

A.W. BEATTIE CAREER CENTER

SECTION: EMPLOYEES
 TITLE: NON-DISCRIMINATION/TITLE IX
 SEXUAL HARASSMENT
 AFFECTING EMPLOYEES
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104 NON-DISCRIMINATION/TITLE IX SEXUAL HARASSMENT

1. Purpose

The A.W. Beattie Career Center Joint Operating Committee (JOC) declares it to be the policy of the Career Center to provide all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, gender (including gender identity or expression), sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The Career Center shall make reasonable accommodations for identified physical or mental impairments that constitute disabilities, consistent with the requirements of federal, and state laws and regulations.

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The JOC also declares it to be the policy of the Career Center 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 Career Center may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

2. Authority

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

3. Guidelines

The JOC requires a notice stating that the Career Center does not discriminate in any manner, including Title IX sexual harassment, in any Career Center 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 Career Center. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual designated as the Title IX Coordinator/

Compliance Officer (hereinafter referred to as "Title IX Coordinator").

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The JOC 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 Executive Director. 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 Executive Director is the subject of the complaint, the complainant or the individual making the report shall direct the report of the incident to the Principal.

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 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 JOC policies.

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

<p>42 U.S.C. 2000e et seq.</p>	<p>Harassment is a form of discrimination based on the protected classification 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:</p> <ol style="list-style-type: none"> 1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or 2. Submission 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.
<p>34 CFR 106.45 34 CFR 106.30</p>	<p>Definitions Related to Title IX Sexual Harassment</p> <p>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 Career Center 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.</p>
<p>34CFR 106.30</p>	<p>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.</p>
<p>34 CFR 106.30</p>	<p>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:</p> <ol style="list-style-type: none"> 1. Counseling or Employee Assistance Program 2. Extensions of deadlines or other course-related adjustments.

	<ol style="list-style-type: none"> 3. Modifications of work or class schedules. 4. Campus escort services. 5. Restrictions on contact between parties. 6. Changes in work locations. 7. Leaves of absence. 8. Increased security. 9. Monitoring of certain areas of the school building or campus. 10. Assistance from domestic violence or rape crisis programs. 11. Assistance from community health resources including counseling resources.
<p>34 CFR 106.30</p>	<p>Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:</p> <ol style="list-style-type: none"> 1. A Career Center employee conditioning the provision of an aid, benefit, or Career Center service on an individual's participation in unwelcome sexual conduct, commonly referred to as <i>quid pro quo sexual harassment</i>. 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 Career Center education program or activity. 3. Sexual assault, dating violence, domestic violence or stalking.
<p>34 U.S.C. 12291</p>	<ol style="list-style-type: none"> a. <i>Dating violence</i> 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: <ol style="list-style-type: none"> i. Length of relationship ii. Type of relationship iii. Frequency of interaction between the persons involved in the relationship.
<p>34 U.S.C. 12291</p>	<ol style="list-style-type: none"> b. <i>Domestic violence</i> 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

	<p>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 jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.</p>
<p>20 U.S.C. 1092</p>	<p>c. <i>Sexual assault</i> 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.</p>
<p>34 U.S.C. 12291</p>	<p>d. <i>Stalking</i>, under Title IX means stalking on the basis of sex, for example when the stalker desires to date the victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:</p> <ul style="list-style-type: none"> i. Fear for their safety or the safety of others. ii. Suffer substantial emotional distress.
<p>34 CFR 106.30, 106.44, 106.45</p>	<p>Such conduct must have taken place during a Career Center 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 Career Center exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of the Career Center's education programs or activities, whether such programs or activities occur on-campus or off-campus.</p> <p>Disciplinary Procedures when Reports Allege Title IX Sexual Harassment</p> <p>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 Career Center 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.</p> <p><i>Administrative Leave -</i></p> <p>When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health and safety of any student or other individual, the employee may be removed on an emergency basis.</p> <p>An accused, nonstudent Career Center employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent</p>

with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, JOC policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

20 U.S.C. 1232 g
34 CFR 106.44,
106.45, 106.71
Part 99

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 Career Center's legal and investigative obligations.

Retaliation

34 CFR 106.71

The JOC prohibits retaliation by the Career Center or any other individual against any person for:

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 Career Center, 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.

Delegation of Responsibility

34 CFR 106.8

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the JOC designates the Executive Director as the Career Center's Title IX Coordinator/Compliance Officer in relation to staff and contractor matters. The Title IX Coordinator/Compliance Officer can be contacted at:

Name: Eric Heasley
Address: 9600 Babcock Blvd, Allison Park, PA 15101
Phone Number: 412-847-1900
Email: eric.heasley@beattietech.com

The Title IX Coordinator/Compliance Officer 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 Career Center'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, and 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.

Title IX Sexual Harassment Training Requirements

The Title IX Coordinator/Compliance Officer, 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 Career Center'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 prejudgement 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 JOC 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 Career Center's website.

Disciplinary Consequences

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

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, gender (including gender identity or expression), 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.

Pol. 317, 317.1
806, 824

Legal References:

1. Pennsylvania Equal Pay Law - 43 P.S. 336.3
 2. Pennsylvania Human Relations Act - 43 P.S. 951 et seq.
 3. Nondiscrimination on the Basis of Sex in Education Programs or Activities Act
34 CFR Part 106
 4. Discrimination based on sex - 20 U.S.C. 1681 et seq (Title IX)
 5. Equal Pay Act - 29 U.S.C. 206
 6. Age Discrimination in Employment Act - 29 U.S.C. 621 et seq.
 7. Section 504 of the Rehabilitation Act - 29 U.S.C 794
 8. Equal Rights Under the Law - 42 U.S.C. 1981 et seq.
 9. Title VII - 42 U.S.C. 2000e et seq.
 10. Genetic Information Non Discrimination Act - 42 U.S.C. 2000ff et seq
 11. American with Disabilities Act - 42 U.S.C. 12101 et seq.
 12. U.S. Const. Amend. XIV, Equal Protection Clause
 13. Family Educational and Privacy Rights - 20 U.S.C. 1232G
- Code of Federal Regulations
14. 34 CFR 106.44
 15. 34 CFR 106.45
 16. 34 CFR 106.71
 17. 34 CFR Part 99
 18. 34 CFR 106.71
19. Definitions/Grant Provisions - 34 U.S.C. 12291
 20. Institutional and Financial Assistance Information for Students - 20 U.S.C. 1092
 21. 34 CFR 106.8
- Discrimination on the Basis of Handicap or Disability - 16 PA Code 44.1 et seq
- PA Code - Harassment - 18 Pa. C.S.A. 2709
- Federal Anti-Discrimination Regulations, Title 28, Code of Federal Regulations -
28 CFR Sec. 35.140, Part 41

Federal Equal Employment Opportunity Commission Regulations, Title 29, Cod of Federal Regulations - 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)

Board Policy- 317, 320, 806, 815, 824