

SECTION: CLASSIFIED EMPLOYEES

TITLE: RACIAL AND ETHNIC INTIMIDATION

ADOPTED: OCTOBER 13, 1997

REVISED:

SENECA VALLEY SCHOOL DISTRICT

548.1. RACIAL AND ETHNIC INTIMIDATION

1. Purpose

It is the policy of the Seneca Valley School District that all employees and students should enjoy a working and learning environment free from all forms of discrimination, including racial and ethnic intimidation.

2. Authority

The Board strictly prohibits all forms of racial and ethnic intimidation in any work area, learning area, activity area, district-sponsored activity or any other place under the control of the district by or toward any administrative or professional staff member, full or part-time employee, contracted services employee, job applicant, visitor, student, aide or volunteer of the Seneca Valley School District.

All persons associated with the district including, but not necessarily limited to, the Board, administration, staff and the students, are expected to conduct themselves at all times so as to provide an atmosphere free from racial and ethnic intimidation. Any person who engages in racial or ethnic intimidation while acting as a member of the school community will be in violation of this policy.

The district commits to organizing a community relations taskforce to proactively provide guidance and/or information to various constituents in order to most effectively implement activities to encourage positive human relations amongst all who participate in the Seneca Valley School District program or activities.

3. Definitions

Racial or ethnic intimidation shall be defined as:

1. Racial or ethnic comments or conduct which unreasonably interferes with an individual's personal, professional, work, academic or extracurricular performance.
2. Racial or ethnic comments or conduct which creates or tends to create an offensive, hostile or intimidating work academic or extracurricular environment.
3. Actual or threatened retaliation against a person who complains or intends to complain of racial or ethnic intimidation.

<p>4. Delegation of Responsibility</p>	<p>Furthermore, the following behavior may constitute racial or ethnic intimidation:</p> <ol style="list-style-type: none">1. Pressure to engage in racial or ethnic intimidation of any nature.2. Repeated remarks to a person, if such remarks have demeaning racial or ethnic implications.3. The demeaning display or depiction of any racial or ethnic group. <p>Academic - is defined to include any agency-sponsored activity, whether as a participant or as a spectator, including clubs or special events/activities.</p> <p>Allegation - is defined as an unproven claim being asserted or declared and which the asserting party undertakes to prove.</p> <p>Racial - is defined as or for pertaining to the races of mankind.</p> <p>Race - is defined as one (1) of the divisions of mankind with certain inherited physical characteristics in common (such as color of skin and hair, shape of eyes and nose.)</p> <p>Ethnic - is defined as of a racial group, a member of an ethnic group.</p> <p>Ethnic Group - is defined as people who share distinctive cultural characteristics originating from a common national, linguistic or racial heritage.</p> <p>Explicit - is defined as being unambiguous in expression, or as being so plain and distinct that there is no reason for ambiguity or difficulty in interpretation.</p> <p>To the extent that such person has control over other persons, activities and environments, each administrator, principal, teacher, aide or volunteer shall:</p> <ol style="list-style-type: none">1. Have the responsibility for maintaining a workplace, work area, learning area and/or activity area free of racial or ethnic intimidation.2. Have the responsibility to ensure that all information concerning racial or ethnic intimidation which they may receive in the form of rules, regulations, orders, procedures, policies or other written or oral directives, is or has been disseminated to all subordinates under their supervision, and that such subordinates are instructed as a full meaning and application of all such directions.
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<p>5. Guidelines</p>	<p>3. Have the responsibility to immediately report to his/her immediate supervisor any action viewed by him/her which, in his/her opinion, may be construed as falling within the definition of racial or ethnic intimidation as constrained within the policy; and/or any instance, reports or allegations of racial or ethnic intimidation which comes to his/her attention.</p> <p>4. Have the responsibility upon receiving an allegation of racial or ethnic intimidation to distribute a complaint form to the complainant and instruct him/her to deliver the same to the building administrator or personally deliver the completed complaint form to the building administrator on behalf of the complainant.</p> <p>5. Have the responsibility of notifying the building administrator in writing that a complaint was received and that a complaint form was distributed to the complainant.</p> <p>Each school year, staff and secondary students shall be notified of the identity of the individual designated to receive racial and ethnic intimidation complaints from staff and students in that building. Staff and students shall be informed that the designated individual is available to receive such complaints, answer questions, and assist in resolving problems within the building which may involve such intimidation. Complaint forms shall be made available in each school office for individuals who would prefer to file such complaints in writing.</p> <p><u>STEP 1 - Building Level</u></p> <p>A complaint by anyone, including employees, students or visitors must be brought to the attention of the building principal. If the complaint involves that principal, then the complainant must bring it to the attention of the Superintendent.</p> <p>The designated administrator shall immediately notify the Superintendent of any complaints of racial and ethnic intimidation. If the complaint involves a student, parents/guardians will be notified of the complaint by the investigator. All complaints will be promptly investigated and special privacy safeguards will be applied to the same.</p> <p>The designated administrator will investigate all complaints and will determine the underlying facts by interviewing 1 parties having direct or indirect knowledge of the basis of the complaint (see attached forms). The investigation will include an interview of the complainant, the accused and other persons having knowledge of</p>
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<p>Pol. 317, 417, 517</p>	<p>the incident(s). The investigator shall make a written record of his/her investigation which shall include the dates of all meetings/interviews, the basic content of all meetings/interviews, and the names and addresses of those present at all meetings/interviews.</p> <p>At STEP 1 the administrator shall attempt to resolve the matter. Any resolution arising from a substantiated charge of intimidation must contain corrective action to ensure that the behavior will not recur.</p> <p>At the conclusion of STEP 1, the designated administrator shall forward the records of the investigation, the recommendations and the resolution, if any, to the Superintendent. If this action does not resolve the matter or if the complaint is not resolved to the satisfaction of either party, the complaint shall be referred to the Superintendent.</p> <p>A full report of the investigation and recommendations shall be sent to the Superintendent who will determine what disciplinary action, if any, shall be taken. If disciplinary action is warranted, it shall be done in accordance with the Public School Code, existing law and applicable collective bargaining agreements. In cases where employees are guilty of intimidation, disciplinary action could be oral or written reprimand, suspension, or discharge.</p> <p><u>STEP 2 - Superintendent Level</u></p> <p>If the complaint is not resolved in the satisfaction of either party at STEP 1, the party will submit a detailed statement of those reasons for dissatisfaction to the Superintendent. Upon receiving such written statement, the Superintendent will inform the complainant and the accused of an informal administrative conference. If either party is a student, his/her parents/guardians will also be informed of the administrative conference.</p> <p>During the informal administrative conference, the complainant and the accused will have the right to be represented by competent counsel of their choice at their expense, or, if the accused is an employee, by his/her union representative. The purpose for this informal administrative conference is to review the complaint, all investigation records and the reasons for dissatisfaction of the party(s).</p> <p>Should the informal administrative conference be resolved in favor of the accused, no further action will be necessary except that the charges and resolution may be placed in the accused's and complainant's files if the accused so requests; otherwise, the charges and all written records relating to the same will be sealed and</p>
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impounded, except for official use by the Seneca Valley School District. Release from impounding for use by persons other than the Seneca Valley School District may be made only upon formal action of the Seneca Valley Board of School Directors or court order.

Both parties shall receive written notice of the decision rendered or the recommendation of discipline within ten (10) days of the informal administrative conference.

If the accused is judged to be guilty as charged, appropriate disciplinary action will be taken or recommended by the Superintendent.

Disciplinary action involving an employee may include written reprimand, transfer or suspension or the Superintendent may recommend to the Board the demotion or dismissal of the employee. In the event of a recommended dismissal of an employee, the Superintendent may suspend the employee without pay until the proposed dismissal is acted upon by the Board; if a decision is later made in favor of the accused employee, back pay and benefits will be provided.

Recommendations for demotion, dismissal or suspension without pay of an accused employee, together with a detailed statement of charges on which the proposed discipline is based, shall be given to the employee and shall be presented to the Board in writing. Employees subject to discipline or dismissal shall have the right to challenge such discipline or dismissal in accordance with the rights granted by the Public School Code and any applicable Collective Bargaining Agreement.

STEP 3 - Board Level

Board hearings will be conducted according to the following procedures: Disciplinary action will be taken in accordance with the Public School Code and any applicable collective bargaining agreements. Hearings will be conducted consistent with applicable law.

Following the hearing, the Board shall prepare a written decision which shall adjudicate the charges and, if the accused is found guilty of the charges, shall include appropriate disciplinary action (STEP 2). A written notice and copy of the decision shall be sent by registered mail to the accused and the complainant within ten (10) days after such hearing is concluded. A copy of the decision will be included in the accused's records or personnel file. The accused shall have the right to respond, in writing, to the decision and any resultant disciplinary action and to include such response in his/her student record or personnel file.

Applicability

The foregoing procedures are not intended to supersede or circumvent any procedures or rights of individuals provided by any applicable State or federal laws or regulations, including the Public School Code and regulations of the Department of Education, or by any collective bargaining agreement or any grievance procedures set forth therein. To the extent the foregoing procedures conflict with any provision or applicable statutes, regulations or collective bargaining agreements, such statute, regulations or collective bargaining agreements shall govern and shall supersede the foregoing procedures.

Confidentiality

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the district's legal obligations, and with the necessity to investigate allegations and take corrective action as appropriate.

Retaliation

Retaliation in any form for the filing of a complaint or the reporting of racial and ethnic intimidation is prohibited and shall not in any way affect the evaluation, status or work assignment of the person who reports such intimidation. Reprisals or retaliation against those persons filing complaints, regardless of whether disciplinary action is taken, or those persons who cooperated in or conducted an investigation, will not be tolerated and will be dealt with in appropriate disciplinary proceedings.

False Allegations

Given the nature of the type of discrimination, the Seneca Valley School District also recognizes that false allegations of racial and ethnic intimidation can have serious effects on innocent persons. Therefore, false accusations will result in severe disciplinary action comparable to the discipline which could be imposed upon an individual found guilty of intimidation.

Superintendent's Rights and Responsibilities

In addition to any other rights and responsibilities granted or assigned to the Superintendent by this policy, the Superintendent shall:

1. Provide or arrange to provide adequate education to all affected parties as to the existence, meaning, purpose and effect of this policy.
2. Make sure that all affected parties are aware of violations of this policy.

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| | <p>3. Make sure that complaint reporting forms are readily available to all appropriate parties at all times.</p> |
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