

Lower Merion School District

Policy No.: 246
Section: PUPILS
Title: HARASSMENT, BULLYING AND HAZING
Date Adopted: 6/20/88
Date Last Revised: 5/20/19; 1/28/19; 3/17/14; 3/20/95

246 HARASSMENT, BULLYING AND HAZING

Purpose

The purpose of this Policy is to promote and maintain a safe, positive and respectful environment that is free from bullying, hazing, and harassment.

Definitions

For purposes of this Policy and the accompanying Administrative Regulation, the following definitions shall apply:

Bullying shall mean an intentional electronic, written, verbal or physical act, or a series of acts which meet the following criteria:

1. directed at another student or students;
2. occurs in a school setting;
3. is severe, persistent or pervasive; and
4. has the effect of doing any of the following:
 - a. substantially interfering with a student's education;
 - b. creating a threatening environment; or
 - c. substantially disrupting the orderly operation of the school.

School setting shall mean in school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the District.

Hazing occurs any time a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student's membership or status in an organization, causes, coerces or forces a student to do any of the following:

1. Violate Federal or State criminal law.
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature.

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6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

Aggravated hazing occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:

1. The person acts with reckless indifference to the health and safety of the student; or
2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

Organizational hazing occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.

Any hazing activity, as described above, shall be deemed a violation of this Policy and the accompanying Administrative Regulation, regardless of whether the consent of the student was sought or obtained or whether the conduct was sanctioned or approved by the student organization.

Student activity or organization means any activity, society, corps, team, club or service, social or similar group, operating under the sanction of or recognized as an organization by the District, whose members are primarily students or alumni of the District.

Bodily injury shall mean impairment of physical condition or substantial pain.

Serious bodily injury shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Harassment means verbal, written, electronic, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or creates an intimidating, threatening or abusive educational environment; and/or
2. Has the purpose or effect of unreasonably interfering with a student's educational performance; and/or
3. Adversely affects a student's educational opportunities.

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Harassment includes, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion. Harassment also includes sexual harassment, as defined below.

Sexual harassment is a specific form of harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.

Delegation of Responsibility

The Board directs that the Superintendent or designee promptly investigate all complaints of bullying, hazing, and harassment, and administer appropriate discipline to any individual who violates this Policy or the accompanying Administrative Regulation, in accordance with applicable Board Policies, Administrative Regulations, and any applicable Code of Conduct.

Guidelines

Any form of bullying, hazing, or harassment that is a part of a school sponsored or student activity or organization is prohibited.

No student, coach, activity sponsor, volunteer, District employee, administrator, representative, agent, or contractor shall plan, direct, encourage, assist, engage in, tolerate, condone, ignore or fail to properly report or investigate any known instances of bullying, hazing, or harassment.

Students who believe they or others have been subjected to bullying, hazing, or harassment are encouraged to promptly report such incidents in accordance with the provisions outlined in the accompanying Administrative Regulation.

Students, administrators, coaches, activity sponsors, volunteers, District employees, representatives, agents, and contractors shall be alert to incidents of bullying, hazing, and harassment, and shall promptly report such conduct to their supervisor or the building principal.

Reports of alleged bullying or hazing that could be interpreted to also constitute discrimination and/or harassment shall be handled in coordination with the appropriate Title IX Coordinator. The Title IX Coordinator shall be provided with appropriate training regarding investigative procedures and protocol.

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If the person receiving a complaint of bullying, hazing, or harassment is a mandated reporter and has reasonable cause to suspect that a child is the victim of child abuse, the incident should immediately be reported to Children and Youth Services in accordance with Policy and Administrative Regulation No. 806, Child/Student Abuse.

Complaints of bullying, hazing, and harassment may be referred to the appropriate law enforcement agency for investigation, as required by law or as determined by the Superintendent or designee.

Retaliation against an individual who files a good faith complaint in accordance with the procedures in this Board Policy or the accompanying Administrative Regulation, or against an individual who participates in or cooperates with an investigation, is prohibited. Such retaliation will result in the same disciplinary action applicable to one who engages in prohibited conduct. Individuals who file intentionally false accusations will be disciplined.

Reporting bullying, hazing, or harassment in accordance with this Policy or the accompanying Administrative Regulation will not affect the reporting individual's status with respect to either an employee's future employment or work assignments or a student's future academic opportunity, progress or record.

The District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Appropriate corrective and preventative action shall be taken when allegations of bullying, hazing, or harassment are substantiated.

The District shall inform students, staff, parents, independent contractors and volunteers that bullying, hazing, and harassment of students will not be tolerated. The Superintendent or designees will plan and implement appropriate programs to educate students, staff, parents, independent contractors and volunteers about this Policy and the accompanying Administrative Regulations.

A copy of this Board Policy and the accompanying Administrative Regulation shall be posted on the District's publicly accessible website. Additional methods of communication shall be determined by the Superintendent or designee.

Legal References:

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18 Pa. C.S.A. 2801 et seq (Timothy J. Piazza Antihazng Law)
24 P.S. 1303.1-A; 1302-A
22 PA Code Sec. 12.3
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)
Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681-1688
EEOC Policy Guidelines on Sexual Harassment, 29 C.F.R. §1604.11
PA Human Relations Act, 43 Pa. Cons. Stat. Ann. § 951-960 (Purdon 1964 & Supp. 1991)
Human Relations Commission Guidelines on Sexual Harassment, 11 Pa. Bulletin No. 5 (Jan. 31, 1981)
Child Protective Services Law, 23 Pa. C.S.A. § 6301 et seq

Cross Reference

- Policy and Administrative Regulation No. 235, Student Rights and Responsibilities
- Policy and Administrative Regulation No. 806, Child/Student Abuse
- Policy and Administrative Regulation No. 006, Civility
- Policy and Administrative Regulation No. 346, 446, 546, Prohibited Harassment by and of Employees and Other Members of the School Community
- Policy and Administrative Regulation No. 354, 454, 554, 831 Maintaining Appropriate Boundaries with Students