BOARD WORKSHOP
School Board Hybrid Meeting /Virtual & MS Auditorium
August 27, 2020 – 7:00 p.m.

AGENDA

I. CALL TO ORDER
- a. Pledge of Allegiance
- b. Roll Call

II. APPROVAL OF MINUTES
- a. Motion to approve the June 25, 2020 Board Workshop Minutes (Attachment A)
- b. Motion to approve the August 13, 2020 Board Meeting Minutes (Attachment B)

III. PRESENTATIONS
- a. **First Two Week School Schedule in Virtual Environment** by Mrs. Bast and Mrs. Rothermel
- b. **Classroom Technology for the Virtual Environment** by Mr. Jim Roth
- c. **Update on Fall Athletics** by Mr. Kurzweg and Dr. Carpenter

IV. PUBLIC COMMENTS ON AGENDA ITEMS

V. PERSONNEL
- a. **RETIREMENT**
  - i. **PROFESSIONAL STAFF**
    - (a) **CATHY BINTLIFF**, Family and Consumer Science Teacher, Upper Perkiomen Middle School, intent to retire effective, August 23, 2020.
  - ii. **SUPPORT STAFF**
    - (a) **SHERRY L. PETERSON**, Paraprofessional, Upper Perkiomen Middle School, retired from the district, effective August 17, 2020.
- b. **APPOINTMENTS**
  - i. **PROFESSIONAL STAFF**
    - (a) **SUSAN MICHAEL**, English as a Second Language Teacher, Upper Perkiomen School District, to be hired subject to review of required employment history and clearances, at Masters, Step 2 for the 2020-2021 school year.
    - (b) **LISA GRECO**, current district employee appointed to Title I Reading Specialist, Hereford Elementary for the 2020-2021 School Year.
  - ii. **SUPPORT STAFF**

(a) **ERICA SCOTT**, Staff Nurse, Marlborough Elementary, to be hired subject to review of required employment history and clearances at $16.32/hour for the 2020-2021 school year.

c. **RESIGNATIONS**

i. **PROFESSIONAL STAFF**

(a) **JAMIE MCFADDEN**, English Language Development Teacher, Hereford Elementary, resigned her position with the district, effective August 21, 2020.

(b) **ANGELA FLUCK**, Fourth Grade Teacher, 4th and 5th Grade Center, resigned her position with the district effective, June 24, 2020.

(c) **TAMMY DAY**, Special Education Teacher, Upper Perkiomen High School, resigned her position with the district, effective approximately October 9, 2020.

ii. **SUPPORT STAFF**

(a) **SHANNON GLERUM**, Substitute Nurse, Upper Perkiomen School District resigned her position with the district, effective June 30, 2020.

d. **SUPPLEMENTA POSITIONS**

AREA	POSITION	NAME	SCHEDULE	SALARY
Middle School	Head Football Coach	Ben Kunkle	A	3458.00

e. **LEAVES OF ABSENCE**

i. **ROBERT LASALLE**, approve Professional Development Sabbatical beginning January 27, 2021 through the end of the 2020-2021 school year.

VI. ACTION ITEMS

a. Motion to approve the following Board Policy & Administrative Regulation Repeal & Replacements/Adoptions (Attachment C)

i. Policy No. 103 – Discrimination/Title IX Sexual Harassment Affecting Students
ii. Policy No. 104 – Discrimination/Sexual Harassment Affecting Staff
iii. Policy No. 247 – Hazing
iv. Policy No. 249 & AR – Bullying/Cyberbullying
v. Policy No. 252 & AR – Dating Violence
vi. Policy No. 317 – Conduct/Disciplinary Procedures
vii. Policy No. 317.1 – Educator Misconduct
viii. Policy No. 824 – Maintaining Professional Adult/Student Boundaries

b. Motion to approve Peg Pennepacker to serve as a voting delegate for the Upper Perkiomen School District Board of Directors at the PSBA Delegate Assembly on Saturday, November 7th, 2020, at Mountain View Middle School in Mechanicsburg, PA.

c. Motion to approve MOU between UPEA and the District regarding the teaching schedule supporting the World Language program (Attachment D)

d. Motion to approve Change Order EC-001 with R.J. Electric in the amount of $2,374.40 to add Best Wireless Access Reader and Programming to the UPHS lobby auditorium entrance. (Attachment E)

e. Motion to approve the additional transportation services to include bus stops in the community and at the schools for Western Center students while the district is in a total virtual learning environment.

f. Motion to approve the temporary suspension of the following positions: (6) Kitchen Manager, (1) Assistant Manager, (18) Food Service Worker, (1) District Courier, (6) Instructional Aides, (10) Cafeteria/Playground Aides.

g. Motion to approve Upper Perkiomen School District to participate in Fall Athletics as per PIAA guidelines and the revised UPSD Health & Safety Plan.

VII. COMMITTEE REPORTS

a. Special Education & Pupil Services Committee – Judy Maginnis
b. Curriculum & Instruction Committee – Dr. Kerry Drake
c. Facilities Committee – Melanie Cunningham
d. Finance Committee – Melanie Cunningham
e. Policy Committee – Raeann Hofkin
f. Communication Committee – Mike Elliott
g. Extra-Curricular Committee – Peg Pennepacker
h. Western Montgomery Career & Technology Center – Stephen Cunningham
i. Montgomery County Intermediate Unit – Judy Maginnis
j. Legislative Liaison Report – Peg Pennepacker
k. Upper Perkiomen Education Foundation – Mike Elliott
l. Regional Planning Commission Representative – Dana Hipszer

VIII. PUBLIC COMMENTS

IX. ADJOURNMENT

UPPER PERKIOMEN SCHOOL DISTRICT
2229 East Buck Road
Pennsburg PA 18073

BOARD WORKSHOP
June 25, 2020

CALL TO ORDER

The Board Workshop of the Board of School Directors of the Upper Perkiomen School District was called to order by President Kerry Drake, at 7:06 p.m. as a virtual on-line meeting.

The following Board members attended: Peg Pennepacker, Dr. Kerry A. Drake, Melanie R. Cunningham, Keith McCarrick, Mike W. Elliott, Judy Maginnis, Dana E. Hipszer, and Stephen L. Cunningham. Absent member was: Raeann Hofkin. Administration in attendance were: Allyn Roche, EdD., Andrea Farina, EdD., Sandra M. Kassel, and Georgiann Fisher. Others in attendance were: Kyle Somers, Robert Kurzweg, Dyan Hipszer, Jessica, Kim Hickson, and Christine Schmoyer.

APPROVAL OF MINUTES

Motion by Stephen L. Cunningham, seconded by Melanie R. Cunningham, to approve the **May 28, 2020, Board Workshop Minutes** (Attachment A). Motion carried; all voted aye.

PRESENTATIONS

a. Upper Perkiomen Health & Safety Plan for Reopening – Dr. Roche & Dr. Farina
Dr. Roche and Dr. Farina discussed all the recommendations and guidelines that need to be considered in opening schools. Dr. Roche announced that a Special meeting will be held on July 13, 2020 to approve the Health and Safety Plan.

b. Athletic Health & Safety Return to Play Plan – Mr. Bobby Kurzweg
Mr. Kurzweg went over the process and procedures for the Athletic Plan.

PUBLIC COMMENTS ON AGENDA ITEMS

None

PERSONNEL

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve the **Personnel Report** as presented:

a. **RETIREMENTS**
   i. **Anne Hodges,** 1st Grade Teacher, Hereford Elementary, intent to retire at the conclusion of the 2019-2020 school year.
b. **RESIGNATIONS**
   i. **Tamara Southerling**, School Psychologist, Middle School, resigned her employment with the district, effective August 10, 2020.
   ii. **Lynne MaCort**, Staff Nurse, Marlborough Elementary, resigned her employment with the district, effective June 16, 2020.
   iii. **Melanie Carra,** Paraprofessional, High School, resigned her employment with the district, effective June 16, 2020.
   iv. **Lisa Burdick**, Reading Specialist at the 4th and 5th Grade Center resigned her employment with the district effective, June 16, 2020.

c. **APPOINTMENTS**
   i. **PROFESSIONAL**
      1. **Curriculum Writers** for the 2019-2020 school year:

Name	Course/Grade Level	Contract	Type
Kathleen Rambo	6th Grade ELA Core	$450	Shared Writing, payment should have been $900 each, last board agenda item provided $450 in payment. This adjustment is to pay the additional $450 owed.
Alicia Mata	9th Grade Western Civilization	$450	Shared Writing, payment should have been $900 each, last board agenda item provided $450 in payment. This adjustment is to pay the additional $450 owed.
Hillary Miller	6th Grade ELA Core	$450	Shared Writing, payment should have been $900 each, last board agenda item provided $450 in payment. This adjustment is to pay the additional $450 owed.

      2. **Mentors** for the 2019-2020 school year:

Brianna Wolfgang	Rachel Schmeckenbecher	MS/HS
Heather Shelly	Kim Parkins	4&5 Grade Center

      3. **Curriculum Writer** for the 2020-2021 school year:

Name	Course/Grade Level	Contract	Type
Kim Diffenderfer	4th Social Studies	$900 (50%)	New

      4. **Curriculum Assistants** for the 2020-2021 school year:

Department	Building	First Name	Last Name	Pay
Elementary	HFD	Amber	Andersen (50%)	$637.50
Special Education	MS	Melissa	Swope	$1,275.00

Motion carried; all voted aye.

ACTION ITEMS

a. Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve the **Athletic Health & Safety Return to Play Plan.** (Attachment B). Motion carried; all voted aye.

b. Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve the **Resolution Calling for Charter School Funding Reform**. Motion carried; all voted aye.

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve Action Items c, d, e, f, g, h, and i:

c. **Between this meeting and the next meeting of the Board scheduled for August 13, 2020, the Board of School Directors authorizes the Superintendent to take action on behalf of and in the name of the District for the following purposes**:
   i. Hiring of teachers and other administrative employees for open budgeted positions where the failure to hire prior to August 13, 2020, could impair the ability of the District to attract the best candidates for such open and budgeted positions; and
   ii. Pay District bills to the extent that the payments reflect a budgeted expense. Any action taken by the Superintendent in accordance with this authorization shall be deemed to be the action of this Board. Such action shall be confirmed by the Board at the August 13, 2020, Board meeting.

d. Motion to approve a **one year Compensation Plan for the Confidential Administrative Support Staff,** beginning July 1, 2020 and expiring June 30, 2021. (Attachment D)

e. Motion to approve a **one-year Compensation Plan for the Administrative Support Staff**, beginning July 1, 2020 and expiring June 30, 2021. (Attachment E)

f. Motion to approve a **one-year Compensation Plan for the Maintenance and Custodial Staff**, beginning July 1, 2020 and expiring, June 30, 2021. (Attachment F)

g. Motion to approve a **one-year Compensation Plan for the Act 93 Administration**, beginning July 1, 2020 and expiring June 30, 2021. (Attachment G)

h. Motion to approve **Mr. James McFadden for a one-year Contract in the role of School Security Officer**, effective July 1, 2020 and expiring on June 30, 2021. (Attachment H)

i. Motion to approve **Waiver Agreement and Release** between Upper Perkiomen School District and Student #267245 for reimbursement of attorney's fees and costs in the amount of $5,000. (*Attachment – Board Only*).

Motion carried; all voted aye.

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve Action Items j,k, l, m, and n:

j. Motion to approve a **48 month HP lease agreement in the amount of $56,552.55/yr**, the supplier is Lantek for 325 ProBooks for 9th grade. (Attachment I)

k. Motion to approve the **Crossing Guard Services Agreement with Everything Parking, Inc. d/b/a/Cross Safe for the 2020-2021 school year**. (Attachment J)

l. Motion to **award district mowing and grounds maintenance services from July 1, 2020 to June 30, 2021 to Mitchell Outdoor Services for a cost of $2,985 per cut**. The School District reserves the option to renew the contract for two (2) additional one-year terms with a two (2) percent price increase in each year.

m. Motion to approve **Deduct Change Order PC-003 with Frey Lutz Corporation in the amount of $59,779.23.** This credit change order is to reimburse the School District for unused amounts in accordance with the provisions of Specification Section 012129 "Quantity/Material Allowances", paragraph 1.3C.

n. Motion to approve **Deduct Change Order HC-004 with Boro Developers, Inc in the amount of $17,103.92**. This credit change order is to reimburse the School District for unused amounts in accordance with the provisions of Specification Section 012129 "Quantity/Material Allowances", paragraph 1.3C.

Motion carried; all voted aye.

COMMITTEE REPORTS

a. **Special Education & Pupil Services Committee** – Judy Maginnis
Mrs. Maginnis reported that at the last meeting and MTSS update was given and there was discussions about teachers learning the process, the RBT's all taking the exams, and resources during COVID-19. The next meeting is scheduled for August 31, 2020.

b. **Curriculum & Instruction Committee** – Dr. Kerry Drake
Dr. Drake reported that at the last meeting, they reviewed the Full-Day Kindergarten program for 2020-21, the full curriculum K-12 review cycle, and the Middle School Math program.

c. **Finance Committee** – Melanie Cunningham
Mrs. Cunningham reported that at their June 15th meeting they discussed the Middle School being awarded LEED Gold, crossing guards, the end of the year finances. She said the committee would like to continue to be a full year committee.

c. **Facilities Committee** – Melanie Cunningham
Mrs. Cunningham reported on many items that were discussed at the previous night's meeting. Mrs. Cunningham proposed three motions to be placed on the agenda. They are for the repairs on the tennis courts, the secure entrances and to rebid the electrical portion of the secure entrance.

e. **Policy Committee** – Raeann Hofkin
Dr. Farina reported that Policy committee reviewed several policies in the 200 section, and they would be listed in the Board update for the Board to read and will be on the August agenda to approve.

f. **Board Communication Line/Communication Committee** – Mike Elliott
Mr. Elliott reported that there has not been a meeting.

g. **Western Montgomery Career & Technology Center** – Stephen Cunningham
Mr. Cunningham reported that the WMCTC met to approve salaries.

h. **Montgomery County Intermediate Unit** – Judy Maginnis
Mrs. Maginnis reported that at their meeting they saw a video that recognized retirees, they were informed about an education program, and that the nominating committee agreed that the Executive Board would remain the same.

i. **Legislative Liaison Report** – Peg Pennepacker
Ms. Pennepacker reported that much of the meeting was focused on reopening schools, and how after listening to many other schools, she appreciates the administration and leadership, and parents and community in this district. She also talked about the new grant that will allow for supplies for PPE and cleaning and sanitation.

j. **Upper Perkiomen Education Foundation** – Mike Elliott
Mr. Elliott reported that with the help of the Upper Perkiomen Chamber of Commerce, they were able to raise funds and an opportunity to donate to provide yard signs to recognize the Upper Perkiomen High School Seniors through the Perk UP program. Dr. Roche added that the Upper Perkiomen Education is officially back in the EITC program.

k. **Regional Planning Commission Representative** – Dana Hipszer
Mr. Hipszer reported there was not a meeting this month, one is scheduled for July 22nd.

Mr. Cunningham asked about dead trees that should be removed at Marlborough.

NEW ACTION ITEMS

Motion by Stephen L. Cunningham, seconded by Mike W. Elliott, to add **three new Action Items to the agenda**. Motion carried; all voted aye.

o. Motion by Stephen L. Cunningham seconded by Melanie R. Cunningham, to approve **the repair of the tennis courts through Costars at approximately $46,000.** Motion carried; all voted aye.

p. Motion by Stephen L. Cunningham, seconded by Mike W. Elliott, to **award the secure entrance bid to Donald E. Reisinger, Inc. as the general construction base bid** and including alternate, GC01-the canopy over the entrance at Marlborough Elementary and GC02-the security film and glazing of the windows at Marlborough elementary in the amount of $258,100.00. Motion carried; all voted aye.

q. Motion by Melanie R. Cunningham, seconded by Mike W. Elliott, to **rebid the electrical portion of the secure entrances project.** Motion carried; all voted aye.

PUBLIC COMMENTS

Kyle Somers announced that an Executive Session was held prior to the evening's meeting to discuss a matter of potential litigation, a personnel matter concerning administrative compensation, and to receive information but not deliberate on one additional item.

Jessica, asked why at Souderton School District the children do not have to wear masks but they will have to at this district and issues with wearing masks.

Kim Hickson, Marlborough Township, said she is looking forward to brick and mortar school and talked about teaching health and safety to children. She asked if the athletes were to have no contact until August 16th.

Christine Schmoyer, Pennsburg, said she was excited to hear about the strong possibility of being back in school, kids wearing masks, and asked about after school programs and building usage. She also asked about armed and unarmed security at the high school.

ADJOURNMENT

Motion by Stephen L. Cunningham, seconded by Mike W. Elliott, to **adjourn the meeting at 9:14 pm**. Motion carried; all voted aye.

Sandra M. Kassel, Board Secretary

UPPER PERKIOMEN SCHOOL DISTRICT
2229 East Buck Road
Pennsburg PA 18073

August 13, 2020

CALL TO ORDER

The regular meeting of the Board of School Directors of the Upper Perkiomen School District was called to order by President Kerry Drake, at 7:07 p.m. as a virtual and in-person meeting at the Upper Perkiomen Middle School auditorium.

The following Board members attended: Peg Pennepacker, Dr. Kerry A. Drake, Melanie R. Cunningham, Keith McCarrick, Raeann B. Hofkin, Mike W. Elliott, Judy Maginnis, Dana E. Hipszer, and Stephen L. Cunningham. Administration in attendance were: Allyn J. Roche, EdD., Andrea Farina, EdD., Kimberly Bast, Sandra M. Kassel, and Georgiann Fisher. Others in attendance were: John Audi, Doug Kenwood, Kim Jones, Vicki Lightcap, Cheryl Bargar, Shirl Desch, Matt Ushler, Jenn Moran, Mary Cannon, Jamie Iero, Amy Fadil,

BOARD PRESIDENT'S REPORT

President Drake talked about the school district reopening plans and the changes that have happened in the past few months that have helped to determine the best plan. He said he feels the administration's recommendation seemed to have been the best plan. Dr. Drake said that tonight they would discuss the remaining Health and Safety Plans and asked everyone to keep in mind that the first priority is the health and safety of our students.

SUPERINTENDENT'S REPORT

Dr. Roche announced that some Board members and administration were attending the meeting in person and some were in a Zoom session. He talked about how we are still living with COVID-19 on a daily basis. Dr. Roche thanked everyone for their emails with questions, individual feedback and concerns to help administration prepare for the best practices. Dr. Roche talked about this year will feel different for all teachers and students and families, but is confident that everyone will learn and grow together.

SOLICITOR'S REPORT/SUNSHINE ACT ANNOUNCEMENTS

Mr. Audi reported that Mr. Somers is fighting COVID symptoms and announced that a hybrid virtual live Executive Session was held prior to the evening's meeting for the purpose of discussing a matter of personnel relating to support staff and to receive other information but not to deliberate on.

APPROVAL OF AGENDA

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve **the agenda.** Motion carried; all voted aye.

PUBLIC COMMENTS ON ACTION ITEMS

Kim Jones, Upper Hanover Township, asked if devices will be provided to all students.

Vicki Lightcap, Pennsburg, thanked everyone for their hard work and had questions on the resolution for the Superintendent and the Health and Safety Plan. She had concerns about input still being given from the community and the Board, and did not want to lose local control especially at the Board level.

Cheryl Barger, Pennsburg, asked when question will be answered about Special Education students and services for students with 504 plans.

Shirl Desch, East Greenville, asked if there any plans to do a comparison as far as the virtual learning and in-person learning. She asked if there was any talks on possible tax rebates.

Matt Ushler, Upper Hanover Township, asked why there was no discussion on going to school in-person.

MINUTES

A. Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve the **Regular School Board Meeting Minutes** of **July 13, 2020 and the Special Meeting Minutes of July 28, 2020**. Motion carried; all voted aye.

PRESENTATIONS/DISCUSSION

A. Overview of UPSD COVID-19 Health & Safety Plan – Dr. Farina

Dr. Farina presented an update and discussed what the procedures will be.

B. Update on Virtual Instructional Programming for the start of the 2020-21 School Year

Dr. Roche, Dr. Farina and Mrs. Bast talked about the differences in the Online Learning and the Virtual program, the Western Center program, the and Sports and Marching Band update.

The Board members had many questions and discussions with Administrators took place after each presentation.

President Drake called for a recess at 9:14 p.m., the meeting reconvened at 9:20 p.m.

OLD BUSINESS

The grass at Montgomery Avenue that is on Mr. Christman's property.

NEW BUSINESS -
PERSONNEL REPORT

A. PERSONNEL REPORT

Motion by Stephen L. Cunningham, seconded by Melanie R. Cunningham, to approve the **Personnel Report:**

i. RETIREMENTS

1. **Beth Steinman**, Fourth Grade Teacher, 4th & 5th Grade Center, intent to retire effective June 17, 2020.

ii. **RESIGNATIONS**

1. **Chris Evans,** Special Education Teacher, Upper Perkiomen High School, resigned his position with the district on July 27, 2020, effective September 25, 2020.
2. **Linda DiMarcello**, Administrative Support Staff, Upper Perkiomen Middle School resigned her position with the district effective August 4, 2020.
3. **Shawn Leh,** Head Middle School Football Coach, Upper Perkiomen Middle School, resigned his position with the district effective July 25, 2020.
4. **Krista Shoener**, Food Service Worker, Upper Perkiomen Middle School, resigned her position with the district, effective August 6, 2020.
5. **Brenda Zirkelback**, Cafeteria and Playground Aide, Marlborough Elementary School, resigned her position with the district effective, July 21, 2020.

iii. **APPOINTMENTS**

1. **SUPPORT STAFF**
   a. **Erica Smith,** Staff Nurse, Marlborough Elementary, to be hired subject to review of required employment history and clearances at $16.32/hour for the 2020-2021 school year.

2. **PROFESSIONAL STAFF**
   a. **Laura Holder**, Special Education Teacher, Upper Perkiomen Middle School, to be hired subject to review of required employment history and clearances, at Masters, Step 6 for the 2020-2021 school year.
   b. **Brianna Palumbo**, School Psychologist, Temporary Professional Employee, Upper Perkiomen Middle School, to be hired subject to review of required employment history and clearances at Masters +30, Step 1, for the 2020-2021 school year.
   c. **Jamie Allman**, Fourth Grade Teacher, Temporary Professional Employee, 4th & 5th Grade Center, to be hired subject to review of required employment history and clearances at Bachelors, Step 1, for the 2020-2021 school year.
   d. **Melissa Smith**, Fourth Grade Teacher, Temporary Professional Employee, 4th & 5th Grade Center, to be hired subject to review of required employment history and clearances at Bachelors, Step 1, for the 2020-2021 school year.
   e. **Kelly Rorvik**, Fifth Grade Teacher, Temporary Professional Employee, 4th & 5th Grade Center, to be hired subject to review of required employment history and clearances at Bachelors, Step 1, for the 2020-2021 school year.
   f. **Jessie Hedrick**, current district employee appointed to Title I Reading Specialist, 4th and 5th Grade Center for the 2020-2021 School Year.
   g. **Brianna McGinley**, First Grade Teacher, Temporary Professional Employee, Hereford Elementary School, to be hired subject to review of required employment history and clearances, at Bachelors, Step 1, for the 2020-2021 school year.

3. CURRICULUM WRITERS for the 2020-2021 school year:

Name	Course/Grade Level	Contract	Type
Jared Krupp - MARL	2nd ELA	$600	New
Lynn Smith - MARL		$600	New
Jessica Stopper - HFD		$600	New
Deb Burns - HS	Desktop Publishing	$450	Revision
Monica Griffith - HS		$450	Revision
Deb Burns - HS	Microsoft Word Applications (Professional Communication II)	$450	Revision
Diane Grandizio - HS		$450	Revision
Deb Burns - HS	Web Design & Development (Web Design I & II)	$900	Revision

4. SUPPLEMENTAL POSITIONS for the 2020-2021 school year:

Area	Position	Name	Salary	Schedule
Music	HS Band Director	Kierstin Hildebrand	$7569.80 (70%)	A
Music	HS Band Director	Robin Holman	$3244.20 (30%)	A
Music	HS Assistant Band Director	Robin Holman	$1330.00	A
Music	HS Assistant Band Director	Blake Bergey	$1330.00	A
Music	HS Assistant Band Director	Tom Mitchell	$1330.00	A

5. OTHER

1. LEAVES OF ABSENCE

a. **Tim Kinsey,** approve a Family and Medical Leave beginning June 15, 2020, through September 7, 2020.
b. **Robin Lerro**, approve a Family and Medical Leave beginning September 30, 2020, expected to continue 4-6 weeks, up to December 23, 2020.
c. **Theresa Schlatterer** has rescinded her request for Family and Medical Leave and will resume her role as School Counselor, for the 2020-2021 school year.

Motion carried; all voted aye.

B. ACTION ITEMS

i. Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve **the following Board Policy & AR revisions, repeals and adoptions**, **with the removal of Policy 005** and minor revisions to 201 and 220 (Attachment C)

1. ~~Policy No. 005 – Organization (Repeal & Replace)~~
2. Policy No. 200 – Enrollment of Students (Repeal & Replace)
3. Policy No. 200.1 AR (Intent to Repeal)
4. Policy No. 201 – Admission of Beginners (Repeal & Replace)
5. Policy No. 202 & AR – Eligibility of Non-Resident Students (New)
6. Policy No. 206 – Assignment Within District (Repeal & Replace)
7. Policy No. 208 – Withdrawal From School (Repeal & Replace)
8. Policy No. 211 – Student Accident Insurance (Intent to Repeal)
9. Policy No. 213 – Assessment of Student Progress (Intent to Repeal)
10. Policy No. 220 – Student Expression (Repeal & Replace)
11. Policy No. 236 – Student Assistance Program (New)
12. Policy No. 250 – Student Accidents (Intent to Repeal)
13. Policy No. 626 – Federal Fiscal Compliance (Repeal & Replace)
14. Policy No. 913- Non-School Organizations/Group/Individuals (Repeal & Replace)

Motion carried; all voted aye.

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve **Action Items ii and iii:**

ii. Motion to approve the **revised 2020-2021 School Calendar** (Attachment D)

iii. Motion to approve the **Upper Perkiomen School District COVID-19 Health & Safety Plan and authorize the Superintendent or designee to submit such plan to the Pennsylvania Department of Education in the form and manner prescribed by PDE**. To the extent that the procedures outlined in the Health and Safety Plan, in its current form or as amended in the future, conflict with any applicable Board Policy or Administrative Regulation, the approval by the Board of the Health and Safety Plan and any amendment(s) thereto shall also be considered approval of an exception to the Policy or Administrative Regulation in conflict for the limited purpose of carrying out the provisions of the Health and Safety Plan. (Attachment E)

Motion carried; all voted aye.

iv. Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve the attached **Upper Perkiomen School District COVID-19 Pandemic Resolution** thus declaring an emergency situation due to COVID-19 in the event that the Superintendent is forced to reduce days/hours that schools are open if the global pandemic conditions were to worsen. (Attachment F). VOTE: Pennepacker – yes, **Hofkin – no,** Drake – yes, McCarrrick – yes, M. Cunningham – yes, Elliott – yes, Maginnis – yes, Hipszer - yes, S. Cunningham – yes. Motion carried.

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve **Action Items v, vi, vii and viii:**

v. Motion to approve the **Upper Perkiomen School District Emergency Instructional Time Plan** Pursuant to Section 520.1 of the Public School Code and authorize the Superintendent or designee to submit such plan to the Pennsylvania Department of Education for approval in the form and manner prescribed by the PDE. Upon PDE approval of the Emergency Instructional Time Plan by the Pennsylvania Department of Education, such an Emergency Instructional Time Plan shall become part of the District's Health and Safety Plan. To the extent that the procedures outlined in the Emergency Instructional Time Plan, in its current form or as amended in the future, conflict with any applicable Board Policy or Administrative Regulation, the approval by the Board of the Emergency Instructional Time Plan and any amendment(s) thereto shall also be considered approval of an exception to the Policy or Administrative Regulation in conflict for the limited purpose of carrying out the provisions of the Emergency Instructional Time Plan. (Attachment G)

vi. Motion to approve the **revised Athletic Health & Safety Return to Play Plan through September 6th, 2020**. (Attachment H)

vii. Motion to approve the **revised Marching Band Health & Safety Plan through September 6th, 2020.** (Attachment I)

viii. Motion to approve **ICS for assistance with Title IX policy development, employee training, and ongoing consultation on Title IX revisions** and supports required by federal law for $7,300.00.

Motion carried; all voted aye.

ix. Motion by Stephen L. Cunningham, seconded by Mike W. Elliott, to approve the attached **agreement with GHR Education to provide personnel staffing services for Nursing, Para's, and therapy such as PT, OT, and SLP**. (Attachment J). VOTE: Pennepacker yes, **Hofkin – no,** Drake – yes, McCarrrick – yes, M. Cunningham – yes, Elliott – yes, Maginnis – yes, Hipszer - yes, S. Cunningham – yes. Motion carried.

x. Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve **Diane Hipszer as Assistant School Board Secretary**. VOTE: Pennepacker – yes, Hofkin – yes, Drake – yes, McCarrrick – yes, M. Cunningham – yes, Elliott – yes, Maginnis – yes, **Hipszer – abstain**, S. Cunningham – yes. Motion carried.

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, to approve **Action Items xi, xii, and xiii:**

xi. The administration **recommends approval to abstain from Summer/Fall Keystone Testing during the September 28th -October 2nd testing window**. As explanation, in May 2020, the Pennsylvania Department of Education (PDE) moved the 2020 Summer Keystone Exams testing window to September 28-October 2, 2020. Students who were enrolled in a Keystone trigger course in 2019-20 were not required to take the corresponding Keystone Exam for federal accountability reporting. These students will be exempt from accountability reporting for the trigger-course subject(s) they completed in the 2019-20 school year. This fall window is being offered to provide a retest opportunity for students who were scheduled to retest in spring 2020. However, not having all students face to face in the fall, and given only one week to test, we would not be able to execute this testing. Students will have other opportunities to meet their graduation requirements, and we will work with all students to ensure that they meet these requirements. PDE is requiring board approval to abstain from this testing window.

xii. Motion to approve a **Middle School HVAC Planned Maintenance Proposal presented by McClure Company** of Harrisburg, PA for a year 1 cost of $22,538. The three (3) year term will cover the planned maintenance of major HVAC equipment at our new Middle School. The year 2 and 3 costs will increase approximately $700 in each year. (Attachment K)

xiii. Motion to **acknowledge receipt of PlanCon Part K: Project Refinancing for General Obligation Bond Series A of 2019** and to enter PDE approval of this document and appended materials into the minutes of this meeting. (Attachment L)

Motion carried; all voted aye.

v. Motion by Stephen L. Cunningham, seconded by Peg Pennepacker, to approve the listed Special Education Services:
   1. Motion to approve an **Agreement with Fairwold Academy for the 2020-2021 school year** for tuition for student #265925, attending for the academic year beginning September 8, 2020 and ending June 16, 2021, in the amount of $270.00 per diem.
   2. Motion to approve **Agreement with The Camphill School for the 2020-2021 school year** for student #272747 for 1:1 Aide care in the amount of $39,600, Speech therapy, Occupational therapy and Physical therapy at a cost of $98/hour for individual service and $50/hour for group Physical therapy.
   3. Motion to approve **Agreement with The Camphill School for the 2020-2021 school year** for student #257147 for 1:1 Aide care in the amount of $39,600 and Speech therapy, Occupational therapy and Physical therapy at a cost of $98/hour for individual service and $50/hour for group Physical therapy.

Motion carried; all voted aye.

BUSINESS REPORTS

Motion by Stephen L. Cunningham, seconded by Judy Maginnis, to approve the **payment of bills, in the amount of $1,671,000.28 from the General Fund.** Motion carried; all voted aye.

Motion by Stephen L. Cunningham, seconded by Melanie R. Cunningham, to approve the payment of bills **in the amount of $34,015.56 from the Capital Projects & Capital Reserve Accounts**. Motion carried; all voted aye.

NEW FOLLOW UP ITEMS

To post invoices to Sharepoint and to review busing to Western Center.

PUBLIC COMMENTS

Jenn Moran, Upper Hanover Township, asked about having night school and requirements for gym classes.

Mary Cannon, Hereford Township, asked about Middle School cheering, Western Center busing, Grab & Go lunches and lunch for the special education students.

Jamie Iero, Red Hill, thanked Dr. Roche and Mrs. Bast and board for answering emails and for adding recess to the day, she also had question on how OT will work for students.

Amy Fadil, Upper Hanover Township, asked about water polo and training.

BOARD COMMENTS

Melanie Cunningham, expressed well wishes to Kyle and said she hopes all the teachers find their courage to teach in the classrooms. She also thanked the administrators for going above and beyond during this time and thanked Jim Roth for making the meeting live tonight.

Raeann Hofkin, wanted to say a prayer and to add Kyle's health to the prayer list.

Solicitor, John Audi, stated that although this was allowed it is not an expression of the whole board.

Judy Maginnis, asked about the Middle School Cheerleading Coach position.

ADJOURNMENT

Motion by Stephen L. Cunningham, seconded by Keith McCarrick, that **the meeting be adjourned at 10:32 p.m**. Motion carried; all voted aye.

_____

Sandra M. Kassel, Board Secretary

Book Policy Manual
Section100 Programs
Title: Discrimination/Title IX Sexual Harassment Affecting Students
Code: 103 Vol IV 2020
Status: From PSBA

Authority

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, sex, 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 is committed to the maintenance 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 transportation to or from school or school-sponsored activities**.

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 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**, 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/guardians 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, regular volunteer, or student teacher 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.

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.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a **report** and the investigation **related to any form of discrimination or retaliation, including Title IX sexual harassment,** shall be handled in accordance with **applicable law, regulations,** this policy**, the attachments** and the district's legal and investigative obligations.**[25][26][27][28][29]**

Retaliation

The Board prohibits retaliation by **the district** or any other person against any person for:**[28]**

1. Reporting **or making a formal complaint** of **any form of** discrimination **or retaliation, including Title IX sexual harassment**.
2. **Testifying, assisting,** participating **or refusing to participate** in a related investigation, **process or other proceeding** or hearing.
3. **Acting in opposition to** practices the person reasonably believes to be discriminatory.

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.**

Definitions

Complainant shall mean an individual who is alleged to be the victim.

Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.

Consent: students cannot consent to any adult/staff

Discrimination

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, **or** handicap/disability.

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 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

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 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]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the **[34]**

Title IX Coordinator: Georgiann Fisher	**Title IX Compliance Officer: Andrea J. Farina, Ed.D**
The Title IX Coordinator can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: gfisher@upsd.org Phone Number: 215-679-7961	The Title IX Compliance Officer can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: afarina@psd.org Phone Number: 215-679-7961

The Compliance Officer **and Title IX Coordinator shall fulfill designated 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**, as appropriate**:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - **Provide** training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure **or Title IX procedures**, such as making reports to the police, available **supportive measures such as** assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
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.
5. District Support - **Assure** that like aspects of the school programs **and activities** receive like support as to staffing and compensation, facilities, equipment, and related areas.**[35]**
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved** in **managing informal reports and formal** complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

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:

1. **Definition of sexual harassment.**
2. **Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.**
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.**
4. **How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.**
5. **Use of relevant technology.**
6. **Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.**
7. **Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.**

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.**

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the district's website.

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. **Permanent transfer to another classroom or school bus.**
3. **Exclusion from school-sponsored activities.**
4. **Detention.**
5. **Suspension.**
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.

PSBA Revision 7/20 © 2020 PSBA

Legal

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
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)
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

DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/ HAZING/DATING VIOLENCE/RETALIATION REPORT FORM

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator/Compliance Officer contact information is:

Title IX Coordinator: Georgiann Fisher	**Title IX Compliance Officer: Andrea J. Farina, Ed.D**
The Title IX Coordinator can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: gfisher@upsd.org Phone Number: 215-679-7961	The Title IX Compliance Officer can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: afarina@psd.org Phone Number: 215-679-7961

Retaliation Prohibited
The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality
Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

***Note**: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.*

I. Information About the Person Making This Report:
Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am a:

□ Student □ Parent/Guardian □ Employee □ Volunteer □ Visitor

□ Other _____ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: □ Your Child □ Another Student □ A District Employee

□ Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

□ Student(s) □ Employee(s)

□ Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report? □Yes □ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

_____ _____

Signature of Person Making the Report Date

_____ _____

Received By Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, 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 as described in Policy 103 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is a:

□ Student □ Parent/Guardian □ Employee □ Volunteer □ Visitor

□ Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: □ Reporter's Child □ Another Student □ Another Employee

□ Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

□ Student(s) □ Employee(s)

□ Other _____ (please explain relationship to the district)

III. Level of Report:

□ Informal □ Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

□ Title IX Sexual Harassment □ Discrimination □ Retaliation □ Bullying

□ Hazing □ Dating Violence □ Other _____

Nature of the Report (check all that apply):

□ Race	□ Age
□ Color	□ Creed
□ Religion	□ Sex
□ Sexual Orientation	□ Sexual Harassment (Title IX)
□ National Origin	□ Ancestry
□ Marital Status	□ Pregnancy
□ Handicap/Disability	□ Bullying
□ Hazing	□ Dating Violence

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated? □ Yes □ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

□ No.

□ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Assistant Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

□ No.
□ Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

□ No
□ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

□ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
□ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
□ Policy 247. Hazing
□ Policy 249. Bullying
□ Policy 252. Dating Violence
□ Other _____

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. 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 sexual 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.

Did the incident occur during a school program or activity involving a person in the United States?

□ Yes
□ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

□ 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.
□ 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.
□ Sexual assault, dating violence, domestic violence or talking.

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:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

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.

Sexual assault means a sexual offense under a 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.

Stalking 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:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

IX. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

□ No further action at this time. Reason:

□ Policy 247. Hazing
□ Policy 249. Bullying
□ Policy 252. Dating Violence
□ Other _____

□ Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students:
Attachment 2 Discrimination Complaint Procedures
□ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff:
Attachment 2 Discrimination Complaint Procedures
□ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students:
Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
□ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

1. Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly: Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the

complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator/Compliance Officer: _____

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

□ Yes □ No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator/Compliance Officer Signature: _____

Date: _____

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DISCRIMINATION
COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in the Policy 103.

All reports of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 103 Attachment 3 for Title IX Sexual Harassment shall be followed.

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 249, 252)

Definitions

Complainant shall mean an individual who is alleged to be the victim.

Respondent shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

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 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.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report verbally or in writing to the building principal.

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure 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 discrimination shall immediately report the incident to the building principal. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

The building principal shall immediately notify the Title IX Coordinator and Compliance Officer of the reported discrimination.

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

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures shall be implemented.

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form. 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 this Attachment 2, or if the reported circumstances meet the definition

and parameters 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 applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this Attachment 2 implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Assistant Director of Special Education and coordinate to determine whether

additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Step 2 – Initial Communications/Supports

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. 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 respondent.

The building principal or designee shall seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform parents/guardians of the complainant that the complainant 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, the building principal or designee shall 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 that affects other students.

The building principal or Compliance Officer shall provide relevant information on resources available in addition to the discrimination 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.

Informal Remedies -

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer 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 Board policy, and any other information appropriate to the specific complaint.

The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide 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 respondent, 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 allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a 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, and the reason for such delay shall be documented by the investigator.

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or 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 investigative 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 Board Policy 103 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 discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board 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 respondent 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 investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent shall not be notified of the individual remedies offered or provided to the complainant.

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board 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 prohibited conduct had on the complainant and the district education program or activity. 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 Policy 103 or these procedures, 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. (Pol. 113.1, 218, 233, 247, 249)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

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.

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

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Book Policy Manual
Section100 Programs
Title: Discrimination/Title IX Sexual Harassment Affecting Staff
Code104 Vol IV 2020
Status: From PSBA

Authority

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.[1][2][**3**][4][5][6][7][8][9][10][11][12]

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 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 employees 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 or building administrator. 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.**

If the building principal or building administrator is the subject of a complaint, the complainant or the individual making the report shall direct the report of the incident to the Title IX Coordinator.

The complainant or **the individual making the report may use the Discrimination/Sexual Harassment/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.

The building principal or building administrator 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.

***Administrative Leave* –**

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a **report**, and the investigation **related to any form of discrimination or retaliation, including Title IX sexual harassment,** shall be handled in accordance with **applicable law, regulations,** this policy**, the attachments** and the district's legal and investigative obligations.**[13][14][15][16][17]**

Retaliation

The Board prohibits retaliation by **the district** or any other person against any person for:**[16]**

1. Reporting **or making a formal complaint** of **any form of** discrimination **or retaliation, including Title IX sexual harassment.**
2. **Testifying, assisting,** participating **or refusing to participate** in a related investigation, **process or other proceeding** or hearing.
3. **Acting in opposition to** practices the person reasonably believes to be discriminatory.

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 they believe retaliation has occurred.

Definitions

- ➔ ***Complainant* shall mean an individual who is alleged to be the victim.**
- ➔ ***Respondent* shall mean an individual alleged to be the perpetrator of the discriminatory conduct.**

Discrimination

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, **genetic information,** ancestry, national origin, marital status, pregnancy, **or** handicap/disability.

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 work performance, including when:[9]

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. 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 at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Definitions Related to Title IX Sexual Harassment

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.[15][18]

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.[18]

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:[18]

1. **Counseling or Employee Assistance Program.**
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 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.**

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[18]

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:[19]**
        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.[19]**
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.[20]**
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:[19]**
    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.[14][15][18]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the **[21]**

Title IX Coordinator: Georgiann Fisher	**Title IX Compliance Officer: Andrea J. Farina, Ed.D**
The Title IX Coordinator can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: gfisher@upsd.org Phone Number: 215-679-7961	The Title IX Compliance Officer can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: afarina@psd.org Phone Number: 215-679-7961

The Compliance Officer **and Title IX Coordinator** shall **fulfill designated 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**, as appropriate**:

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training - **Provide** training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure **or Title IX procedures,** such as making reports to the police, available **supportive measures such as** assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.

4. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved in managing informal reports and formal** complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

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:

1. **Definition of sexual harassment.**
2. **Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.**
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.**
4. **How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.**
5. **Use of relevant technology.**
6. **Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.**
7. **Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.**
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.**

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.[22][23]

All training materials shall be posted on the district's website.

Disciplinary Consequences

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.[22]**[23]**[24][25]

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, genetic information, 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.

PSBA Revision 7/20 © 2020 PSBA

Legal
1. 43 P.S. 336.3
2. 43 P.S. 951 et seq
3. 34 CFR Part 106
4. 20 U.S.C. 1681 et seq
5. 29 U.S.C. 206
6. 29 U.S.C. 621 et seq
7. 29 U.S.C. 794
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. 42 U.S.C. 12101 et seq
12. U.S. Const. Amend. XIV, Equal Protection Clause
13. 20 U.S.C. 1232g
14. 34 CFR 106.44
15. 34 CFR 106.45
16. 34 CFR 106.71
17. 34 CFR Part 99
18. 34 CFR 106.30
19. 34 U.S.C. 12291
20. 20 U.S.C. 1092
21. 34 CFR 106.8
22. Pol. 317
23. Pol. 317.1
24. Pol. 806
25. Pol. 824
16 PA Code 44.1 et seq
18 Pa. C.S.A. 2709
28 CFR 35.140
28 CFR Part 41
29 CFR Parts 1600-1691
EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993
EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999
EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990
Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Pol. 320
Pol. 815
Pol. 832

DISCRIMINATION/SEXUAL HARASSMENT/RETALIATION REPORT FORM

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from sexual harassment, other discrimination and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Title IX Coordinator: Georgiann Fisher	**Title IX Compliance Officer: Andrea J. Farina, Ed.D**
The Title IX Coordinator can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: gfisher@upsd.org Phone Number: 215-679-7961	The Title IX Compliance Officer can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: afarina@psd.org Phone Number: 215-679-7961

Retaliation Prohibited
The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for making this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality
Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):
I am a:

□ Employee □ Volunteer □ Visitor
□ Other _____ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____
The alleged victim is:

□ Another Employee □ Student
□ Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Harassment, Retaliation or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:
□ Student(s) □ Employee(s)
□ Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting
In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:
When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report? □ Yes □ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge. I understand that any false information provided herein is subject to penalties contained in 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.

Signature of Person Making the Report Date: _____

Received By Date: _____

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, 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 as described in Policy 104 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

Reporter is a:

□ Employee □ Volunteer □ Visitor

□ Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is:

□ Another Employee □ Student

□ Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please provide the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

□ Student(s) □ Employee(s)

□ Other _____ (please explain relationship to the district)

III. Level of Report:

□ Informal □ Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

□ Title IX Sexual Harassment □ Discrimination □ Retaliation □ Other _____

Nature of the Report (check all that apply):

□ Race □ Age
□ Color □ Creed
□ Religion □ Sex
□ Sexual Orientation □ Sexual Harassment
□ National Origin □ Ancestry
□ Marital Status □ Pregnancy
□ Handicap/Disability □ Genetic Information

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).
How often did the conduct occur?

Is it being repeated? □ Yes □ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

□ No.

□ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's programs or activities in the course of school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal or Administrative Leave of a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of an individual.)

□ No.

□ Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

□ No

□ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

□ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
□ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
□ Other _____

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. 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 sexual 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.

Did the incident occur during a school program or activity involving a person in the United States?

□ Yes □ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- ❑ 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.
- ❑ 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.
- ❑ Sexual assault, dating violence, domestic violence or stalking.

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:

• Length of relationship.
• Type of relationship.
• Frequency of interaction between the persons involved in the relationship.

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.

Sexual assault means a sexual offense under a 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.

Stalking 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:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

IX. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

- ❑ No further action at this time. Reason:
- ❑ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2 Discrimination Complaint Procedures
- ❑ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- ❑ Other _____

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. Determine what supportive measures may be offered to the respondent.
4. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator/Compliance Officer: _____

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint of sexual harassment pursuant to Title IX.

□ Yes □ No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether instead a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator/Compliance Officer Signature: _____

Date: _____

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DISCRIMINATION
COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in the Policy 103.

All reports of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 103 Attachment 3 for Title IX Sexual Harassment shall be followed.

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 249, 252)

Definitions

Complainant shall mean an individual who is alleged to be the victim.

Respondent shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

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 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.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report verbally or in writing to the building principal.

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure 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 discrimination shall immediately report the incident to the building principal. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

The building principal shall immediately notify the Title IX Coordinator and Compliance Officer of the reported discrimination.

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

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures shall be implemented.

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form. 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 this Attachment 2, or if the reported circumstances meet the definition

and parameters 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 applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this Attachment 2 implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Assistant Director of Special Education and coordinate to determine whether

additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Step 2 – Initial Communications/Supports

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. 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 respondent.

The building principal or designee shall seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform parents/guardians of the complainant that the complainant 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, the building principal or designee shall 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 that affects other students.

The building principal or Compliance Officer shall provide relevant information on resources available in addition to the discrimination 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.

Informal Remedies -

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer 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 Board policy, and any other information appropriate to the specific complaint.

The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide 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 respondent, 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 allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a 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, and the reason for such delay shall be documented by the investigator.

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or 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 investigative 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 Board Policy 103 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 discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board 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 respondent 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 investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent shall not be notified of the individual remedies offered or provided to the complainant.

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board 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 prohibited conduct had on the complainant and the district education program or activity. 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 Policy 103 or these procedures, 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. (Pol. 113.1, 218, 233, 247, 249)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

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.

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

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TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)

All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 103 Attachment 2 regarding discrimination.

Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent.

Exculpatory evidence means evidence tending to exonerate the accused or helps to establish their innocence.

Inculpatory evidence means evidence tending to incriminate the accused or indicate their guilt.

Formal complaint means 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. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. 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.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.

2. The assignment of consequences consistent with Board policy and the Code of Student Conduct when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that

the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

Supportive measures 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.

Supportive measures shall be designed to restore or preserve equal access to the education 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:

1. Referral to Outside Counseling/Provision of School 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. Leaves of absence.
7. Increased security.
8. Monitoring of certain areas of the campus.
9. Assistance from domestic violence or rape crisis programs.
10. 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. (Pol. 103.1, 113, 113.1, 113.2, 113.3)

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

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:

        1) Length of relationship.
        2) Type of relationship.

3) 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.

c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

d. **Stalking,** under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:

1) Fear for their safety or the safety of others.
2) 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 subject to Title IX regulations. 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 SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report verbally or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures shall be implemented appropriately.

District staff who become aware of bullying, hazing, harassment or other discrimination affecting a student or staff member shall promptly report it to the building principal.

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

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 initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.

2. Occurred in a district program or activity under the control of the district and against a person in the United States.

3. Involves other Board policies or the Code of Student Conduct.

4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.

5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 247, 249, 252, 317, 317.1)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall contact the parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If either party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Assistant Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216)

1. Individuals making a report or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.

2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. 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.

When an emergency removal, as described below, 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. (Pol. 113.1, 113.2, 113.3, 233)

When an emergency removal is not required, disciplinary sanctions will 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. (Pol. 113.1, 113.2, 218, 233)

Supportive Measures -

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. (34 CFR 106.44)

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Assistant Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, FBA or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 832)

Emergency Removal –

If the district has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the district's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status. (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44 ; Pol. 103.1, 113.1, 233)

Administrative Leave -

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 317)

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.

2. The respondent is no longer enrolled or employed by the district in a district program or activity.

3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

Consolidation of Title IX Formal Complaints

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Step 1 – Formal Complaint

The district is required to initiate the grievance process for formal complaints when a complainant or the complainant's parent/guardian files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, where applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.

2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

    a. The identity of the parties involved, if known.
    b. The conduct allegedly constituting sexual harassment.
    c. The date and location of the alleged incident(s), if known.

3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.

4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.

5. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.

6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

Step 2 – Informal Resolution Process

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.]

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:

    a. The allegations.

    b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.

    c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.

3. The informal resolution process shall be conducted within twenty (20) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all

parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

***If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within twenty (20) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (Pol. 113.4, 207, 209, 216, Safe2Say Something Procedures)

2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.

3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

   { } However the district may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.

6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:

   a. Date.
   b. Time.
   c. Location.

d. Participants.
e. Purpose of all investigative interviews or other meetings.

7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.

2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.

3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 806)

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to request for a 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 and the reason for such delay shall be documented by the investigator.

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances, The fact that there may be Title IX sexual harassment involved does not preclude the district from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance

process for formal complaints. A decision whether and when to take such action should be made in consultation with the school solicitor.

Step 4 – Written Determination and District Action

Designation of Decision-Maker -

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Assistant Superintendent.

If the Assistant Superintendent has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

Written Determination Submissions -

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

Written Determination -

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

{ } *[Note: Districts may consult with their school solicitor and decide to use the "clear and convincing evidence" standard, as permitted by the federal regulations, in place of the "preponderance of the evidence" standard. However, the legal disadvantages of this should be carefully considered with the school solicitor.]* the clear and convincing evidence standard, meaning that the party bearing the burden of proof must show that the truth of the allegations is highly probable.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.

2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

3. Findings of fact supporting the determination.

4. Conclusions regarding the application of the district's Code of Student Conduct or Board policies to the facts.

5. A statement of, and rationale for, the result as to each allegation, including:

    a. Determination regarding responsibility.

    b. Disciplinary sanctions.

    c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.

6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed;

2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.

2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within five (5) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the Superintendent of Schools.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.

2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

   Supporting statements must be submitted to the appeal authority and provided to the other party within

five (5) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.

4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.

5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

Recordkeeping

The district shall maintain the following records for a of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.

2. Any appeal and the result.

3. Any informal resolution and the result.

4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.

5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the district shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If

a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

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Book Policy Manual
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Title: Hazing
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Purpose

The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the district and are prohibited at all times.

Definitions

Hazing occurs when a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student with an organization, or for the purpose of continuing or enhancing membership or status in an organization, causes, coerces or forces a student to do any of the following:[1]

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.
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:[2]

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.[3][4]

Any activity, as described above, shall be deemed a violation of this policy regardless of whether:[5]

1. The consent of the student was sought or obtained, or
2. The conduct was sanctioned or approved by the school or 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 organization.[6][7]

For purposes of this policy, **bodily injury** shall mean impairment of physical condition or substantial pain.[8]

For purposes of this policy, **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.[8]

Authority

The Board prohibits hazing in connection with any student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours.[4][5][7][9][10]

No student, parent/guardian, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.

The Board encourages students who believe they, or others, have been subjected to hazing to promptly report such incidents to the building principal or designee.

Title IX Sexual Harassment **and Other** Discrimination

Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer **and Title IX Coordinator**. If, in the course of a hazing investigation, potential issues of discrimination are identified, the **Title IX Coordinator** shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged hazing.[11][12]

Delegation of Responsibility

Students, parents/guardians, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal or designee.

Guidelines

In addition to posting this policy on the district's publicly accessible website, the district shall inform students, parents/guardians, sponsors, volunteers and district employees of the district's policy prohibiting hazing, including district rules, penalties for violations of the policy, and the program established by the district for enforcement of the policy by means of [4]

1. distribution of written policy
2. publication in handbooks (student/staff)
3. verbal instructions by the coach or sponsor at the start of the season or program
4. posting of notice/signs.

This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization, prior to coaching an athletic activity or serving as a responsible adult supervising, advising, assisting or otherwise participating in a student activity or organization together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct.[7]

Complaint Procedure

A student who believes that **they have** been subject to hazing is encouraged to promptly report the incident to the building principal or designee.

Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of hazing shall be provided to the building principal or designee, who shall promptly notify the Superintendent or designee of the allegations and determine who shall conduct the investigation. Allegations of hazing shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of hazing brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be hazing under this policy but merits review and possible action under other Board policies.

Interim Measures/Police

Upon receipt of a complaint of hazing, the building principal or designee, in consultation with the Superintendent or designee, shall determine what, if any interim measures should be put in place to protect students from further hazing, bullying, discrimination or retaliatory conduct related to the alleged incident and report. Such interim measures may include, but not be limited to, the suspension of an adult who is involved, the separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.

Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to the police consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to the police at every stage of the proceeding. The decision to report a matter to the police should not involve an analysis by district personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with the police in this regard.[13]

Referral to Law Enforcement and Safe Schools Reporting Requirements –

For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act reporting, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[14][15][16]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents, as defined in the Safe Schools Act, committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[14][15][17][18][19][20]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in a defined incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[15][20][21]

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[14][20]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with **applicable law, regulations,** this policy and the district's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to reports of hazing or participation in an investigation of allegations of hazing is prohibited and shall be subject to disciplinary action.

Consequences for Violations

Safe Harbor –

An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if **the individual** complies with the requirements under law, subject to the limitations set forth in law.[13]

Students **–**

If the investigation results in a substantiated finding of hazing, the investigator shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. The student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline.[4][7][13][22][23]

In addition to other authorized discipline, building principals shall have the authority, after providing the student or students an informal hearing, to impose a fine of up to **Fifty dollars ($50)** on each student determined to have engaged in hazing in violation of this policy.[4][22]

When recommended disciplinary action results in a formal hearing before the Board, in addition to other authorized disciplinary consequences, the Board may also impose a fine of up to **One hundred fifty dollars ($150)** on each student determined to have engaged in hazing in violation of this policy.[4][23]

{ } When fines have not been paid, the Superintendent shall have the authority to direct that student diplomas and/or transcripts be withheld until payment in full is made or a payment plan is agreed upon. In cases of economic hardship, the Superintendent shall consider whether diplomas and/or transcripts should be released despite an unpaid fine.[4]

Nonstudent Violators/Organizational Hazing -

If the investigation results in a substantiated finding that a coach, sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, **the coach, sponsor, or volunteer** shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor, or volunteer, and/or dismissal from district employment.[24]

If an organization is found to have engaged in organizational hazing, it shall be subject to the imposition of fines and other appropriate penalties. Penalties may include rescission of permission for that organization to operate on school property or to otherwise operate under the sanction or recognition of the district.

Criminal Prosecution –

Any person or organization that causes or participates in hazing may also be subject to criminal prosecution.[4]

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Legal
1. 18 Pa. C.S.A. 2802
2. 18 Pa. C.S.A. 2803
3. 18 Pa. C.S.A. 2804
4. 18 Pa. C.S.A. 2808
5. 18 Pa. C.S.A. 2806
6. 18 Pa. C.S.A. 2801
7. 24 P.S. 511
8. 18 Pa. C.S.A. 2301
9. Pol. 122
10. Pol. 123
11. Pol. 103
12. Pol. 103.1
13. 18 Pa. C.S.A. 2810
14. 24 P.S. 1303-A
15. 22 PA Code 10.2
16. 35 P.S. 780-102
17. 24 P.S. 1302.1-A
18. 22 PA Code 10.21
19. 22 PA Code 10.22
20. Pol. 805.1
21. 22 PA Code 10.25
22. Pol. 218
23. Pol. 233
24. Pol. 317

18 Pa. C.S.A. 2801 et seq
22 PA Code 10.23
Pol. 113.1
Pol. 916

Policy 247: HAZING AR

Reporting of Incidents

Reports of hazing may be made verbally or in writing and may be anonymous, except where made by district staff. Any staff member who receives a report of hazing from any source will encourage the complainant/reporter to directly meet with and report the allegations to the building principal or designee. Staff members who receive a report of hazing will not directly investigate the allegations but will take appropriate action to protect the safety of involved students. Staff members who observe hazing or who receive a report of hazing will promptly provide a summary of what was observed or reported in a confidential email to the building principal.

Reports of hazing may come to the district from different sources. For purposes of these administrative regulations a "**reporter**" is someone, other than district staff, who makes a report alleging hazing directed at one or more students and a "**complainant**" is the alleged victim or target of hazing. There are various circumstances in which a complainant may be both a reporter and a complainant, for example, where more than one (1) person was subjected to hazing and only one (1) of them reports the matter.

The building principal or designee will encourage the complainant/reporter to promptly review and complete the **Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation** Report Form **(Report Form)**. Oral and anonymous reports will be accepted, documented and investigated in accordance with Board policy and related administrative regulations. Where the complainant/reporter is not able, due to age or incapacitation, to complete **the Report F**orm, the building principal or designee will interview the complainant/reporter and complete **the** Report Form and sign it as having received this report. If the initial report comes to the district from a reporter, the complainant and, in most circumstances, the complainant's parents/guardians will be contacted promptly, informed of the report and, if they believe hazing has occurred, they will be encouraged to promptly review and complete the Report Form.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being **of the complainant or other person(s),** the building principal will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold **or delay** notification of the report from the complainant's parents/guardians.

Every report of hazing will be subject to a sufficient investigation to address any misconduct, consistent with the protection and well-being of the complainant.

A complainant age fourteen (14) or older and the complainant's parents/guardians who are otherwise being notified of the report of alleged hazing will be provided with the Notice to Complainant and/or Parents/Guardians of Complainant at the outset of the investigation.

Investigation of Incidents

If, at the time of the report or at any time during the investigation of the reported hazing, there is reason to believe that the conduct may fall within the district's **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, **the Title IX Coordinator must be promptly notified. Upon notification, the Title IX Coordinator will initiate the steps to comply with Policy 103 and its procedures.**

After determining that this matter need not be handled under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, the building principal will make an initial determination whether the alleged violations can be investigated by **the building**

principal or a building level designee or must be referred to or discussed with the Superintendent or other appropriate central administrator to determine who will perform the investigation.

If the police have been called or a police report is known to have been made or if proven allegations could lead to an expulsion, the building principal will discuss this matter with the Superintendent or appropriate central administrator, who will consult with legal counsel as appropriate.

Unless the investigation is turned over to the Superintendent, central administrator or legal counsel, the building principal or designee will conduct a timely, impartial, thorough and comprehensive investigation of the alleged hazing. During the investigation, the investigator will use and complete the Investigative Fact Sheet.

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation will be maintained consistent with **applicable law, regulations and** the district's legal and investigative obligations necessary to enforce this policy.

The investigation may include the following steps based on the specifics of the allegations:

1. Identifying and interviewing the complainant.

2. Identifying and interviewing the individual(s) accused of having participated in the alleged hazing.

3. Identifying and interviewing any witnesses to the alleged hazing.

4. Review of any physical evidence or documents related to the alleged hazing.

5. Review of any other relevant evidence produced by those interviewed.

6. Any other reasonable investigation resulting from the information received during the course of the investigation or which the building principal deems necessary to reach a finding or address proven misconduct.

A report of hazing must be investigated even if the report is anonymous and even if the complainant/reporter states that s/he does not want the district to do anything.

Investigative Report Findings

Investigated reports of hazing will include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, 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.

The complainant/reporter and the accused will 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 will not be notified of the individual remedies offered or provided to the complainant.

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 **Board** policy, the district will take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district will promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the effect the prohibited conduct had on the complainant and the school or school program environment. District staff will document the corrective

action taken and, where not prohibited by law, inform the complainant/reporter. The investigator will 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 will be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

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

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247-AR-2. NOTICE TO COMPLAINANT AND/OR PARENTS/GUARDIANS OF COMPLAINANT

To: [Parents/Guardians if appropriate; Student if fourteen (14) or older]

From:

Subject: Report of Being Subjected to Hazing

Date:

The elimination of improper conduct, including hazing, is a high priority for the district. It is the established policy of the Board to prohibit all forms of improper conduct, including hazing. A copy of the district's policy and administrative regulations are attached, and we urge you to read them and become familiar with their provisions. This notice is provided to highlight specific information related to the investigative process for, and resolution of, incidents of hazing.

1. If you believe that the allegations may involve acts of **Title IX sexual harassment or other** discrimination, please **promptly** notify me as this must be handled pursuant to a different policy and procedure. If, during the course of this investigation, it appears that the allegations may involve acts of **Title IX sexual harassment or other** discrimination, the matter will be transferred to **the Title IX Coordinator** to handle the complaint under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students** and **its** procedure.

2. The district will investigate allegations of hazing brought to its attention. The investigation will be conducted by _____. If you have any questions about the district's policy on hazing or this investigation, you may contact the investigator at the following address and telephone number:

   Address: _____

   Phone:_____

3. During the investigation, you have the right to: (a) provide the district with information and documentation concerning the alleged hazing; (b) advise the district of the identity and location of any possible witness; and (c) all other rights set forth in law or in Board policy.

4. The district is interested in knowing what actions you are seeking in response to the alleged hazing. Although the district will determine the best way to address any misconduct, a collaborative dialogue may be a useful tool in addressing and eliminating hazing.

5. The district will take reasonable steps to preserve confidentiality and will take appropriate action to prevent public disclosure of the names of the parties involved, except to the extent necessary to carry out the investigation. The district is interested in knowing your views about confidentiality issues and will try to accommodate them, subject to the district being able to fulfill its commitment to eliminate hazing.

6. District employees, witnesses and students who are alleged to be perpetrators of hazing may be entitled to due process and may be protected by certain confidentiality rights. Subject to these rights, the district will make an effort to

keep you advised of the progress of its investigation and, as appropriate or necessary, of any decisions it reaches concerning the situation. If you have any questions concerning the progress of the investigation or the actions taken by the district to remediate any hazing that may have occurred, please feel free to contact the investigator previously identified in this notice.

7. If you are dissatisfied with the progress of the investigation or the decision/resolution reached, you have the right to file a written request, no later than ten (10) days after you learn the investigation was completed, seeking a review by the Superintendent. The Superintendent will review the progress of the investigation, or the completed investigation, and the decision/resolution materials and communicate a response to you consistent with due process and other confidentiality rights of employees, witnesses and alleged perpetrators. This request may be filed by email to the Superintendent or by a letter addressed to the Superintendent outlining your reason for requesting a review. The contact information to use is:

Email address:

Postal address:

8. If it is concluded following the investigation that the allegations have merit and that action will be taken to remediate the situation, the district will follow up with you to avoid a recurrence of hazing. If there is any repeat of such conduct, or if you believe the complainant or others involved in the investigation are being subjected to retaliation for their involvement, please notify the building principal immediately.

Thank you for your assistance and cooperation.

I hereby acknowledge receipt of this notice.

Date: _____ Signature: _____

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DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/ HAZING/DATING VIOLENCE/RETALIATION REPORT FORM

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator/Compliance Officer contact information is:

Title IX Coordinator: Georgiann Fisher	**Title IX Compliance Officer: Andrea J. Farina, Ed.D**
The Title IX Coordinator can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: gfisher@upsd.org Phone Number: 215-679-7961	The Title IX Compliance Officer can be contacted at: Address: 2229 East Buck Road, Pennsburg, PA 18073 Email: afarina@psd.org Phone Number: 215-679-7961

Retaliation Prohibited

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

***Note**: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.*

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am a:

□ Student □ Parent/Guardian □ Employee □ Volunteer □ Visitor

□ Other _____ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: □ Your Child □ Another Student □ A District Employee

□ Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

□ Student(s) □ Employee(s)

□ Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

□Yes □ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?
I affirm that the information reported above is true to the best of my knowledge, information and belief.

_____ _____ Signature of Person Making the Report
Date

_____ _____
Received By Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, 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 as described in Policy 103 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is a:

□ Student □ Parent/Guardian □ Employee □ Volunteer □ Visitor

□ Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is: □ Reporter's Child □ Another Student □ Another Employee

□ Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

□ Student(s) □ Employee(s)

□ Other _____ (please explain relationship to the district)

III. Level of Report:

□ Informal □ Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

□ Title IX Sexual Harassment □ Discrimination □ Retaliation □ Bullying

□ Hazing □ Dating Violence □ Other _____

Nature of the Report (check all that apply):

□ Race □ Age
□ Color □ Creed
□ Religion □ Sex
□ Sexual Orientation □ Sexual Harassment (Title IX)
□ National Origin □ Ancestry
□ Marital Status □ Pregnancy
□ Handicap/Disability □ Bullying
□ Hazing □ Dating Violence

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).
How often did the conduct occur?

Is it being repeated? □ Yes □ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

□ No.

□ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

□ No.

□ Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

□ No

□ Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

□ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
□ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
□ Policy 247. Hazing
□ Policy 249. Bullying
□ Policy 252. Dating Violence
□ Other _____

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. 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 sexual 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.

Did the incident occur during a school program or activity involving a person in the United States?

□ Yes

□ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

□ 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.

□ 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.

□ Sexual assault, dating violence, domestic violence or stalking.

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:

• Length of relationship.

• Type of relationship.

• Frequency of interaction between the persons involved in the relationship.

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.

Sexual assault means a sexual offense under a 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.

Stalking 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:

1. Fear for their safety or the safety of others.

2. Suffer substantial emotional distress.

IX. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

□ No further action at this time. Reason:

□ Policy 247. Hazing
□ Policy 249. Bullying
□ Policy 252. Dating Violence
□ Other _____

□ Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2 Discrimination Complaint Procedures
□ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2 Discrimination Complaint Procedures

□ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
□ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.

2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.

5. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

□ Yes □ No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator/Compliance Officer Signature: _____

Date: _____

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Book Policy Manual
Section 200 Pupils
Title Bullying/Cyberbullying
Code249 Vol IV 2020
Status From PSBA

Purpose

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

Definitions

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent or pervasive and has the effect of doing any of the following:[1]

1. Substantially interfering with a student's education.
2. Creating a threatening environment.
3. Substantially disrupting the orderly operation of the school.

Bullying, as defined in this policy, includes cyberbullying.

School setting means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

Authority

The Board prohibits all forms of bullying by district students.[1]

The Board encourages students who believe they or others have been bullied to promptly report such incidents to the building principal or designee.

Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

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

Title IX Sexual Harassment **and Other** Discrimination

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer **and Title IX Coordinator**. If, in the course of a bullying investigation, potential issues of discrimination are identified, the **Title IX Coordinator** shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.[2][3]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with **applicable law, regulations,** this policy and the district's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to reports of bullying or participation in an investigation of allegations of bullying is prohibited and shall be subject to disciplinary action.

Delegation of Responsibility

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the Safe School Report:[1]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

Guidelines

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][4][5]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.[1]

Education

The district may develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[1][6][7][8]

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[1][4][9]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Referral for Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

PSBA Revision 7/20 © 2020 PSBA

Legal

1. 24 P.S. 1303.1-A

2. Pol. 103

3. Pol. 103.1

4. Pol. 218

5. 22 PA Code 12.3

6. 20 U.S.C. 7118

7. 24 P.S. 1302-A

8. Pol. 236

9. Pol. 233

Pol. 113.1

249-AR-0. BULLYING/CYBERBULLYING

Reporting of Incidents

Reports of bullying/cyberbullying may be made verbally or in writing and may be anonymous, except where made by district staff. Any staff member who receives a report of bullying/cyberbullying from any source will encourage the complainant/reporter to directly meet with and report the allegations to the building principal or designee. Staff members who receive a report of bullying/cyberbullying will not directly investigate the allegations but will take appropriate action to protect the safety of involved students. Staff members who observe bullying/cyberbullying or who receive a report of bullying/cyberbullying will promptly provide a summary of what was observed or reported in a confidential email to the building principal.

Reports of bullying/cyberbullying may come to the district from different sources. For purposes of these administrative regulations a "**reporter**" is someone, other than district staff, who makes a report alleging bullying/cyberbullying directed at one or more students and a "**complainant**" is the alleged victim or target of bullying/cyberbullying. There are various circumstances in which a complainant may be both a reporter and a complainant, for example, where more than one (1) person was subjected to bullying and only one (1) of them reports the matter.

The building principal or designee will encourage the complainant/reporter to promptly review and complete the **Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (Report Form)**. Oral and anonymous reports will be accepted, documented and investigated in accordance with Board policy and related administrative regulations. Where the complainant/reporter is not able, due to age or incapacitation, to complete **the Report F**orm, the building principal or designee will interview the complainant/reporter and complete **the** Report Form and sign it as having received this report. If the initial report comes to the district from a reporter, the complainant and, in most circumstances, the complainant's parents/guardians will be contacted promptly, informed of the report and, if they believe bullying/cyberbullying has occurred, they will be encouraged to promptly review and complete the Report Form.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being **of the complainant or other person(s)**, the building principal will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold **or delay** notification of the report from the complainant's parents/guardians.

Every report of bullying/cyberbullying will be subject to a sufficient investigation to address any misconduct, consistent with the protection and well-being of the complainant.

A complainant age fourteen (14) or older and the complainant's parents/guardians who are otherwise being notified of the report of alleged bullying/cyberbullying will be provided with the Notice to Complainant and/or Parents/Guardians of Complainant at the outset of the investigation.

Investigation of Incidents

If, at the time of the report or at any time during the investigation of the reported bullying/cyberbullying, there is reason to believe that the conduct may fall within the district's **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, **the Title IX Coordinator must be promptly notified. Upon notification, the Title IX Coordinator will immediately initiate steps to comply with Policy 103 and its procedures.**

After determining that this matter need not be handled under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students**, the building principal will make an initial determination whether the alleged violations can be investigated by **the building principal** or a building level designee or must be referred to or discussed with the Superintendent or other appropriate central administrator to determine who will perform the investigation.

If the police have been called or a police report is known to have been made or if proven allegations could lead to an expulsion, the building principal will discuss this matter with the Superintendent or appropriate central administrator, who will consult with legal counsel as appropriate.

Unless the investigation is turned over to the Superintendent, central administrator or legal counsel, the building principal or designee will conduct a timely, impartial, thorough and comprehensive investigation of the alleged bullying/cyberbullying. During the investigation, the investigator will use and complete the Investigative Fact Sheet.

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation will be maintained consistent with **applicable law, regulations and** the district's legal and investigative obligations necessary to enforce Board policy.

The investigation may include the following steps based on the specifics of the allegations:

1. Identifying and interviewing the complainant.

2. Identifying and interviewing the individual(s) accused of having participated in the alleged bullying/cyberbullying.

3. Identifying and interviewing any witnesses to the alleged bullying/cyberbullying.

4. Review of any physical evidence or documents related to the alleged bullying/cyberbullying.

5. Review of any other relevant evidence produced by those interviewed.

6. Any other reasonable investigation resulting from the information received during the course of the investigation or which the building principal deems necessary to reach a finding or address proven misconduct.

A report of bullying/cyberbullying must be investigated even if the report is anonymous and even if the complainant/reporter states that s/he does not want the district to do anything.

Investigative Report Findings

Investigated reports of bullying/cyberbullying will include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether the conduct violated Board policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint.

The complainant/reporter and the accused will 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 will not be notified of the individual remedies offered or provided to the complainant.

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 Board policy, the district will take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district will promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the effect the prohibited conduct had on the complainant and the school or school program environment. District staff will document the corrective action taken and, where not prohibited by law, inform the complainant/reporter. The investigator will 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 will be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

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

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249-AR-2. NOTICE TO COMPLAINANT AND/OR PARENTS/GUARDIANS OF COMPLAINANT

To: [Parents/Guardians if appropriate; Student if fourteen (14) or older]

From:

Subject: Report of Being Subjected to Bullying/Cyberbullying

Date:

The elimination of improper conduct, including bullying/cyberbullying, is a high priority for the district. It is the established policy of the Board to prohibit all forms of improper conduct, including bullying/cyberbullying. A copy of the district's policy and administrative regulations are attached, and we urge you to read them and become familiar with their provisions. This notice is provided to highlight specific information related to the investigative process for, and resolution of, incidents of bullying/cyberbullying.

1. If you believe that the allegations may involve acts of **Title IX sexual harassment or other** discrimination, please **promptly** notify me as this must be handled pursuant to a different policy and procedure. If, during the course of this investigation, it appears that the allegations may involve acts of **Title IX sexual harassment or other discrimination,** the matter will be transferred to **the Title IX Coordinator** to handle the complaint under **Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students** and **its** procedure**s.**

2. The district will investigate allegations of bullying/cyberbullying brought to its attention. The investigation will be conducted by _____. If you have any questions about the district's policy on bullying/cyberbullying or this investigation, you may contact the investigator at the following address and telephone number:

   Address: _____

   Telephone Contact: _____

3. During the investigation, you have the right to: (a) provide the district with information and documentation concerning the alleged bullying/cyberbullying; (b) advise the district of the identity and location of any possible witness; and (c) all other rights set forth in law or in Board policy.

4. The district is interested in knowing what actions you are seeking in response to the alleged bullying/cyberbullying. Although the district will determine the best way to address any misconduct, a collaborative dialogue may be a useful tool in addressing and eliminating bullying/cyberbullying.

5. The district will take reasonable steps to preserve confidentiality and will take appropriate action to prevent public disclosure of the names of the parties involved, except to the extent necessary to carry out the investigation. The district is interested in knowing your views about confidentiality issues and will try to accommodate them, subject to the district being able to fulfill its commitment to eliminate bullying/cyberbullying.

6. District employees, witnesses and students who are alleged to be perpetrators of bullying/cyberbullying may be entitled to due process and may be protected by certain confidentiality rights. Subject to these rights, the district will make an effort to keep you advised of the progress of its investigation and, as appropriate or necessary, of any decisions it reaches concerning the situation. If you have any questions concerning the progress of the investigation or the actions taken by the district to remediate any bullying/cyberbullying that may have occurred, please feel free to contact the investigator previously identified in this notice.

7. If you are dissatisfied with the progress of the investigation or the decision/resolution reached, you have the right to file a written request, no later than ten (10) days after you learn the investigation was completed, seeking a review by the Superintendent. The Superintendent will review the progress of the investigation, or the completed investigation, and the decision/resolution materials and communicate a response to you consistent with due process and other confidentiality rights of employees, witnesses and alleged perpetrators. This request may be filed by email to the Superintendent or by a letter addressed to the Superintendent outlining your reason for requesting a review. The contact information to use is:

   Email address:

   Postal address:

8. If it is concluded following the investigation that the allegations have merit and that action will be taken to remediate the situation, the district will follow up with you to avoid a recurrence of bullying/cyberbullying. If there is any repeat of such conduct, or if you believe the complainant or others involved in the investigation are being subjected to retaliation for their involvement, please notify the building principal immediately.

Thank you for your assistance and cooperation.

I hereby acknowledge receipt of this notice.

Date: _____ Signature: _____

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Book Policy Manual
Section: 200 Pupils
Title: Dating Violence
Code: 252 Vol IV 2020
Status: From PSBA

Purpose

The purpose of this policy is to maintain a safe, positive learning environment for all students that is free from dating violence. Dating violence is inconsistent with the educational goals of the district and is prohibited at all times.

Definitions

Dating Partner shall mean a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.[1]

Dating Violence shall mean behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.[1]

Authority

The Board encourages students who have been subjected to dating violence to promptly report such incidents.

The district shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.[2]

Title IX Sexual Harassment and Other Discrimination

Every report of alleged dating violence that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a dating violence investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged dating violence.[3][4]

Guidelines

Complaint Procedure

When a student believes that **they have** been subject to dating violence, the student is encouraged to promptly report the incident, orally or in writing, to the building principal or guidance counselor.

The building principal shall conduct a timely, impartial, and comprehensive investigation of the alleged dating violence.

The building principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation.[1]

If the investigation results in a substantiated finding of dating violence, the building principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Student Conduct.[1][2]

The district shall document the corrective action taken and, where not prohibited by law, inform the complainant.

This policy on dating violence shall be:[1]

1. Published in the Code of Student Conduct
2. Published in the Student Handbook.
3. Made available on the district's website, if available.
4. Provided to parents/guardians.

Dating Violence Training

The district may provide dating violence training to guidance counselors, nurses, and mental health staff at the high school as deemed necessary. At the discretion of the Superintendent, parents/guardians and other staff may also receive training on dating violence.[1]

Dating Violence Education

The district may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine through twelve. The district shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.[1][5]

A parent/guardian of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.[1][6]

At the request of the parent/guardian, the student may be excused from all or part of the dating violence education program.[1][7]

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Legal
1. 24 P.S. 1553
2. Pol. 218
3. Pol. 103
4. Pol. 103.1
5. 71 P.S. 611.13
6. Pol. 105.1
7. Pol. 105.2

22 PA Code 12.12
20 U.S.C. 1232g

REPORT FORM FOR COMPLAINTS OF DATING VIOLENCE

Complainant: _____

Home Address: _____

Home Phone:_____

School Building: _____

Date(s) of Alleged Incident(s):

Name of person you believe violated the district's policy prohibiting dating violence:

If the alleged dating violence was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary:

When and where incident occurred:

List any witnesses who were present:

This complaint is based on my honest belief that _____ committed dating violence against me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

_____

Complainant's Signature Date

_____

Received By Date

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Book:Policy Manual
Section: 300 Employees
Title Conduct/Disciplinary Procedures
Code317
StatusFrom PSBA

Authority

All administrative, professional and support employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of District schools requires the cooperation of all employees working together and complying with a system of Board policies, administrative regulations, rules and procedures, applied fairly and consistently.

The Board requires employees to maintain professional, moral and ethical relationships with students at all times.[1][2]

The Board directs that all District employees shall be informed of conduct that is required and is prohibited during work hours and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.[3][4]

When demotion or dismissal charges are filed against a certificated administrative or professional employee, a hearing shall be provided as required by applicable law. Non Certificated administrative and support employees may be entitled to a Local Agency Law hearing, at the employee's request.[5][6][7][8][9][10][11][12]

Delegation of Responsibility

All District employees shall comply with state and federal laws and regulations, Board policies, administrative regulations, rules and procedures. District employees shall endeavor to maintain order, perform assigned job functions and carry out directives issued by supervisors.[3]

When engaged in assigned duties, District employees shall not participate in activities that include but are not limited to the following:

1. **Physical or verbal abuse, or threat of harm, to anyone.**
2. **Nonprofessional relationships with students.[2]**
3. **Causing intentional damage to District property, facilities or equipment.**
4. **Forceful or unauthorized entry to or occupation of District facilities, buildings or grounds.**
5. **Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.[13]**
6. **Use of profane or abusive language.**
7. **Breach of confidential information.**
8. **Failure to comply with directives of District officials, security officers, or law enforcement officers.[6]**
9. **Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.**
10. **Violation of Board policies, administrative regulations, rules or procedures.[6]**
11. **Violation of federal, state, or applicable municipal laws or regulations.[6]**
12. **Conduct that may obstruct, disrupt, or interfere with teaching, research, service, operations, administrative or disciplinary functions of the District, or any activity sponsored or approved by the Board.**

The Superintendent or designee shall **develop** and **disseminate** disciplinary rules for violations of **Board** policies, **administrative regulations**, rules and procedures **that** provide progressive penalties, including **but not limited to** verbal warning, written warning, **reprimand,** suspension, demotion, dismissal, **and pursuit of civil and criminal sanctions**.[6][14]

Arrest or Conviction Reporting Requirements

Employees shall use the designated form to report to the Superintendent or designee, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law.[15][16]

Employees shall also report to the Superintendent or designee, in writing, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law.[17]

An employee shall be required to submit new criminal history background checks if the Superintendent or designee has a reasonable belief that the employee was arrested or has been convicted of an offense required to be reported by law, and the employee has not notified the Superintendent or designee.[15]

An employee shall be required immediately to submit a new child abuse history certification if the Superintendent or designee has a reasonable belief that the employee was named as a perpetrator in a founded or indicated report or has provided written notice of such occurrence.[17]

Failure to accurately report such occurrences may subject the employee to disciplinary action up to and including termination and criminal prosecution.[15][17]

Legal

1. 22 PA Code 235.10

2. Pol. 824

3. 24 P.S. 510

4. 24 P.S. 514

5. 24 P.S. 1121

6. 24 P.S. 1122

7. 24 P.S. 1126

8. 24 P.S. 1127

9. 24 P.S. 1128

10. 24 P.S. 1129

11. 24 P.S. 1130

12. 2 Pa. C.S.A. 551 et seq

13. Pol. 351

14. 24 P.S. 1151

15. 24 P.S. 111

16. 24 P.S. 2070.9a

17. 23 Pa. C.S.A. 6344.3

22 PA Code 235.1 et seq

24 P.S. 2070.1a et seq

23 Pa. C.S.A. 6301 et seq

Last Modified by Sara Preston on January 16, 2019

Book:Policy Manual
Section: 300 Employees
Title Conduct/Disciplinary Procedures
Code317
StatusFrom PSBA

Authority

All administrative, professional and support employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of District schools requires the cooperation of all employees working together and complying with a system of Board policies, administrative regulations, rules and procedures, applied fairly and consistently.

The Board requires employees to maintain professional, moral and ethical relationships with students at all times.[1][2]

The Board directs that all District employees shall be informed of conduct that is required and is prohibited during work hours and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.[3][4]

When demotion or dismissal charges are filed against a certificated administrative or professional employee, a hearing shall be provided as required by applicable law. Non Certificated administrative and support employees may be entitled to a Local Agency Law hearing, at the employee's request.[5][6][7][8][9][10][11][12]

Delegation of Responsibility

All District employees shall comply with state and federal laws and regulations, Board policies, administrative regulations, rules and procedures. District employees shall endeavor to maintain order, perform assigned job functions and carry out directives issued by supervisors.[3]

When engaged in assigned duties, District employees shall not participate in activities that include but are not limited to the following:

1. **Physical or verbal abuse, or threat of harm, to anyone.**
2. **Nonprofessional relationships with students.[2]**
3. **Causing intentional damage to District property, facilities or equipment.**
4. **Forceful or unauthorized entry to or occupation of District facilities, buildings or grounds.**
5. **Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.[13]**
6. **Use of profane or abusive language.**
7. **Breach of confidential information.**
8. **Failure to comply with directives of District officials, security officers, or law enforcement officers.[6]**
9. **Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.**
10. **Violation of Board policies, administrative regulations, rules or procedures.[6]**
11. **Violation of federal, state, or applicable municipal laws or regulations.[6]**
12. **Conduct that may obstruct, disrupt, or interfere with teaching, research, service, operations, administrative or disciplinary functions of the District, or any activity sponsored or approved by the Board.**

The Superintendent or designee shall **develop** and **disseminate** disciplinary rules for violations of **Board** policies, **administrative regulations**, rules and procedures **that** provide progressive penalties, including **but not limited to** verbal warning, written warning, **reprimand,** suspension, demotion, dismissal, **and pursuit of civil and criminal sanctions**.[6][14]

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Employees shall use the designated form to report to the Superintendent or designee, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law.[15][16]

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Failure to accurately report such occurrences may subject the employee to disciplinary action up to and including termination and criminal prosecution.[15][17]

Legal

1. 22 PA Code 235.10

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6. 24 P.S. 1122

7. 24 P.S. 1126

8. 24 P.S. 1127

9. 24 P.S. 1128

10. 24 P.S. 1129

11. 24 P.S. 1130

12. 2 Pa. C.S.A. 551 et seq

13. Pol. 351

14. 24 P.S. 1151

15. 24 P.S. 111

16. 24 P.S. 2070.9a

17. 23 Pa. C.S.A. 6344.3

22 PA Code 235.1 et seq

24 P.S. 2070.1a et seq

23 Pa. C.S.A. 6301 et seq

Last Modified by Sara Preston on January 16, 2019

Book: Policy Manual
Section:800 Operations
Title:Maintaining Professional Adult/Student Boundaries
Code:824 Vol IV 2020
Status:From PSBA

Authority

This policy applies to district employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. For purposes of this policy, such individuals are referred to collectively as **adults**. The term **adults** as used in this policy, does not include district students who perform services on a volunteer or compensated basis.

All adults shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment. This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.

The Board directs that all adults shall be informed of conduct that is prohibited and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.[1]

This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the district or to interfere with participation in civic, religious or other outside organizations that include district students.

Definition

For purposes of this policy, **legitimate educational reasons** include matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the adult's **assigned** job duties.

Delegation of Responsibility

The Superintendent or designee shall annually inform students, parents/guardians, and all adults regarding the contents of this Board policy through employee and student handbooks, posting on the district website, and by other appropriate methods.

The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.

Independent contractors doing business with the district shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.[2]

Guidelines

Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior.

Prohibited Conduct

Romantic or Sexual Relationships -

Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the district, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.[3][4]

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact
2. Romantic flirtation, propositions, or sexual remarks.
3. Sexual slurs, leering, epithets, sexual or derogatory comments.
4. Personal comments about a student's body.
5. Sexual jokes, notes, stories, drawings, gestures or pictures.
6. Spreading sexual or romantic rumors.
7. Touching a student's body or clothes in a sexual or intimate way.
8. Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures, or depictions.

Social Interactions -

In order to maintain professional boundaries, adults shall ensure that their interactions with students are appropriate.

Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.
2. Exchanging notes, emails or other communications of a personal nature with a student.
3. Giving personal gifts, cards or letters to a student without written approval from the building principal.
4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).
5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.
6. Taking a student out of class without a legitimate educational reason.
7. Being alone with a student behind closed doors without a legitimate educational reason.
8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
9. Sending or accompanying a student on personal errands.
10. Inviting a student to the adult's home.
11. Going to a student's home without a legitimate educational reason.

12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
15. Telling a student personal secrets or sharing personal secrets with a student.
16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.
17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.[5][6]

Electronic Communications -

For purposes of this policy, **electronic communication** shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.

Electronic communication with students shall be for legitimate educational reasons only.

When available, district-provided email or other district-provided communication devices **or platforms** shall be used when communicating electronically with students. The use of district-provided email or other district-provided communication devices **or platforms** shall be in accordance with district policies and procedures.[7]

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Adults shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by the district for this purpose, without the prior written approval of the building principal.

Exceptions

An emergency situation or a legitimate educational reason may justify deviation from **the rules regarding communication or methods for maintaining** professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy.

There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that many adults are involved in various other roles in the community through nondistrict-related civic, religious, athletic, scouting or other organizations and programs whose participants may include district students. Such community involvement is commendable, and this policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall **promptly** notify the **building** principal or **Title IX Coordinator**. **Reports may be made using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report verbally or in writing. Upon receipt of a report, school staff shall promptly notify the building principal.**[5]**[8]**

All district employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.[9][10]

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent, **Title IX Coordinator** and his/her immediate supervisor, **promptly, but not later than** fifteen (15) days **following** discovery of such misconduct.**[5][8]**[11][12]

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with applicable law, regulations and Board policy.[9][10][11][12][13][14][15][16][17][18]

It is a violation of **Board** policy to retaliate against any person for reporting any action pursuant to this policy or for participating as a witness in any related investigation or hearing.**[5][8]**

Investigation

The Title IX Coordinator shall promptly assess and address allegations of inappropriate conduct in accordance with the procedures for **reports** of **discrimination or Title IX sexual** harassment.[5][8]

It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the **person making the report** or any witnesses. If as the result of an investigation any individual, including the reported adult, the **person making the report**, or a witness is found to have **knowingly** provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this policy and other applicable laws, regulations and **Board** policies. **Obstruction**

includes, but is not limited to, violation of “no contact” orders given to the reported adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.**[5][8][12][19][20][21][22]**

Disciplinary Action

A district employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable district disciplinary policies and procedures.**[8][12]**[19]

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in district schools for an appropriate period of time or permanently, as determined by the Superintendent or designee.

Training

The district shall provide training with respect to the provisions of this policy to current and new district employees, volunteers and student teachers subject to this policy.

The district, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this policy and related procedures.

PSBA Revision 7/20 © 2020 PSBA

Legal
1. 24 P.S. 510
2. Pol. 818
3. 18 Pa. C.S.A. 3124.2
4. 24 P.S. 2070.9f
5. Pol. 103
6. Pol. 103.1
7. Pol. 815
8. Pol. 104
9. 23 Pa. C.S.A. 6311
10. Pol. 806
11. 24 P.S. 2070.9a
12. Pol. 317.1
13. 22 PA Code 10.2
14. 22 PA Code 10.21
15. 22 PA Code 10.22
16. 24 P.S. 1302.1-A
17. 24 P.S. 1303-A
18. Pol. 805.1
19. Pol. 317
20. Pol. 113.1
21. Pol. 218
22. Pol. 233

24 P.S. 2070.1a et seq
22 PA Code 235.1 et seq
23 Pa. C.S.A. 6301 et seq
Last Modified by Policy Staff on August 3, 2020

UPPER PERKIOMEN SCHOOL DISTRICT

GEORGIANN FISHER
DIRECTOR OF HUMAN RESOURCES

ALLYN ROCHE, Ed.D.
SUPERINTENDENT OF SCHOOLS

Letter of Agreement with Upper Perkiomen Education Association (UPEA)
Modified Schedule for Petra Marx-Abend, German Teacher

The Upper Perkiomen School District and Upper Perkiomen Education Association recognize the benefits of extending learning opportunities for language instruction offered at Upper Perkiomen High School to Upper Perkiomen Middle School.

To that end, Petra Marx-Abend shall adhere to the following schedule for the 2020-21 school year:

- 2 sections of German 1 @ HS
- 1 section of German 3 @ HS
- 1 section of German 4 @ HS
- 1 section of German 1 @ MS
- 2 sections of German 2 @ HS
    - One section of German 2 will be ONLINE, monitored by Bethany Smolinksy and placed on Bethany Smolinksy's schedule. Curriculum/content would be entered in Schoology by Petra Marx-Abend.
    - These students will have a minimum 2 directed studies with Petra Marx-Abend during a cycle for face-to-face instruction and remediation.

This will result in total 7 sections for which Petra Marx Abend is responsible for content. In exchange, Petra Marx-Abend will not be assigned any preparation time duties for the duration of this school year.

As noted, Petra Marx Abend will be assigned two sections of Intervention and Enrichment time that will meet only with students enrolled in the on-line class. Two sections of Intervention and Enrichment will be for other German students, one section will be for PLC meetings, and one will be for crocheting (or other topic to be selected at the discretion of Petra Marx-Abend).

The parties reserve the right to make changes to this MOU based on any pandemic-related concerns.

This memorandum is intended to constitute a binding interpretation of the UPEA Agreement in this case only, and does not set a precedent for scheduling in the future. All other terms and conditions of the current Collective Bargaining Agreement shall remain in effect for professional staff covered by the UPEA Agreement, subject to the modifications listed above.

Robert LaSalle, UPEA President Date

Dr. Allyn Roche, Superintendent of Schools Date

ATTACHMENT E

AIA® Document G701™ – 2017

Change Order

PROJECT: *(Name and address)*	CONTRACT INFORMATION:	CHANGE ORDER INFORMATION:
Security Entrance Renovations Marlborough Elementary & Upper Perkiomen High School	Contract For: Electrical Construction Date: July 13, 2020	Change Order Number: EC-001 Date: August 4, 2020
OWNER: *(Name and address)*	**ARCHITECT:** *(Name and address)*	**CONTRACTOR:** *(Name and address)*
Upper Perkiomen School District 2229 E. Buck Road Pennsburg PA 18073	Muhlenberg Greene Architects, Ltd. 955 Berkshire Boulevard, Suite 101 Wyomissing, PA 19610-1278	R.J. Electric, Inc. 60 Merkel Road Gilbertsville PA 19525

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Labor and expenses to add Best Wireless Access Reader and Programming to Upper Perkiomen High School Lobby to Auditorium Entry; as per General Supply Co. Quote 2006-050280. ADD THE SUM OF $2,374.40

The original Contract Sum was	$	32,500.00
The net change by previously authorized Change Orders	$	0.00
The Contract Sum prior to this Change Order was	$	32,500.00
The Contract Sum will be increased by this Change Order in the amount of	$	2,374.40
The new Contract Sum including this Change Order will be	$	34,874.40

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be September 25, 2020

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Muhlenberg Greene Architects, Ltd.	R.J. Electric, Inc.	Upper Perkiomen School District
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**	**SIGNATURE**
Scott O. Graham, AIA, LEED AP+, Project Architect	Robert Mitchell, Jr., President / Owner	Douglas Kenwood, Director of Facilities & Operations
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
DATE	08/06/2020 **DATE**	**DATE**

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User Notes:
(3B9ADA56)

Contract Hardware
General Supply Company
2651 Baglyos Circle
Bethlehem, PA 18020
610-882-2141
Fax: 610-882-2820

QUOTE

2006-050280 R2

SOLD TO	JOB ADDRESS
Cash Sales	R.J. ELECTRIC, INC ATTN SHANNON MITCHELL 60 MERKEL ROAD GILERTSVILLE PA 19525 484-415-5653

ACCOUNT	JOB
CASH	0
CREATED ON	06/22/2020
EXPIRES ON	09/20/2020
BRANCH	4000
CUSTOMER PO#	QUOTE
STATION	GS12
CASHIER	BOB
SALESPERSON	CSS
ORDER ENTRY	BOB
MODIFIED BY	BOB

Item	Description	D	Quantity	U/M	Price	Per	Amount
//	UPPER PERKIOMEN HIGH SCHOOL LOBBY TO AUDITORIUM ENTRY RENOVATION REF TO ADDING BEST WIRELESS ACCESS READER AND PROGRAMING						
MISC	PROXIMITY READER 5365EP00-1366		1	EACH	315.0000	EACH	315.00
MISC	BEST WAC-WQXWACCB WIRELESS ACCESS CONTROLLER IN ENCLOSURE W/POWER SUPPLY & ANTENNA		1	EACH	1030.0000	EACH	1030.00
MISC	LABOR TO INSTALL ABOVE WIQ READER AND WIRELESS ACCESS CONTOLLER ALONG WITH PROGRAMING SAME INTO EXISTING WIQ SYSTEM		1	EACH	895.0000	EACH	895.00
//	NOTE: ALL WIREING AND NETWORK CABLE TO BE PROVIDED BY OTHERS						
//	PRICE QUOTE IS BASED ON VERBAL INFORMATION GIVEN BY BIDDER AND NO SITE SURVEY WAS DONE DUE TO LAST MINITE REQUEST FOR PRICE QUOTE						

REMIT TO:
GENERAL SUPPLY CO.
P O BOX 4179
EASTON, PA 18043-4179

	Subtotal	2,240.00
PA 6.00%	Sales Tax	134.40
	Total	2,374.40

Buyer: SHANNON MITCHELL

Please Procede w/ this
And send Info
A CO. to Mfg.

Shannon Mitchell
Signature