

Saucon Valley School District
Academic and Personnel Committee
October 20, 2020 – 5 pm
ZOOM Meeting

Welcome to the meeting of the Academic and Personnel Committee. Our objective is to serve the students, parents, and residents of our community. You are an important part of this meeting and we look forward to your questions and comments.

We are all here for the same reason. All opinions are welcomed and equally valuable. Our only request is that we address each other with civility and respect. Our courtesy toward each other is the best way to show our students how much we respect them as well.

**Committee Members - Susan Baxter, Cedric Dettmar, Tracy Magnotta,
Shamim Pakzad**

Committee Agenda

- I. **Call to the Order** – *Tracy Magnotta, Committee Chair*

- II. **Pledge of Allegiance**

- III. **Recording of Attendance** – *Tracy Magnotta, Committee Chair*

- IV. **Motion to Approve Agenda**

- V. **Approval of Minutes** – October 7, 2020

- VI. **Courtesy of the Floor to Visitors – Agenda Items Only** – *Visitors should state their name and address*

- VII. **Discussion**
 1. Policy 103 - Nondiscrimination/Discriminatory Harassment - School and Classroom
 2. Policy 104 - Nondiscrimination/Discriminatory Harassment - Employment Practices
 3. Policy 217 - Graduation Requirements
 4. Policy 247 - Hazing
 5. Policy 249 - Bullying/Cyberbullying
 6. Policy 317 - Conduct/Disciplinary Procedures
 7. Policy 417 - Conduct/Disciplinary Procedures
 8. Policy 517 - Conduct/Disciplinary Procedures

VIII. New Business

IX. Old Business

X. Citizens' Inquiries and Comments – *Visitors should state their name and address.*

XI. Announcements

Future Meetings ~

Wednesday, November 4, 2020

Tuesday, November 17, 2020

Wednesday, December 2, 2020

Tuesday, December 15, 2020

XII. Motion to Adjourn Meeting

The Saucon Valley School District does not discriminate on the basis of race, color, national origin, age, sex, or handicap.

**Saucon Valley School District
Academic and Personnel Committee
Minutes of October 7, 2020 Zoom Meeting**

Present were Academic and Personnel Committee Board Members: Tracy Magnotta, Cedric Dettmar, and Susan Baxter. Also present were: Administrators Craig Butler, Jaime Vlasaty, Lynn Cheddar, Jim Deegan, and Tamara Gary and School Directors Ed Andres, Shawn Welch, Michael Karabin, and Sandra Miller.

Call to Order 5:05 pm

Mr. Dettmar, second by Mrs. Baxter, made a motion to approve the agenda.

Mr. Dettmar, second by Mrs. Baxter, made a motion to approve the minutes of August 18, 2020.

Agenda:

1. Policy 103.2 – Title IX/Nondiscrimination – Based on Sex - Ms. Cheddar and Dr. Butler summarized the changes and modifications to the Title IX Non-Discrimination draft policy. Such changes included the definition of advisor, the labeling of decision maker, the identification of standard of proof (clear and convincing), the elimination of specific names and duties, the inclusion of supportive measures, and some wording and typographical adjustments. After considering comments from committee members with recommended modifications, the policy was approved by a unanimous vote to be moved to the October 13, 2020 Board meeting. Likewise, the administrative regulations for 103.2 were modified slightly and also moved to the October 13, 2020 Board meeting.
2. School Wide Plan 2020-21 - Ms. Cheddar presented the 2020- 2021 Consolidated Plan to the committee. She highlighted the goals, objectives, and projected outcomes. Committee members posed questions and sought clarification on several aspects of the Plan, ultimately voting to unanimously move the item to the October 13th Board meeting.

Citizens' Inquiries and Comments –Two members of the school community shared comments about the Read Aloud book "Stamped: Racism, Antiracism, and You". Comments were shared as to the validity and value of the Read Aloud activity. Committee members shared comments about their concerns with the ideologies espouse in the book. Dr. Butler and Mrs. Vlasaty will review the merits of the book and its connection to the English Language Arts curriculum/standards. Following the review a decision will be made relative to the continuance of the activity.

Mr. Dettmar, and second by Ms. Magnotta moved to adjourned the meeting at 7:42 p.m.

Saucon Valley School District

Policy

Title – 103 Nondiscrimination/Discriminatory Harassment – School and Classroom Practices

Section – Programs

Adopted – October 24, 2005

Revised – April 14, 2020

Content

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

[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 discriminatory harassment is referred to as Title IX sexual harassment. All allegations of sexual harassment and discrimination on the basis of sex shall be first evaluated under Policy 103.2, Title IX/Nondiscrimination Based on Sex. If the sexual harassment or discrimination on the basis of sex alleged does not fit the definition of Title IX sexual harassment or Title IX discrimination, the allegations may still be investigated under this policy. If the allegations include Title IX discrimination or Title IX sexual harassment and discrimination or harassment on the basis of another protected status, a joint, concurrent investigation under this policy and Policy 103.2 will be conducted.](#)

The district strives to maintain a safe, positive learning environment that is free from discrimination. Discrimination is inconsistent with the educational and programmatic goals of the district and is prohibited on school grounds, at school-sponsored activities, and on any district owned or operated conveyance providing transportation to or from a school entity or a school-sponsored activity.

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, service, employment, athletics and extracurricular activities. The

equitable distribution of district resources is one means the district shall use to ensure all students received a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and third parties who believe that they or others have been subject to discrimination to report promptly such incidents to designated employees, even if some elements of the related incident took place away from school grounds, school activities, or district owned or operated conveyances.

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

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint, and the investigation shall be maintained, consistent with the district's legal and investigative obligations. Complaints and all investigative materials shall not be subject to access by the public.

Retaliation

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or for opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

Definitions

Discriminatory harassment – harassment by students, employees, or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, pregnancy, handicap/disability, or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.

For the purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets or name-calling, ridicule or mockery, insults, put-downs, offensive objects or pictures, physical assaults, threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, pregnancy, or handicap/disability, when such conduct is:

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

Sexual Harassment

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

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

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

Federal law declares sexual violence to be a form of [sexual harassment. Discrimination on the basis of sex and sexual harassment that violate Title IX are addressed in a separate Board Policy 103.2. This policy addresses sex discrimination and sexual harassment that does not fall under the purview of Title IX.](#)

~~sexual harassment.~~

In order to maintain a program of nondiscrimination practices that complies with applicable laws and regulations, the Board designates the Assistant Superintendent, or another as approved by the Board, as the district's Compliance Officer. All nondiscrimination notices or information shall include the position, office address, telephone number, and email address of the Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public to provide notice of how to report complaints under this policy.

The Compliance Officer is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new procedures, and to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to prevent, identify, and alleviate problems of discrimination.
3. 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.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related

matters.

5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
6. Resources – Maintain and provide information to staff on resources available to alleged victims in addition to the school compliant procedure, such as making reports to the police, assistance available from domestic violence or rape crisis programs, and community health resources, including counseling resources.
7. ~~Compliants~~ Complaints – Monitor and provide technical assistance to building principals or designees in processing complaints.

The building principal or designee shall be responsible for promptly completing the following duties upon receipt of a complaint of discrimination or retaliation under this policy:

1. Immediately notify the Title IX Coordinator identified in Policy 103.2 of any complaint that involves a claim of sex discrimination or sexual harassment for determination of whether an investigation under Title IX should be commenced.
2. ~~4.~~ Immediately notify the Compliance Officer of the complaint. ~~The~~ In cases where the Title IX Coordinator has not already notified the Compliance Officer that the investigation shall be handled solely under Policy 103.2, the Compliance Officer shall assess whether the investigation under this policy should be conducted by the building principal, another district employee, the Compliance Officer, or an attorney and shall promptly assign the investigation to that individual.
3. ~~2.~~ Inform the ~~complainant~~ complainant about this policy, including the right to an investigation of both oral and written complaints of discrimination.
4. ~~3.~~ Seek to obtain from parents/guardians consent to initiate an investigation when the complainant or alleged victim is under the age of eighteen (18). When a parent/guardian will not consent to the complainant and/or alleged victim's participation in an investigation, the Compliance Officer shall provide the parent/guardian with a letter containing information related to the district's legal obligations to conduct an investigation and address violations of this policy and any other information appropriate to the specific complaint.
5. ~~4.~~ Inform the complainant and/or the alleged victim and/or the accused (when the accused is a student) that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
6. ~~5.~~ Notify the complainant and the accused of the progress at appropriate stages of the procedure.

7. ~~6.~~ Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
8. ~~7.~~ Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, assistance from domestic violence or rape crisis programs, and community health resources, including counseling.
9. ~~8.~~ After consideration of the allegations in the complaint and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant, the alleged victim, and others as necessary from violation of this policy during the course of the investigation.

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to report immediately the incident to the building principal. Any person with knowledge of conduct that may violate this policy is encouraged to report immediately the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal and make any mandatory police or child protective services reports required by law.

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

The complainant or reporting employee is encouraged to use the report form available from the building principal or Compliance Officer, and/or to put the complaint in writing; however, ~~but~~ oral complaints shall be accepted, documented, investigated, and handled no differently than a written complaint under this policy. The Compliance Officer, building principal, or other district employee who receives and/or is assigned to investigate the complaint shall inform the complainant of this policy and the investigative process, the right to confidentiality, and the potential right to file criminal charges. Both the person accepting the complaint and the person investigating the complaint shall handle the receipt of the complaint objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The Compliance Office shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination, this policy, and how to conduct investigations, including the need to keep the investigation confidential.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, potential witnesses, and records to review.

The investigator shall conduct an adequate, reliable, and impartial investigation. The complainant, alleged victim, and the accused may suggest additional witnesses and provide evidence during the course of the investigation. When the complaint involves allegations relating to conduct that took place away from school property, school-sponsored activities, or school conveyances, the investigation may include an inquiry into whether the conduct alleged resulted in harassment in school settings and/or whether another district policy may have been violated.

The investigation may consist of individual interviews with the complainant, the alleged victim, the accused, and others with knowledge related to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. 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 an investigation shall not be nullified 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 short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report within twenty (20) [school](#) days of the initial report of alleged discrimination, unless additional time to complete the investigation is required due to the nature of the allegations, the anticipated extent of the investigation, or the availability of witnesses. All parties shall be notified of the anticipated date the investigative report will be complete and of any modifications of the due date.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for the determination, a determination of whether the conduct alleged violated this policy, or any other laws or district policies and a recommended disposition of the complaint. The investigator shall consider the record as a whole in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation of this policy even when the separate incidents are not severe.

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

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint

are substantiated and constitutes a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and does not recur 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 school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of the investigation through disciplinary actions or the initiation of further investigations.

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

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) school days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent
2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The individual 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 accused, and the investigator who conducted the initial investigation.

References

20 U.S.C. 1681 et seq.

22 PA Code 12.1

22 PA Code 12.4

22 PA Code 15.1 et seq.

22 PA Code 4.4

24 P.S. 1301

24 P.S. 1310
24 P.S. 1601-C et seq.
24 P.S. 5004
29 U.S.C. 794
42 U.S.C. 12101 et seq.
42 U.S.C. 1981 et seq.
42 U.S.C. 2000d et seq.
43 P.S. 951 et seq.
Pol. 216, 218, 234, 247, 249, 815, 806
U.S. Const. Amend. XIV, Equal Protection Clause
29 CFR 1604.11
29 CFR 1606.8
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)
Office for Civil Rights - Resources for Addressing Racial Harassment
Office for Civil Rights - Revised Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties Title IX (January 2001)
18 Pa. C.S.A. 2709
20 U.S.C. 1232g
34 CFR Part 99
28 CFR Part 35
28 CFR Part 41
34 CFR Part 100
34 CFR Part 104
34 CFR Part 106
34 CFR Part 110

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/HARASSMENT
AGAINST STUDENTS

Complainant: _____

Home Address: _____

Home Phone: _____

School Building: _____

Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

Race	Color	National Origin
Sex	Age	Sexual Orientation
Handicap/Disability	Religion	Pregnancy
Familial Status		

Name of person you believe violated the district's nondiscrimination and harassment policy: _____

If the alleged discrimination or harassment was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including what physical contact, if any, was used; verbal statements (i.e. threats, requests, demands, etc.) were made; and any incidents were recorded (notes, emails, texts, messages, social media post, etc.) 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 _____ has discriminated against or harassed 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

Saucon Valley School District

Policy

Title – 104 Nondiscrimination/Discriminatory Harassment – Employment Practices

Section – Programs

Adopted – October 24, 2005

Revised – April 14, 2020

Content

The Board declares the policy of this district is to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, familial status, sexual orientation, ancestry, national origin, 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.

[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 discriminatory harassment is referred to as Title IX sexual harassment. All allegations of sexual harassment and discrimination on the basis of sex shall be first evaluated under Policy 103.2, Title IX/Nondiscrimination Based on Sex. If the sexual harassment or discrimination on the basis of sex alleged does not fit the definition of Title IX sexual harassment or Title IX discrimination, the allegations may still be investigated under this policy. If the allegations include Title IX discrimination or Title IX sexual harassment and discrimination or harassment on the basis of another protected status, a joint, concurrent investigation under this policy and Policy 103.2 will be conducted.](#)

The Board encourages employees and third parties who believe that they or others have been subject to discrimination prohibited by this policy to report promptly such incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and appropriate corrective action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct that may not violate this policy but merits review and possible

action under other Board policies.

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint, and the investigation shall be maintained, consistent with the district's legal and investigative obligations.

Retaliation

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

Definitions

Discriminatory Harassment – harassment by students, employees or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, genetic information, pregnancy or handicap/disability is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.

For purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets or name-calling, ridicule or mockery, insults, put-downs, offensive objects or pictures, physical assaults, threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's work performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, genetic information, pregnancy or handicap/disability when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening, or abusive work 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 an employer.

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

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.

[Discrimination on the basis of sex and sexual harassment that violate Title IX are addressed in a separate Board Policy 103.2. This policy addresses sex discrimination and sexual harassment that does not fall under the purview of Title IX.](#)

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that complies with applicable laws and regulations, the Board designates the Superintendent (for professional employees) and Business Manager (for non-professional employees) as the district's Compliance Officers.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new or modified procedures, and to monitor the implementation of nondiscrimination procedures in the following areas:

1. Development and modification of position qualifications, job descriptions and essential job functions.
2. Recruitment materials and practices.
3. Procedures for screening, interviewing, and hiring.
4. Promotions and demotions.
5. District-designed performance evaluations.
6. Non-renewal of contracts.
7. Proposed disciplinary actions, up to and including terminations.

The Compliance Officer is responsible for the following additional procedures:

1. Training supervisors and staff to prevent, identify, and alleviate problems of employment discrimination.
2. Maintaining and providing information to staff on resources available to alleged victims in addition to the district complaint procedure, e.g., making reports to the police, obtaining assistance from domestic violence or rape crisis programs, and community health resources, including counseling.
3. Monitoring and providing technical assistance to building principals or designees in processing complaints.

The building principal or designee shall be responsible to complete promptly the following duties upon receipt of a complaint of discrimination or retaliation against employees or third parties:

1. [Immediately notify the Title IX Coordinator identified in Policy 103.2 of any complaint that involves a claim of sex discrimination or sexual harassment for determination of whether an investigation under Title IX should be commenced.](#)
2. ~~1.Immediately notify the~~ [In cases where the Title IX Coordinator has not already notified the](#) Compliance Officer ~~of the complaint. The~~ [that the investigation shall be handled solely under Policy 103.2, the](#) Compliance Officer shall assess whether the investigation should be conducted by the building principal, another employee, the Compliance Officer, or an attorney and shall promptly assign the investigation to that individual.
3. ~~2.~~ Inform the employee or third party about this policy including the right to an investigation of both oral and written complaints of discrimination.
4. ~~3.~~ Provide relevant information on resources available in addition to the school complaint procedure such as making reports to the police, available assistance from domestic violence and rape crisis programs, and community health resources including counseling resources.
5. ~~4.~~ Notify the complainant and the accused of the progress at appropriate stages of the procedure.
6. ~~5.~~ After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to report immediately the incident to the building principal or supervisor.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the building principal, supervisor, or Compliance Officer but oral complaints shall be accepted, documented, investigated, and handled no differently than a written complaint under this policy.

The Compliance Officer, building principal, or other district employee who receives and/or is assigned to investigate the complaint shall inform the complainant of this policy and the investigative process, the right to confidentiality, and the potential right to file criminal charges. Both the person accepting the complaint and the person investigating the complaint shall handle the receipt of the complaint objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Compliance Office shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination, this policy, and the proper procedures to conduct investigations, including the need to keep the investigation confidential.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, potential witnesses, and records to review.

The investigator shall conduct an adequate, reliable, and impartial investigation. The complainant, alleged victim, and the accused may suggest additional witnesses and provide evidence during the course of the investigation. When the complaint involves allegations relating to conduct that took place away from school property, school-sponsored activities, or school conveyances, the investigation may include an inquiry into whether the conduct alleged resulted in harassment in school settings and/or whether another district policy may have been violated.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The

complainant, witnesses, parties, and parents/guardians shall be informed that retaliation for anyone's participation in an investigation is strictly prohibited and that conduct believed to be retaliatory should be reported. All individuals providing statements 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 an investigation shall not be nullified 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 short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) [school](#) days of the report of alleged discrimination, unless additional time to complete the investigation is required due to the nature of the allegations, the extent of the anticipated investigation, or the availability of witnesses. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this discrimination, a determination of whether the conduct violated this policy or any other district policy, and a recommended disposition of the complaint.

An investigation into a complaint of conduct that violates this policy shall record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or

unfounded, within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – District Action

If the investigation results in a finding that some of all of the allegations in the complaint are substantiated and constitutes a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs.

The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the work environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different law or Board policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of the investigation or through disciplinary actions or the initiation of further investigations.

Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to this policy or with the recommended corrective action s/he may submit a written appeal to the Compliance Officer within fifteen (15) ~~calendar~~ school days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.
2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and property of the prior investigation.
3. The individual 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 accused, and the investigator who conducted the initial investigation.

References

20 U.S.C. 1681 et seq
29 U.S.C. 206
29 U.S.C. 621 et seq
29 U.S.C. 794
42 U.S.C. 12101 et seq
42 U.S.C. 1981 et seq
42 U.S.C. 2000e et seq
42 U.S.C. 2000ff et seq
43 P.S. 336.3
43 P.S. 951 et seq
U.S. Const. Amend. XIV, Equal Protection Clause
29 CFR 1604.11
29 CFR 1606.8
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
18 Pa. C.S.A. 2709
PA Code 44.1 et seq
28 CFR 35.140
28 CFR Part 41
29 CFR Parts 1600-1691
Pol. 317, 806, 815, 824

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/ HARASSMENT
AGAINST DISTRICT EMPLOYEES AND THIRD PARTIES

Complainant: _____

Home Address: _____

Home Phone: _____

School Building: _____

Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|---------------------|----------|--------------------|
| Race | Color | National Origin |
| Sex | Age | Sexual Orientation |
| Handicap/Disability | Religion | Pregnancy |
| Familial Status | | |

Name of person you believe violated the district's nondiscrimination and harassment policy: _____

If the alleged discrimination or harassment was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including what physical contact, if any, was used; verbal statements (i.e. threats, requests, demands, etc.) were made; and any incidents were recorded (notes, emails, texts, messages, social media post, etc.) 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 _____ has discriminated against or harassed 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

Saucon Valley School District

Policy

Title – 103 Nondiscrimination/Discriminatory Harassment – School and Classroom Practices

Section – Programs

Adopted – October 24, 2005

Revised – April 14, 2020

Content

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

The district strives to maintain a safe, positive learning environment that is free from discrimination. Discrimination is inconsistent with the educational and programmatic goals of the district and is prohibited on school grounds, at school-sponsored activities, and on any district owned or operated conveyance providing transportation to or from a school entity or a school-sponsored activity.

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

The Board encourages students and third parties who believe that they or others have been subject to discrimination to report promptly such incidents to designated employees, even if some elements of the related incident took place away from school grounds, school activities, or district owned or operated conveyances.

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

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint, and the investigation shall be maintained, consistent with the district's legal and investigative obligations. Complaints and all investigative materials shall not be subject to access by the public.

Retaliation

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or for opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

Definitions

Discriminatory harassment – harassment by students, employees, or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, pregnancy, handicap/disability, or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.

For the purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets or name-calling, ridicule or mockery, insults, put-downs, offensive objects or pictures, physical assaults, threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, pregnancy, or handicap/disability, when such conduct is:

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

Sexual Harassment

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

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

Sexual violence means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion. Federal law declares sexual violence to be a form of sexual harassment.

In order to maintain a program of nondiscrimination practices that complies with applicable laws and regulations, the Board designates the Assistant Superintendent, or another as approved by the Board, as the district's Compliance Officer. All nondiscrimination notices or information shall include the position, office address, telephone number, and email address of the Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public to provide notice of how to report complaints under this policy.

The Compliance Officer is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new procedures, and to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to prevent, identify, and alleviate problems of discrimination.
3. 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.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
6. Resources – Maintain and provide information to staff on resources available to alleged victims in addition to the school compliant procedure, such as making reports to the police, assistance available from domestic violence or rape crisis programs, and community health resources, including counseling resources.
7. Complainants – Monitor and provide technical assistance to building principals or designees in processing complaints.

The building principal or designee shall be responsible for promptly completing the following duties upon receipt of a complaint of discrimination or retaliation under this policy:

1. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer, or an attorney and shall promptly assign the investigation to that individual.
2. Inform the complainant about this policy, including the right to an investigation of both oral and written complaints of discrimination.
3. Seek to obtain from parents/guardians consent to initiate an investigation when the complainant or alleged victim is under the age of eighteen (18). When a parent/guardian will not consent to the complainant and/or alleged victim's participation in an investigation, the Compliance Officer shall provide the parent/guardian with a letter containing information related to the district's legal obligations to conduct an investigation and address violations of this policy and any other information appropriate to the specific complaint.
4. Inform the complainant and/or the alleged victim and/or the accused (when the accused is a student) that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
5. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
6. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
7. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, assistance from domestic violence or rape crisis programs, and community health resources, including counseling.
8. After consideration of the allegations in the complaint and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant, the alleged victim, and others as necessary from violation of this policy during the course of the investigation.

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to report immediately the incident to the building principal. Any person with knowledge of conduct that may violate this policy is encouraged to report immediately the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal and make any mandatory police or child protective services reports required by law.

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

The complainant or reporting employee is encouraged to use the report form available from the building principal or Compliance Officer, and/or to put the complaint in writing; however, ~~but~~ oral complaints shall be accepted, documented, investigated, and handled no differently than a written complaint under this policy. The Compliance Officer, building principal, or other district employee who receives and/or is assigned to investigate the complaint shall inform the complainant of this policy and the investigative process, the right to confidentiality, and the potential right to file criminal charges. Both the person accepting the complaint and the person investigating the complaint shall handle the receipt of the complaint objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The Compliance Office shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination, this policy, and how to conduct investigations, including the need to keep the investigation confidential.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, potential witnesses, and records to review.

The investigator shall conduct an adequate, reliable, and impartial investigation. The complainant, alleged victim, and the accused may suggest additional witnesses and provide evidence during the course of the investigation. When the complaint involves allegations relating to conduct that took place away from school property, school-sponsored activities, or school conveyances, the investigation may include an inquiry into whether the conduct alleged resulted in harassment in school settings and/or whether another district policy may have been violated.

The investigation may consist of individual interviews with the complainant, the alleged victim, the accused, and others with knowledge related to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. 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 an investigation shall not be nullified 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 short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report within twenty (20) days of the initial report of alleged discrimination, unless additional time to complete the investigation is required due to the nature of the allegations, the anticipated extent of the investigation, or the availability of witnesses. All parties shall be notified of the anticipated date the investigative report will be complete and of any modifications of the due date.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for the determination, a determination of whether the conduct alleged violated

this policy, or any other laws or district policies and a recommended disposition of the complaint. The investigator shall consider the record as a whole in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation of this policy even when the separate incidents are not severe.

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

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint are substantiated and constitutes a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and does not recur 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 school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of the investigation through disciplinary actions or the initiation of further investigations.

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

Appeal Procedure

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

2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The individual handling the appeal shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused, and the investigator who conducted the initial investigation.

References

20 U.S.C. 1681 et seq.

22 PA Code 12.1

22 PA Code 12.4

22 PA Code 15.1 et seq.

22 PA Code 4.4

24 P.S. 1301

24 P.S. 1310

24 P.S. 1601-C et seq.

24 P.S. 5004

29 U.S.C. 794

42 U.S.C. 12101 et seq.

42 U.S.C. 1981 et seq.

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

43 P.S. 951 et seq.

Pol. 216, 218, 234, 247, 249, 815, 806

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

29 CFR 1604.11

29 CFR 1606.8

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)

Office for Civil Rights - Resources for Addressing Racial Harassment

Office for Civil Rights - Revised Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties Title IX (January 2001)

18 Pa. C.S.A. 2709

20 U.S.C. 1232g

34 CFR Part 99

28 CFR Part 35

28 CFR Part 41

34 CFR Part 100

34 CFR Part 104

34 CFR Part 106

34 CFR Part 110

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/HARASSMENT
AGAINST STUDENTS

Complainant: _____

Home Address: _____

Home Phone: _____

School Building: _____

Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

Race	Color	National Origin
Sex	Age	Sexual Orientation
Handicap/Disability	Religion	Pregnancy
Familial Status		

Name of person you believe violated the district's nondiscrimination and harassment policy: _____

If the alleged discrimination or harassment was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including what physical contact, if any, was used; verbal statements (i.e. threats, requests, demands, etc.) were made; and any incidents were recorded (notes, emails, texts, messages, social media post, etc.) 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 _____ has discriminated against or harassed 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

Saucon Valley School District

Policy

Title – 104 Nondiscrimination/Discriminatory Harassment – Employment Practices

Section – Programs

Adopted – October 24, 2005

Revised – April 14, 2020

Content

The Board declares the policy of this district is to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, familial status, sexual orientation, ancestry, national origin, 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.

The Board encourages employees and third parties who believe that they or others have been subject to discrimination prohibited by this policy to report promptly such incidents to designated employees.

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

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint, and the investigation shall be maintained, consistent with the district's legal and investigative obligations.

Retaliation

The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

Definitions

Discriminatory Harassment – harassment by students, employees or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, genetic information, pregnancy or handicap/disability is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.

For purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets or name-calling, ridicule or mockery, insults, put-downs, offensive objects or pictures, physical assaults, threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's work performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, familial status, genetic information, pregnancy or handicap/disability when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening, or abusive work 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 an employer.

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

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.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that complies with applicable laws and regulations, the Board designates the Superintendent (for professional employees) and Business Manager (for non-professional employees) as the district's Compliance Officers.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new or modified procedures, and to monitor the implementation of nondiscrimination procedures in the following areas:

1. Development and modification of position qualifications, job descriptions and essential job functions.
2. Recruitment materials and practices.
3. Procedures for screening, interviewing, and hiring.
4. Promotions and demotions.
5. District-designed performance evaluations.
6. Non-renewal of contracts.
7. Proposed disciplinary actions, up to and including terminations.

The Compliance Officer is responsible for the following additional procedures:

1. Training supervisors and staff to prevent, identify, and alleviate problems of employment discrimination.
2. Maintaining and providing information to staff on resources available to alleged victims in addition to the district complaint procedure, e.g., making reports to the police, obtaining assistance from domestic violence or rape crisis programs, and community health resources, including counseling.
3. Monitoring and providing technical assistance to building principals or designees in processing complaints.

The building principal or designee shall be responsible to complete promptly the following duties upon receipt of a complaint of discrimination or retaliation against employees or third parties:

1. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another employee, the Compliance Officer, or an attorney and shall promptly assign the investigation to that individual.
2. Inform the employee or third party about this policy including the right to an investigation of both oral and written complaints of discrimination.
3. Provide relevant information on resources available in addition to the school complaint procedure such as making reports to the police, available assistance from domestic violence and rape crisis programs, and community health resources including counseling resources.
4. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
5. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to report immediately the incident to the building principal or supervisor.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the building principal, supervisor, or Compliance Officer but oral complaints shall be accepted, documented, investigated, and handled no differently than a written complaint under this policy.

The Compliance Officer, building principal, or other district employee who receives and/or is assigned to investigate the complaint shall inform the complainant of this policy and the investigative process, the right to confidentiality, and the potential right to file criminal charges. Both the person accepting the complaint and the person investigating the complaint shall handle the receipt of the complaint objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Compliance Office shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination, this policy, and the proper procedures to conduct investigations, including the need to keep the investigation confidential.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, potential witnesses, and records to review.

The investigator shall conduct an adequate, reliable, and impartial investigation. The complainant, alleged victim, and the accused may suggest additional witnesses and provide evidence during the course of the investigation. When the complaint involves allegations relating to conduct that took place away from school property, school-sponsored activities, or school conveyances, the investigation may include an inquiry into whether the conduct alleged resulted in harassment in school settings and/or whether another district policy may have been violated.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The complainant, witnesses, parties, and parents/guardians shall be informed that retaliation for anyone's participation in an investigation is strictly prohibited and that conduct believed to be retaliatory should be reported. All individuals providing statements 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 an investigation shall not be nullified 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 short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

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

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this discrimination, a determination of whether the conduct violated this policy or any other district policy, and a recommended disposition of the complaint.

An investigation into a complaint of conduct that violates this policy shall record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – District Action

If the investigation results in a finding that some of all of the allegations in the complaint are substantiated and constitutes a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs.

The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the work environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different law or Board policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of the investigation or through disciplinary actions or the initiation of further investigations.

Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to this policy or with the recommended corrective action s/he may submit a written appeal to the Compliance Officer within fifteen (15) calendar days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.
2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and property of the prior investigation.
3. The individual handling the appeal shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused, and the investigator who conducted the initial investigation.

References

20 U.S.C. 1681 et seq
29 U.S.C. 206
29 U.S.C. 621 et seq
29 U.S.C. 794
42 U.S.C. 12101 et seq

42 U.S.C. 1981 et seq
42 U.S.C. 2000e et seq
42 U.S.C. 2000ff et seq
43 P.S. 336.3
43 P.S. 951 et seq
U.S. Const. Amend. XIV, Equal Protection Clause
29 CFR 1604.11
29 CFR 1606.8
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
18 Pa. C.S.A. 2709
PA Code 44.1 et seq
28 CFR 35.140
28 CFR Part 41
29 CFR Parts 1600-1691
Pol. 317, 806, 815, 824

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION/ HARASSMENT
AGAINST DISTRICT EMPLOYEES AND THIRD PARTIES

Complainant: _____

Home Address: _____

Home Phone: _____

School Building: _____

Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|---------------------|----------|--------------------|
| Race | Color | National Origin |
| Sex | Age | Sexual Orientation |
| Handicap/Disability | Religion | Pregnancy |
| Familial Status | | |

Name of person you believe violated the district's nondiscrimination and harassment policy: _____

If the alleged discrimination or harassment was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including what physical contact, if any, was used; verbal statements (i.e. threats, requests, demands, etc.) were made; and any incidents were recorded (notes, emails, texts, messages, social media post, etc.) 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 _____ has discriminated against or harassed 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

Saucon Valley School District

Policy

Title – 217 Graduation Requirements

Section – Pupils

Adopted – June 13, 2006

Revised –

Content

PURPOSE

The Board will acknowledge each student's successful completion of the instructional program appropriate to the student's interests and needs by awarding a diploma at graduation ceremonies.

AUTHORITY

The Board shall adopt the graduation requirements students must achieve, which shall include course completion and grades, ~~completion of a culminating project, and results of district and/or state assessments~~ and any other requirements as prescribed by the Commonwealth of Pennsylvania.

The Board requires that specific graduation requirements be published and distributed to students and parents/guardians and be made available in each school building or on the district's website. All changes to graduation requirements shall be published and distributed to students and parents/guardians and made available in each school building or on the district's website immediately following approval by the Board.

The Board shall award a regular high school diploma to every student enrolled in this district who meets the requirements of graduation established by this Board as part of the district's ~~Strategic Plan~~ Comprehensive Plan. Identified students with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team shall be granted and issued regular high school diplomas.

The Board may permit an identified student with a disability to participate in graduation ceremonies with his/her graduating class, even though the student will not be granted a

diploma at that time and will continue to receive educational services from the district, provided that the student has completed four (4) years of high school.

A list of all graduating students shall be submitted to the Board for its information and release to the public.

A requirement for graduation shall be the completion of work and studies representing the instructional program assigned to grades 9 through 12, which are aligned to ~~establish~~ established academic standards.

The Board shall identify the planned courses for which credit toward graduation shall be awarded upon successful completion. These written plans shall be on file in the district office and shall be made available upon request for review by the designated representatives of the Department of Education.

~~Changes in graduation requirements will be described in the high school's annual course selection guide.~~

The Board requires that each candidate for graduation shall have earned and passed the required ~~subject~~ subjects and electives necessary to earn the number of credits mandated by the Board for graduation.

Changes in graduation requirements will be described in the annual high school Program of Studies.

The fourth year of high school shall not be required for graduation if a student has completed all other requirements for graduation ~~and attends a postsecondary institution as a full-time student.~~

A student may qualify for graduation by attending a district school part-time when ~~official~~ officially enrolled part-time in a postsecondary institution or when lawfully employed part-time, provided that all graduation requirements are met.

DELEGATION OF RESPONSIBILITY

The Superintendent or designee shall be responsible for planning and executing graduation ceremonies that appropriately recognize this important achievement.

GUIDELINES

Accurate recording of each student's achievement of academic standards shall be maintained, as required by law and state regulations.

~~Students shall be informed of graduation requirements they are required to complete.~~

Periodic warnings shall be issued to students in danger of not fulfilling graduation requirements.

Calculation Of GPA

GPA will be calculated based on courses taken at the high school during the student's high school years. ~~Approved middle school credits requested by the parents/guardians as referenced in Board policy will be calculated in the high school GPA. Also, college~~ College courses taken while a student is in the high school will not be calculated in the GPA. The Superintendent or designee shall design, implement, and publish a system to provide a weighted value to advanced or accelerated courses.

Students Repeating Courses

If a student fails a course, the course can be repeated. If a student passes a course, the course cannot be taken again ~~with~~ without an appeal to the principal. Credit will only be given once for a course. If a course is repeated, the student may, upon request in a letter to the principal, have the original grade excluded in the calculation of the GPA. However, both courses will be recorded on the transcript.

Exclusion From Graduation Ceremony

A student who has completed the requirements for graduation shall not be denied a diploma as a disciplinary measure, but the student may be denied participation in the graduation ceremony when personal conduct so warrants. Such exclusion shall be regarded as a school suspension.

Saucon Valley School District

Policy

Title – 247 Hazing

Section – 200 Pupils

Adopted – August 22, 2006

Revised –

Content

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.

~~For purposes of this policy **hazing** is defined as any activity that recklessly or intentionally endangers the mental health, physical health or safety of a student or causes willful destruction or removal of public or private property for the purpose of initiation or membership in or affiliation with any organization recognized by the Board. **Endanger the physical health** shall include but not be limited to any brutality of a physical nature, such as whipping; beating; branding; forced calisthenics; exposure to the elements; forced consumption of any food, alcoholic beverage, drug, or controlled substance; or other forced physical activity that could adversely affect the physical health or safety of the individual.~~

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. 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. **Endanger the mental health** shall include any activity that would subject an individual to extreme mental~~

~~stress, such as prolonged~~ Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, ~~forced prolonged~~ exclusion from social contact, ~~forced~~ or conduct which ~~that~~ could result in extreme embarrassment, ~~or any other forced activity which could adversely affect the mental health or dignity of the individual.~~

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:

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.

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.

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

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.

AUTHORITY

~~Any hazing activity, whether by an individual or a group, shall be presumed to be a forced activity, even if a student willingly participates.~~

~~The Board does not condone any form of initiation or harassment, known as hazing, as part of any school-sponsored student activity. No student~~ 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. No student, parent/guardian, coach, sponsor, volunteer, or district employee shall plan, direct, encourage, assist or engage in, or ignore any hazing activity.

~~The Board directs that no administrator, coach, sponsor, volunteer or district employee shall permit, condone or tolerate any form of hazing.~~

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

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

The district will investigate all complaints of hazing and will administer appropriate discipline to any individual who violates this policy.

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

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/Title IX Coordinator. If, in the course of a hazing investigation, potential issues of discrimination are identified, the Compliance Officer/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.

DELEGATION OF RESPONSIBILITY

District administrators shall investigate promptly all complaints of hazing and administer appropriate discipline to any individual who violates this policy.

Students, administrators, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal.

GUIDELINES

The district shall annually inform students, parents/guardians, coaches, sponsors, volunteers, and district staff ~~that hazing of district students is prohibited~~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 distribution of written policy, publication in handbooks and verbal instructions by the coach or sponsor at the start of the season or program.

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.

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.

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.

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.

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.

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.

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.

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.

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) { } _____ dollars (\$ _____) on each student determined to have engaged in hazing in violation of this policy.

{ } 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) { } _____ dollars (\$ _____) on each student determined to have engaged in hazing in violation of this policy.

{ } 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.

Commented [HJJ1]: These provisions are permitted under the Timothy J. Piazza Anti-Hazing Law signed into law in October 2018. The District does not have to permit fines, but I am adding them so that the District understands that they are an option. They should be deleted if they are rejected.

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.

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.

LEGAL REFERENCES

18 Pa. C.S.A. 2802

18 Pa. C.S.A. 2803

18 Pa. C.S.A. 2804

18 Pa. C.S.A. 2808

18 Pa. C.S.A. 2806

18 Pa. C.S.A. 2801

24 P.S. 511

18 Pa. C.S.A. 2301

Pol. 122

Pol. 123

Pol. 103

Pol. 103.1

18 Pa. C.S.A. 2810

24 P.S. 1303-A

22 PA Code 10.2

35 P.S. 780-102

24 P.S. 1302.1-A

22 PA Code 10.21

22 PA Code 10.22

[Pol. 805.1](#)

[22 PA Code 10.25](#)

[Pol. 218](#)

[Pol. 233](#)

[Pol. 317, 417, 517](#)

[18 Pa. C.S.A. 2801 et seq](#)

[22 PA Code 10.23](#)

[Pol. 113.1](#)

[Pol. 123.1](#)

Saucon Valley School District

Policy

Title – 249 Bullying/Cyberbullying

Section – Pupils

Adopted – October 10, 2006

Revised – June 25, 2019

Content

Purpose PURPOSE

The Board is committed to provide a safe, positive learning climate 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 the school setting and/or outside a school setting that is severe, persistent, or pervasive and has the effect of doing any of the following:

1. Substantial interference with a student's education
2. Creation of a threatening environment
3. Substantial disruption of 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.

Bullying situations may include but are not limited to physical intimidation or assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks, gestures, or actions; cruel rumors; false accusations; social isolation; or a situation that creates an imbalance of power in a relationship.

AUTHORITY

The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties, witnesses, the filing of the complaint, and the investigation shall be maintained, consistent with the school district's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of bullying or participation in an investigation into allegations of bullying.

~~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.~~

~~Delegation of Responsibility~~

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/Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination are identified, the Compliance Officer/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.

DELEGATION OF RESPONSIBILITY

The Superintendent or designee shall:

1. develop administrative regulations to implement this policy;
2. ensure that this policy and administrative regulations are reviewed annually with students; and
3. submit a copy of this policy with the district's annual Safe Schools Report.

~~SEC~~ Sec. 1303.1-A

Each staff member shall be responsible to maintain an educational environment free from bullying. Staff members who observe or become aware of an act of bullying shall take immediate, appropriate steps to intervene--unless intervention would be a threat to

staff members' safety. If a staff member believes that his/her intervention has not resolved the matter, or if the bullying persists, s/he shall report the bullying to the school principal for further investigation. This investigation may include interviews with students, parents/guardians, and school staff; review of school records; and any other appropriate means of investigation.

Each student shall be responsible to respect the rights of his/her fellow students, to ensure the rights of his/her fellow students, and to ensure an atmosphere free from all forms of bullying.

The Board expects students and parents/guardians who become aware of an act of bullying to report it to a school official for further investigation. Any student who retaliates against another person for reporting bullying or participating in an investigation into allegations of bullying may be subject to appropriate disciplinary consequences.

GUIDELINES

Students shall be informed that they may choose to report bullying complaints to school principals, teachers, counselors, nurses, administrators, and other instructional and non-instructional staff. A district staff member who receives a complaint of bullying shall notify the building principal within 48 hours.

If the school principal is the subject of a complaint, the student or staff member receiving the complaint shall report the complaint directly to the Assistant Superintendent or the Superintendent.

When a student believes that s/he is being bullied, intimidated or in physical danger, the student should immediately inform the bully that his/her behavior is unwelcome, offensive, or inappropriate, to the extent possible. The student shall also follow the established complaint procedure.

Complaint Procedure

1. A student shall report a complaint of bullying to the school principal or a school district employee, who shall inform the student of his/her rights and of the complaint process.
2. The school principal or designee shall immediately conduct an impartial, thorough investigation of the alleged bullying behavior, which should include interviewing the individual accused of bullying and the potential victim.

The school principal or designee shall review complaints of bullying for conduct which may not be proven to be bullying under this policy but merits review and possible action under other Board policies. Since harassment and bullying are closely related types of behavior, if it is determined that, as per Board Policy ~~248~~[103 or 103.2](#), the student is being harassed rather than bullied, the investigation and other applicable procedures should proceed within the framework of Board Policy ~~248~~[103 or 103.2, as appropriate](#).

3. The school principal or designee shall summarize the investigation as per school procedures, recommending disposition of the complaint.
4. If the investigation results in a substantiated charge of bullying, the school district shall take prompt corrective action and impose disciplinary action according to the Code of Conduct and applicable Board policies to ensure the bullying ceases and will not recur. Such action may include guidance counseling; change of seating, change of class or schedule; other method for separation of the bully and victim; parental conference; detention; suspension; expulsion; involuntary transfer to another school, class, or bus operated by the school district; or other appropriate forms of disciplinary consequence.

Depending on the severity of the incident, the school principal may also take appropriate steps to ensure student safety. These may include implementing a safety plan; separating and supervising the students involved; providing staff support for students as necessary; reporting incidents to law enforcement if appropriate; and developing a supervision plan with the parents/guardians.

If it is concluded that a student has made false accusations, such student shall be subject to disciplinary action, consistent with the school Code of Conduct.

Appeal Procedure

If the complainant or accused is not satisfied with the school principal's decision, s/he may file a written appeal to the Assistant Superintendent.

Education

The district may develop and implement bullying prevention and intervention programs. Such programs shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.

References:

School Code – 24 P.S. Sec. 1302-A, 1303.1-A

Saucon Valley School District

Policy

Title – 317 Conduct/Disciplinary Procedures

Section – 300 Administrative Employees

Adopted – November 14, 2006

Revised –

Content

PURPOSE

~~All administrative employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior.~~ Effective operation of district programs requires the cooperation of all employees working together under a system of policies and rules applied fairly and consistently. The orderly conduct of the district's functions requires compliance with these policies and rules, and consistent penalties and disciplinary procedures for violations.

GUIDELINES

~~When dismissal charges are filed against a certificated administrative employee pursuant to law, the Board shall hold a hearing in accordance with the procedures established in the School Code.~~

~~The Board directs that procedures be established whereby~~ All administrative employees are ~~informed of the disciplinary actions that are considered appropriate and may be applied for violation of district policies, rules and procedures.~~ expected to conduct themselves in a manner consistent with appropriate and orderly behavior.

All administrative employees shall comply with district policies, rules, and regulations; attempt to maintain order; perform assigned job functions; and carry out directives issued by supervisors.

~~In the event it is necessary to demote or dismiss an administrative employee, a hearing shall be provided as required by statute.~~

When demotion or dismissal charges are filed against a certificated administrative employee pursuant to law, the Board shall hold a hearing in accordance with the

procedures established in the School Code; non-certificated administrative employees may be entitled to a hearing at the employee's request, pursuant to the School Code and local agency law

When engaged in assigned duties, no employee shall participate in activities that include- but are not limited to- the following:

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

11. Non-professional relationships with students.

Mandatory Reporting

Within seventy-two (72) hours of the arrest or conviction, employees shall report to the Superintendent or designee on the designated form:

1. An arrest or conviction required to be reported by law; and/or
2. Being named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law.

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 to the District, and the employee has not notified the Superintendent or designee within seventy (72) hours of the arrest or conviction.

An employee shall be required immediately to submit a new child abuse history certifications if the Superintendent or designees 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.

An employee who fails to accurately and timely report such arrests, convictions, or reports naming the employee as a perpetrator of abuse as described above shall be subject to disciplinary action, up to and including termination and criminal prosecution.

Title IX Sexual Harassment and Other Discrimination

Whenever the allegations underlying a report of administrative employee misconduct include conduct that appears to constitute harassment or other discrimination, including Title IX sexual harassment, subject to policies and procedures specific to such conduct, the Compliance Officer/Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in the applicable Board policies. Whenever an investigation by the district of administrative employee misconduct reveals indications of conduct by any person that appears to constitute harassment or other discrimination, including Title IX sexual harassment, the Compliance Officer/Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in policies specific to such discrimination. To the extent feasible, investigations pursuant to discrimination policies shall be conducted jointly with investigations by the district of administrative employee misconduct.

DELEGATION OF RESPONSIBILITY

The Superintendent or designee shall prepare and promulgate disciplinary rules for violations of district policies, 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.~~sanctions. The Superintendent or designee shall establish procedures whereby employees shall be informed as to the disciplinary actions that are to be applied for violation of District policies and regulations.

LEGAL REFERENCES

[24 P.S. 1122](#)
[24 P.S. 1151](#)
[22 PA Code 235.10](#)
[24 P.S. 510](#)
[24 P.S. 514](#)
[Pol. 351](#)
[Pol. 451](#)
[Pol. 551](#)
[2 Pa. C.S.A. 551 et seq](#)
[24 P.S. 1121](#)
[24 P.S. 1126](#)
[24 P.S. 1127](#)
[24 P.S. 1128](#)
[24 P.S. 1129](#)
[24 P.S. 1130](#)
[23 Pa. C.S.A. 6344.3](#)
[24 P.S. 111](#)
[24 P.S. 2070.9a](#)
[24 P.S. 2070.1a et seq](#)
[22 PA Code 235.1 et seq](#)
[23 Pa. C.S.A. 6301 et seq](#)

Saucon Valley School District

Policy

Title – 417 Conduct/Disciplinary Procedures

Section – 400 Professional Employees

Adopted – November 14, 2006

Revised –

Content

PURPOSE

~~All professional employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior.~~ Effective operation of district programs requires the cooperation of all employees working together under a system of policies and rules applied fairly and consistently. The orderly conduct of the district's functions requires compliance with these policies and rules, and consistent penalties and disciplinary procedures for violations.

GUIDELINES

~~The Board directs that procedures be established whereby~~ All professional employees are ~~informed of the disciplinary actions that are considered appropriate and may be applied for violation of district policies, rules and procedures.~~ expected to conduct themselves in a manner consistent with appropriate and orderly behavior.

~~When dismissal charges are filed against a professional employee pursuant to law, the Board shall hold a hearing in accordance with the procedures established in the School Code.~~

All professional employees shall comply with district policies, rules, and regulations; attempt to maintain order; perform assigned job functions; and carry out directives issued by supervisors.

~~In the event it is necessary to demote or dismiss~~ When demotion or dismissal charges are filed against a professional employee pursuant to law, ~~a hearing shall be provided as required by statute~~ the Board shall hold a hearing in accordance with the procedures established in the School Code.

When engaged in assigned duties, no employee shall participate in activities that include- but are not limited- to the following:

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

11. Non-professional relationships with students

Mandatory Reporting

Within seventy-two (72) hours of the arrest or conviction, employees shall report to the Superintendent or designee on the designated form:

1. An arrest or conviction required to be reported by law; and/or
2. Being named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law.

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 to the District, and the employee has not notified the Superintendent or designee within seventy (72) hours of

the arrest or conviction.

An employee shall be required immediately to submit a new child abuse history certifications if the Superintendent or designees 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.

An employee who fails to accurately and timely report such arrests, convictions, or reports naming the employee as a perpetrator of abuse as described above shall be subject to disciplinary action, up to and including termination and criminal prosecution.

Title IX Sexual Harassment and Other Discrimination

Whenever the allegations underlying a report of professional employee misconduct include conduct that appears to constitute harassment or other discrimination, including Title IX sexual harassment, subject to policies and procedures specific to such conduct, the Compliance Officer/Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in the applicable Board policies. Whenever an investigation by the district of professional employee misconduct reveals indications of conduct by any person that appears to constitute harassment or other discrimination, including Title IX sexual harassment, the Compliance Officer/Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in policies specific to such discrimination. To the extent feasible, investigations pursuant to discrimination policies shall be conducted jointly with investigations by the district of professional employee misconduct.

DELEGATION OF RESPONSIBILITY

The Superintendent or designee shall prepare and promulgate disciplinary rules for violations of district policies, 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.~~sanctions. The Superintendent or designee shall establish procedures whereby employees shall be informed as to the disciplinary actions that are to be applied for violation of District policies and regulations.

LEGAL REFERENCES

24 P.S. 1122

24 P.S. 1151

[22 PA Code 235.10](#)
[24 P.S. 510](#)
[24 P.S. 514](#)
[Pol. 351](#)
[Pol. 451](#)
[Pol. 551](#)
[2 Pa. C.S.A. 551 et seq](#)
[24 P.S. 1121](#)
[24 P.S. 1126](#)
[24 P.S. 1127](#)
[24 P.S. 1128](#)
[24 P.S. 1129](#)
[24 P.S. 1130](#)
[23 Pa. C.S.A. 6344.3](#)
[24 P.S. 111](#)
[24 P.S. 2070.9a](#)
[24 P.S. 2070.1a et seq](#)
[22 PA Code 235.1 et seq](#)
[23 Pa. C.S.A. 6301 et seq](#)

Saucon Valley School District

Policy

Title – 517 Conduct/Disciplinary Procedures

Section – 500 Classified Employees

Adopted – November 14, 2006

Revised –

Content

PURPOSE

~~All classified employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior.~~ Effective operation of district programs requires the cooperation of all employees working together under a system of policies and rules applied fairly and consistently. The orderly conduct of the district's functions requires compliance with these policies and rules, and consistent penalties and disciplinary procedures for violations.

~~The Board directs that procedures be established whereby classified employees are informed of~~ GUIDELINES

~~the disciplinary actions that are considered appropriate and may be applied for violation of district policies, rules and procedures.~~ All classified employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior.

All classified employees shall comply with district policies, rules, and regulations; attempt to maintain order; perform assigned job functions; and carry out directives issued by supervisors.

In the event it is necessary to demote or dismiss, a hearing shall be provided as required by statute.

When engaged in assigned duties, no employee shall participate in activities that include but are not limited to the following:

1. Physical or verbal abuse, or threat of harm, to anyone.

2. Causing intentional damage to district property, facilities- and equipment.
3. Forceful or unauthorized entry to or occupation of district facilities, buildings- and grounds.
4. Use, possession, distribution, or sale of alcohol, drugs- or other illegal substances.
5. Use of profane or abusive language.
6. Failure to comply with directives of district officials, security officers, or law enforcement officers.
7. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.
8. Violation of district policies, rules- and regulations.
9. Violations of federal, state, or applicable municipal law or regulation.
10. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions of the district, or any activity sponsored or approved by the Board.

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23 Pa. C.S.A. 6344.3

[24 P.S. 111](#)

[23 Pa. C.S.A. 6301 et seq](#)