

SECTION: PROGRAMS

TITLE: RACIAL AND ETHNIC INTIMIDATION

ADOPTED: 1/11/99

REVISED:

# Farrell Area School District

## 103.1 RACIAL AND ETHNIC INTIMIDATION – pg.1

1. Purpose

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

2. Authority

There is hereby established a policy strictly prohibiting all forms of racial and ethnic intimidation in any work area, learning area, activity area or any other place under the permanent or temporary control of the Farrell Area School District, by or toward any administrative or professional staff member, full or part-time employe, contracted services employe, job applicant, visitor, student, aide or volunteer of the Farrell Area School District.

All persons associated with this school system, including but not limited to, the Board, the administration, the 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.

Appropriate sanctions shall be applied against all proven offenders of this policy.

3. Definitions

The Farrell Area School district shall use and hereby establishes the following criteria for determining whether an action constitutes racial or ethnic intimidation: the conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

Academic is defined to include any school-sponsored activity, whether as a participant or as a spectator, including clubs or special events.

An allegation is defined as an unproven claim being asserted or declared and which the asserting party undertakes to prove.

Racial is defined as of or pertaining to the races of mankind.

Race is defined as one of the divisions of mankind with certain inherited physical characteristics in common (such as color of skin and hair, shape of eyes and nose).

Ethnic is defined as of a racial group, a member of an ethnic group.

Ethnic group is defined as people who share distinctive cultural characteristics originating from a common national, linguistic, or racial heritage.

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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.

Implicit is defined as being implied, or capable of being understood from something else though unexpressed.

Racial or Ethnic Intimidation is defined as:

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

Furthermore, the following behavior may constitute racial or ethnic intimidation.

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.

To the extent that such person has control over other persons, activities and environments, each administrator, principal, teacher, aide or volunteer shall:

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, regulation, 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.

4. Responsibility

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- 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.
- 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 Superintendent; or in the alternative, personally deliver the completed complaint form to the Superintendent on behalf of the complainant.
- 5. Have the responsibility of notifying the Superintendent in writing that a complaint was received and that a complaint form was distributed to the complainant.

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5. Guidelines

Reporting Procedures

Any employe, staff member, student, aide or volunteer who feels s/he has been a victim of racial or ethnic intimidation shall bring the matter to the immediate attention of any teacher, administrator, principal, counselor, or to the Superintendent.

The person who received such report shall forward any such reports of racial or ethnic intimidation to the Superintendent, as soon as possible, in writing. The complainant and the person who received the report shall sign the report. If the complainant is filed by a student, the student's parents or guardian are to be present when filing the complaint.

If complaint concerns allege conduct by the Superintendent, the complaint form shall be delivered to the President of the Board of School Directors.

Complaint Procedures

Any student, visitor or district employe who feels that s/he has been the victim of racial or ethnic intimidation should contact the building principal or assistant principal as soon as the objectionable conduct occurs or as soon as possible after the incident. The administrator will provide an opportunity for the student's parents or guardian to be present when presenting the complaint. A written/signed/dated report will be required of the complainant.

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Upon receipt of the complaint, the administrator will contact the person who initiated the alleged intimidation to inform him/her of the complaint and provide an opportunity to respond.

The administrator will conduct an investigation of the complaint allegation(s) in an expeditious manner. Witnesses will be interviewed where appropriate.

After conducting a thorough review of the investigation, the administrator will determine whether racial or ethnic intimidation may have occurred.

If it is determined that racial or ethnic intimidation occurred, appropriate disciplinary actions will be taken according to the Discipline Code.

All incidents of racial or ethnic intimidation will result in immediate police notification.

### Disciplinary or Administrative Measures

If it is determined that any employe has engaged in racial or ethnic intimidation in violation of these policies, rules and regulations, s/he shall be subject to appropriate disciplinary action, up to and including suspension and discharge.

If it is determined that any student has engaged in racial or ethnic intimidation in violation of these policies, rules, and regulation, s/he shall be subject to appropriate disciplinary action, up to and including suspension or expulsion.

The provisions of this policy shall not be construed to supersede any section(s) of the School Code of Pennsylvania or any state or federal laws regarding discipline or separation of employes, nor shall this policy in any way be construed as to limit the intent of any other Board policies.

If it is determined that any employe, student, or other associate has, with intent, falsely accused another of engaging in racial or ethnic intimidation s/he shall be subject to appropriate administrative or disciplinary action, at the discretion of the Superintendent.

If it is determined that any other associate of the School (such as a contracted service employe, aide or volunteer) not employed by the School on a full-time basis has engaged in racial or ethnic intimidation, s/he shall be subject to appropriate administrative action, up to and including suspension or termination of the existing association.

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The procedures contained in this policy are not intended to supersede or circumvent any procedures outlined in the School code for determination of competence or any procedures for redress of grievances outlined in collective bargaining agreements made with the School District.

### Rights of the Accused

The District hereby recognizes that all allegations of intimidation are not necessarily true and acknowledges that employes supervisors, students, and associates may be unjustly accused.

The District hereby affirms its resolve to protect the constitutional rights of all accused parties, to fairly and accurately investigate all allegations coming to its attention, and to apply appropriate disciplinary or administrative sanctions when necessary upon notification by the Superintendent.

All matters involving racial or ethnic intimidation complaints shall remain confidential to the full extent possible.

### 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 existense, meaning, purpose and effect of this policy.
2. Make sure that all affected parties are aware of violations of this policy; and
3. Make sure that complaint reporting forms are readily available to all appropriate parties at all times. See Racial and Ethnic Intimidation Complaint Form, page 6 of 6.

Source: West Mifflin Area School District Policy

11/16/98 Reviewed by the FASD Steering Committee

12/14/98 First Read approved by School Board

1/11/99 Adopted

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FARRELL AREA SCHOOL DISTRICT  
RACIAL AND ETHNIC INTIMIDATION  
COMPLAINT FORM

Individual Placing Complaint: \_\_\_\_\_

Person(s) Alleged to Have Violated the Policy: \_\_\_\_\_

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Date of Incident: \_\_\_\_\_

Specific Comments of the Individual: \_\_\_\_\_

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Signature \_\_\_\_\_

Date of Complaint \_\_\_\_\_