibitions of the School District's policies pertaining to discrimination and sexual harassment, as well as protected by those policies. If you believe that you are a victim of sexual harassment or any other form of discrimination, or if you observe what you believe to be sexual harassment or any other form of discrimination, we urge you to report it to any school principal, administrator in the School District, and/or the School District's Nondiscrimination Officers (Bryan O'Black, Assistant Superintendent, and Kathleen Graczyk, Director Student Services). We will immediately and properly investigate any such complaints in order to take prompt and effective action to eradicate the improper conduct, discrimination, or sexual harassment. The School District's Nondiscrimination Officers, Bryan O'Black or , Kathleen Graczyk may be contacted at 1800 Mt. Royal Boulevard, Glenshaw, PA 15116, or by telephone at (412) 492-1200 extension 2803 and 2814 respectively.

Retaliation by anyone against an individual, who has reported improper conduct, including sexual harassment or discrimination, or other improper conduct, is strictly forbidden. If you believe that anyone is retaliating against you in any way, please notify the School District's Nondiscrimination Officer immediately.

Thank you for your assistance and cooperation.

Bryan O'Black, Ed.D., Asst. Superintendent

Kathleen Graczyk, Ed.D., Director Student Services

**SHALER AREA SCHOOL DISTRICT
1800 MT. ROYAL BOULEVARD
GLENSHAW, PA 15116-2196
412-492-1200 Ext. 2802 or Ext. 2814
FAX 412-492-1236**

DISCRIMINATION COMPLAINT FORM

Your Name: _____ Home Telephone: _____

Address/City: _____ Work Telephone: _____

If completed by a parent/guardian on behalf of a child, please indicate the child's name:

Check the type of discrimination you or your child experienced:

- sex (gender) creed, religion race, national origin, ancestry, color
 pregnancy marital status sexual orientation (homosexual, bisexual)
 physical disability mental disability emotional disability
 learning disability other (explain) _____

Where, specifically, did the incident(s) occur? _____

Describe the incident: (Include names, dates, places and specific actions or words)

What action, if any, have you taken so far?
