

# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PROGRAMS  
 TITLE: ~~NONDISCRIMINATION/  
 DISCRIMINATORY TITLE IX  
 SEXUAL  
 HARASSMENT-AFFECTING  
 STUDENTS SCHOOL AND  
 CLASSROOM PRACTICE~~  
 ADOPTED: August 19, 2001  
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 May 18, 2009  
 September 19, 2016

## 103. ~~NONDISCRIMINATION/TITLE IX SEXUAL DISCRIMINATORY HARASSMENT AFFECTING STUDENTS IN SCHOOL -AND-CLASSROOM PRACTICES~~

- 1. Authority
- ~~SC 1310~~
- ~~Title 22~~
- ~~Sec. 4.4, 12.1,~~
- ~~12.4, 15.1 et seq~~
- ~~24 P.S.~~
- ~~Sec. 5004~~
- ~~43 P.S.~~
- ~~Title IX~~
- ~~20 U.S.C.~~
- ~~Sec. 1681 et seq~~
- ~~20 U.S.C.~~
- ~~Sec. 6321~~
- ~~29 U.S.C.~~
- ~~Sec. 794~~
- ~~Title VI~~
- ~~42 U.S.C.~~
- ~~Sec. 2000d et seq~~
- ~~42 U.S.C.~~
- ~~Sec. 12101 et seq~~

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.

~~[1][2][3][4][5][6][7][8][9][10][11][12][13][14][15][16][17]~~

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district ~~strives~~ is committed to the maintenance ~~ain~~ of a safe, positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the district and is prohibited at or, in the course, of district-sponsored programs or activities, including on school grounds, at school-sponsored activities and on any conveyance providing transportation to or from a school-entity or school-sponsored activities.

~~The school district shall provide to all students, without discrimination, course offerings, counseling, services, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and/or disabilities, consistent with the requirements of federal and state laws and regulations.~~

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Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.[18][19][20][21]

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the district's website.

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages students and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal, designated employees, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

The student's parents/guardian or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.[22]

If the building principal is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Coordinator.

The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

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The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

**Disciplinary Procedures When Reports Allege Title IX Sexual Harassment**

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.[18][20][23][24]

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[18][19][20][23]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.

~~The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and appropriate corrective action or preventative action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct which may not be proven discriminatory under this policy but merits review and possible action under other Board policies.~~

<p>2. Definitions</p>	<p><b><u>Confidentiality</u></b></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a <u>complaint report</u> and the investigation <u>related to any form of discrimination or retaliation, including Title IX sexual harassment</u>, shall be handled in accordance with <u>applicable law, regulations, this policy the attachments</u> and the school district's legal and investigative obligations. <u>[25][26][27][28][29]</u></p> <p><b><u>Retaliation</u></b></p> <p><u>The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination. The Board prohibits retaliation by the district or any other person against any person for:</u>[28]</p> <ol style="list-style-type: none"><li><u>1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.</u></li><li><u>2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.</u></li><li><u>3. Acting in opposition to practices the person reasonably believes to be discriminatory.</u></li></ol> <p><u>The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.</u></p> <p><b><u>Discriminatory Harassment</u></b></p> <p><u>Complainant shall mean an individual who is alleged to be the victim.</u></p> <p><u>Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.</u></p> <p><u>Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, handicap/disability, or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.</u></p>
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~~For purposes of this policy, harassment shall consist~~ **Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability when such conduct is:**

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

**Definitions Related to Title IX Sexual Harassment**

~~Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:~~

1. ~~Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or~~
2. ~~Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or~~
3. ~~Such conduct deprives a student or group of individuals of educational aid, benefits, services or treatment; or~~
4. ~~Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school-related programs, or otherwise creates an intimidating, hostile, or offensive school or school-related environment such that it unreasonably interferes with the complainant's access to or participation in school or school-related programs.~~

~~Federal law declares sexual violence a form of sexual harassment. Sexual violence means physical or sexual acts perpetrated against a person's will or where a person~~

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~~is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion.~~

~~Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[27][30]~~

~~Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[30]~~

~~Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[30]~~

- ~~1. Counseling.~~
- ~~2. Extensions of deadlines or other course-related adjustments.~~
- ~~3. Modifications of work or class schedules.~~
- ~~4. Campus escort services.~~
- ~~5. Mutual restrictions on contact between the parties.~~
- ~~6. Changes in work or housing locations.~~
- ~~7. Leaves of absence.~~
- ~~8. Increased security.~~
- ~~9. Monitoring of certain areas of the campus.~~
- ~~10. Assistance from domestic violence or rape crisis programs.~~
- ~~11. Assistance from community health resources including counseling resources.~~

~~Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[18][23][24][17][31]~~

~~Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the~~

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following:[30]

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
  - a. *Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[32]
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  - b. *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[32]
  - c. *Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[33]
  - d. *Stalking*, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[32]
    - i. Fear for their safety or the safety of others.
    - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[26][27][30]

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<p>3. Delegation of Responsibility</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant Superintendent(s) for Curriculum and Instruction as the district's Compliance Officer(s) <u>and the Director of Administrative Services as the district's Title IX Coordinator.</u>[34]</p> <p>The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public to notify them of where and how to initiate complaints under this policy. Information relative to special accommodation and or grievance procedure may be obtained by contacting the Compliance Officer <u>and Title IX Coordinator</u>, in writing, at the Administration Office, East Stroudsburg Area School District, 50 Vine Street, East Stroudsburg, Pennsylvania 18301 or call (570) 424-8500.</p> <p>The Compliance Officer <u>and Title IX Coordinator shall fulfill designated</u> <del>is</del> responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas <u>as appropriate</u>:</p> <ol style="list-style-type: none"><li>1. Curriculum and Materials – Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.</li><li>2. Training – <del>Provision of</del> <u>Provide</u> training for students and staff to prevent, identify and alleviate problems of discrimination.</li><li>3. Resources - Maintain and provide information to staff on resources available to <u>alleged victims/complainants</u> in addition to the school complaint procedure <u>or Title IX procedures</u>, such as making reports to the police, available <u>supportive measures such as</u> assistance from domestic violence or rape crisis programs and community health resources including counseling resources.</li><li>4. Student Access – Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.</li><li>5. District Support – Assurance that like aspects of the school programs <u>and activities</u> receive like support as to staffing and compensation, facilities, equipment, and related matters.[35]</li><li>6. Student Evaluation – Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.</li><li>7. <u>Reports/Formal</u> Complaints - Monitor and provide technical assistance to</li></ol>
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~~individuals involved in managing informal reports and formal building principals or designee in processing complaints.~~

~~The building principal or designee shall be responsible to promptly complete the following duties upon receipt of a report of discrimination or retaliation from a student, employee or third party:~~

- ~~1. If the building principal is the subject of the complaint, refer the student to the Compliance Officer to carry out these responsibilities.~~
- ~~2. Inform the student or third party about this policy including the right to an investigation of both oral and written complaints of discrimination.~~
- ~~3. Seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform parents/guardians and students who are complainants or accused of violating this policy that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure. When a parent/guardian requests confidentiality and will not consent to the alleged victim's participation in an investigation, explain that the school shall take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination of other students.~~
- ~~4. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.~~
- ~~5. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual. When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer shall provide the parent/guardian with a letter containing information related to the district's legal obligations to conduct an investigation and address violations of this policy, and any other information appropriate to the specific complaint.~~
- ~~6. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.~~

<p>4. Guidelines</p>	<p><b><u>Complaint Procedure—Student/Third Party Title IX Sexual Harassment Training Requirements</u></b></p> <p><u>The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:</u></p> <ol style="list-style-type: none"><li><u>1. Definition of sexual harassment.</u></li><li><u>2. Scope of the district’s education program or activity, as it pertains to what is subject to Title IX regulations.</u></li><li><u>3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.</u></li><li><u>4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.</u></li><li><u>5. Use of relevant technology.</u></li><li><u>6. Issues of relevance including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.</u></li><li><u>7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.</u></li><li><u>8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.</u></li></ol> <p><u>All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.</u></p> <p><u>All training materials shall be posted on the district’s website.</u></p> <p><b><u>Step 1—Reporting</u></b></p> <p><del>A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal. Any person with knowledge of conduct that may violate this policy, is encourage to immediately report the matter to the building principal.</del></p> <p><del>A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.</del></p> <p><del>If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.</del></p>
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The complainant or reporting employee may be encouraged to use the district's report form, available from the building principal or Compliance Officer, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

**Step 2—Investigation**

Where an attorney is not used to conduct an investigation into a discrimination complaint, the Compliance Office shall ensure that only individuals who have received basic training on the applicable laws pertaining to discrimination issues, this policy, and how to conduct a proper investigation shall be authorized to conduct an investigation of a complaint made pursuant to this policy.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about

~~the allegations.~~

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.~~

**~~Step 3—Investigative Report~~**

~~The investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.~~

~~The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discriminatory harassment or sexual harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.~~

~~The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.~~

**~~Step 4—District Action~~**

~~If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the~~

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~~prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.~~

~~If an investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.~~

~~Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.~~

**Appeal Procedure**

~~1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with the recommended corrective action s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent~~

~~2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.~~

~~3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.~~

**Disciplinary Consequences**

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[18][19][20]

1. Loss of school privileges.
- 2.
3. Exclusion from school-sponsored activities.
4. Detention.
5. Suspension.

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6. Expulsion.

7. Referral to law enforcement officials.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[21][36]

**Reports of Discrimination**

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

**Reports of Title IX Sexual Harassment**

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.

**References:**

1. 22 PA Code 12.1

2. 22 PA Code 12.4

3. 22 PA Code 15.1 et seq

4. 22 PA Code 4.4

5. 24 P.S. 1301

6. 24 P.S. 1310

7. 24 P.S. 1601-C et seq

8. 24 P.S. 5004

9. 43 P.S. 951 et seq

10. 20 U.S.C. 1681 et seq

11. 34 CFR Part 106

12. 29 U.S.C. 794

13. 42 U.S.C. 12101 et seq

14. 42 U.S.C. 1981 et seq

15. 42 U.S.C. 2000d et seq

16. U.S. Const. Amend. XIV, Equal Protection Clause

17. Pol. 103.1

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18. Pol. 113.1  
19. Pol. 218  
20. Pol. 233  
21. Pol. 317  
22. Pol. 806  
23. Pol. 113.2  
24. Pol. 113.3  
25. 20 U.S.C. 1232g  
26. 34 CFR 106.44  
27. 34 CFR 106.45  
28. 34 CFR 106.71  
29. 34 CFR Part 99  
30. 34 CFR 106.30  
31. Pol. 113  
32. 34 U.S.C. 12291  
33. 20 U.S.C. 1092  
34. 34 CFR 106.8  
35. Pol. 150  
36. Pol. 317.1  
18 Pa. C.S.A. 2709  
20 U.S.C. 1400 et seq  
28 CFR Part 41  
28 CFR Part 35  
34 CFR Part 100  
34 CFR Part 104  
34 CFR Part 110  
U.S. Const. Amend. I  
Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)  
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

103. ~~NONDISCRIMINATION/DISCRIMINATORY~~ TITLE IX SEXUAL HARASSMENT AFFECTING STUDENTS IN SCHOOL AND CLASSROOM PRACTICES - Pg. 16

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Office for Civil Rights - Resources for Addressing Racial Harassment

Pol. 122

Pol. 123

Pol. 138

Pol. 216

Pol. 220

Pol. 247

Pol. 249

Pol. 251

Pol. 252

Pol. 320

Pol. 701

Pol. 815

Pol. 832

~~School Code—24 P.S. Sec. 1301A, 1310, 1601-C et seq.~~

~~State Board of Education Regulations—22 PA Code Sec. 4.4, 12.1, 12.4, 15.1 et seq.~~

~~Unfair Educational Practice—24 P.S. Sec. 5004~~

~~Pennsylvania Human Relations Act—43 P.S. Sec. 951 et seq.~~

~~No Child Left Behind Act—20 U.S.C. Sec 6321~~

~~Section 504 of the Rehabilitation Act—29 U.S.C. Sec. 794~~

~~Americans With Disabilities Act—42 U.S.C. Sec. 1981 et seq., 2000d et seq., 12101 et seq.~~

~~Federal Anti-Discrimination and Civil Rights Laws—20 U.S.C. Sec 1681 et seq. (Title IX)~~

~~Federal Anti-Discrimination and Civil Rights Regulations—28 CFR Part 35, Part 41 and 35 CFR Part 100, Part 104, Part 106, Part 110~~



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	<p><del>29 CFR 1604.11, 1606.8</del></p> <p><del>18 Pa. C.S.A. 2709</del></p> <p><del>U.S. Const. Amend. XIV, Equal Protection Clause</del></p> <p><del>Board Policy 000, 103.1, 122, 123, 218, 247, 249, 701, 806, 815, 906</del></p>
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