

Book	Policy Manual
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Title	Discrimination/Harassment Affecting Staff
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Authority

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

The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting **sex-based discrimination and sexual** harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the **Office fAssistant Secretary** for Civil Rights of the U.S. Department of Education, or both. Policy 103.2 outlines specific additional definitions and practices under the Title IX Nondiscrimination Based on Sex. [\[13\]](#)

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

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

Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[\[14\]](#)

Complainant shall mean an individual who is alleged to have been subject to conduct that could constitute discrimination in accordance with law and this policy.[14]~~to be the victim.~~

Pregnancy, childbirth and pregnancy-related medical conditions, as defined in federal law, refers to the pregnancy or childbirth of the specific employee and includes, but is not limited to, current pregnancy; past pregnancy or recovery; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment and the use of contraception); labor; childbirth; and lactation. Related medical conditions are medical conditions relating to the pregnancy, termination of pregnancy, childbirth or lactation of the specific employee.[14][15]

Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[16]

Respondent shall mean a person who is alleged to have violated the district's prohibition on discrimination in accordance with applicable law and this policy.[14]~~an individual alleged to be the perpetrator of the discriminatory conduct.~~

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[14][17]

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, ~~religious creed religion~~, sex, ~~gender identity~~, sexual orientation, genetic information, ancestry, national origin, marital status, pregnancy, ~~childbirth or pregnancy-related conditions~~, or based on an individual's association with a person who has a protected classification, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in this policy or association with an individual who has a protected classification, consisting of ~~objectively and subjectively hostile unwelcome~~ conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes or comments, slurs, ~~stereotypes~~, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, ~~ostracism, misgendering or denial of access to facilities consistent with an individual's gender identity~~, or other conduct that ~~affects a term, condition or privilege of employment~~, and may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:[9]

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or

3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions or affects a term, condition or privilege of employment.

Examples of harassment based on race, color, ancestry or national origin may include but not be limited to harassment regarding traits or characteristics related to an individual's name, cultural dress or diet, accent, linguistic characteristics or manner of speech, or physical characteristics, such as hairstyles or hair texture.

Harassment based on religion, religious creed, sex, pregnancy or related conditions, or handicap/disability may include harassment based on a request for or receipt of a reasonable accommodation.

Discrimination or harassment based on handicap/disability may also include harassment based on how an individual speaks, looks or moves, as well as discrimination or harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability; has a record or history of a disability, even if the individual does not currently have a disability; or is associated with an individual who has a disability.

Religious creed includes all aspects of religious observance, practice or belief.[18]

Religious beliefs include:[16]

1. Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.
2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.

Race includes all of the following:

1. Ancestry, national origin or ethnic characteristics.
2. Interracial marriage or association.
3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.
4. Hispanic ancestry, national origin or ethnic characteristics.
5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint.

Sex includes:[16][20]

1. Pregnancy.
2. Sex assigned at birth.
3. Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.
4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.
5. Differences of sex development, variations of sex characteristics or other intersex characteristics.

Definitions Related to Title IX ~~Sexual Harassment~~

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[14] [21] [22]

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:[14]

1. Quid pro quo harassment - a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

2. Hostile environment harassment - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:

- a. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
- b. The type, frequency and duration of the conduct;
- c. The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;
- d. The location and context in which the conduct occurred; and
- e. Other sex-based harassment in the district's education program or activity.

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

a. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[23]

i. Length of relationship.

ii. Type of relationship.

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

b. Domestic violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family

violence laws of the jurisdiction.[23]

c. Sexual assault means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[24]

d. Stalking, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[23]

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

ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sex-based discrimination or harassment under Title IX. This includes conduct that is subject to the district's disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district.

The district is obligated to address a sex based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.[22][25][26][27]

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent and without fee or charge to the complainant or the respondent in order to:[14][26]

1. Restore or preserve access to the district's education program or activity, including measures designed to protect the safety of the individuals or the district's educational environment; or

2. Provide support during the grievance procedures or during an informal resolution process.

Supportive measures may include, but are not limited to:[26]

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Restrictions on contact applied to one or more parties.
6. Changes in work locations or other activities.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Training and education programs related to sex-based harassment.
11. Assistance from domestic violence or rape crisis programs.
12. Assistance from community health resources, including counseling resources.

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[16][19]

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[19]

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[19]

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

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[19]

1. A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro*

~~quo sexual harassment.~~

- ~~2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a District education program or activity.~~
- ~~3. Sexual assault, dating violence, domestic violence or stalking.~~
 - ~~a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[20].~~
 - ~~i. Length of relationship.~~
 - ~~ii. Type of relationship.~~
 - ~~iii. Frequency of interaction between the persons involved in the relationship.~~
 - ~~b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[20].~~
 - ~~c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[21].~~
 - ~~d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[20].~~
 - ~~i. Fear for their safety or the safety of others.~~
 - ~~ii. Suffer substantial emotional distress.~~

~~Such conduct must have taken place during a District education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[15][16][19].~~

~~Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation~~

~~The Board encourages employees and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.~~

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

~~The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted,~~

~~documented and the procedures of this policy and the relevant attachments followed.~~

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

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

~~Disciplinary Procedures when Reports Allege Title IX Sexual Harassment~~

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

~~Administrative Leave =~~

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

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

~~Confidentiality~~

~~Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the District's legal and investigative obligations.[14][15][16][17][18]~~

~~Retaliation~~

~~The Board prohibits retaliation by the District or any other person against any person for:[17]~~

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

~~The District, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred.~~

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the ~~Assistant Superintendent-Director of Human Resources~~ as the District's Compliance Officer and Title IX Coordinator.[22]

The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 1301 Kauffman Rd., Pottstown, PA 19464

Phone Number: 610-327-2277

Email-amythompson@pgsd.org

The District's Compliance Officer/Title IX Coordinator contact information can be found on the District's website on the Title IX web page.

The Compliance Officer/Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures ~~to monitor and address barriers to reporting and~~ ~~or modifications to procedures and~~ to monitor the implementation of the District's nondiscrimination procedures in the following areas, as appropriate:

1. Review - Review of personnel practices ~~and hiring practices~~ actions for discriminatory bias and compliance with laws against discrimination ~~and harassment~~ to include monitoring and ~~recommending~~ promptly implementing corrective measures when appropriate. ~~This may include, but is not limited to changes~~ to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; District designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination; ~~and provision of employee benefits and services.~~
2. Training - Provide training for supervisors and staff to prevent, identify and alleviate ~~conduct which may constitute problems of employment~~ discrimination or harassment.
3. Resources - Maintain and provide information to staff on resources available to ~~alleged victims-complainants~~ in addition to the school complaint procedure or Title IX procedures, such as making reports to ~~the police-law enforcement~~, and available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.
4. Reports/~~Formal~~ Complaints - Monitor and provide technical assistance to individuals involved in managing ~~informal~~ reports and ~~formal~~ complaints.

Guidelines

~~When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.[22][29]~~

~~Violations of this policy, including acts of retaliation as defined in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations.[27][30][31]~~

~~The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sex-based discrimination and harassment, in any district education program or activity, to be issued to all students, parents/guardians or other legal representatives of students, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the name or title, office address, phone number and email address of~~

the individual(s) designated as the Compliance Officer/Title IX Coordinator. The district's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.[28]

The Board directs that this notice be included in each staff handbook, on the district website, and in each catalog, announcement, bulletin and application form for applicants and employees. An abbreviated statement of the district's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications. A copy of this policy and related attachments shall also be posted to the district's website.[28]

The Board shall engage in the interactive process with qualified employees and provide reasonable accommodations in accordance with applicable law and regulations.[11][12][32]

The district shall not require a qualified employee to take paid or unpaid leave for pregnancy, childbirth or pregnancy-related medical conditions if another reasonable accommodation can be provided to address the employee's known limitations.[33][34][35][36]

Reports of Title IX Sex-Based Discrimination and Harassment and Other Discrimination and Retaliation

The Board encourages employees, applicants and third parties who believe they or others have been subject to Title IX sex-based discrimination and harassment, other discrimination, harassment or retaliation to promptly report such incidents to the building principal or Title IX Coordinator. A person who is not an intended victim or target of discrimination or harassment but is adversely affected by the conduct may file a report of sex-based discrimination.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator.

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

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

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, harassment, Title IX sex-based discrimination and harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures and reasonable safety concerns.[26]

The Title IX Coordinator shall conduct an assessment to determine whether the reported conduct meets the definition of Title IX sex-based discrimination or harassment and the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.[26]

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, or other discrimination or harassment, the Title IX Coordinator shall take the following steps under applicable law and regulations, this Board policy and procedures:[26]

1. Treat the complainant and respondent equitably.
2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.
3. Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.
4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.
5. Initiate the grievance procedures or informal resolution process, if available and appropriate.
6. In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.
7. If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.
8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment or other discrimination or harassment does not continue or recur within the district's education programs or activities.

Disciplinary Procedures when Reports Allege Title IX Sex-Based Discrimination or Harassment

When a report alleges Title IX sex-based discrimination or harassment, disciplinary sanctions may not be imposed until the completion of the grievance procedures. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance procedures.[27]

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an imminent and serious threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis. The employee will be provided with notice and provided an opportunity to challenge the emergency removal immediately following the removal.[26][30]

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

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sex-based discrimination or harassment, shall be handled in accordance with applicable law, regulations, Board policy and procedures, and the district's legal and investigative obligations to carry out the grievance procedures.[17][27][37][38]

The district shall not disclose personally identifiable information except in the following circumstances:[26][37][38][39][40][41][42]

1. When the district has obtained prior written consent in accordance with law.
2. When student information is disclosed to a parent/guardian as defined in Board policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.
3. To carry out the requirements of this policy and the accompanying procedures.
4. As required or permitted by applicable law or regulations or the requirements of grant funding.

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[17]
[43]

1. Reporting or making a complaint of conduct that may constitute discrimination or retaliation, including Title IX sex-based discrimination or harassment.
2. Testifying, assisting, participating in any manner or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, harassing, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the

Title IX Coordinator immediately if they believe retaliation has occurred. The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.[17]

Title IX Sex-Based Discrimination and Harassment Training Requirements

The district shall provide training annually to all school employees on:[28]

1. The district's obligation to address sex-based discrimination and harassment in district education programs and activities.
2. The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.
3. Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with Board policy and procedures.[41]

The Compliance Officer/Title IX Coordinator, investigators, decision-makers, or any staff responsible to implement grievance procedures related to Title IX sex-based discrimination or harassment and any staff authorized to modify or terminate supportive measures shall receive the following training annually, as required or appropriate to their specific role:[28]

1. The district's obligations under Title IX, including definitions of sex-based discrimination and harassment.
2. The grievance procedures used to address Title IX complaints.
3. How to conduct an investigation, including examination of evidence, interviewing witnesses, evaluating credibility, drafting reports and determinations, and handling appeals, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Issues of relevance in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.
6. How to address complaints when the alleged conduct does not qualify as Title IX sex-based discrimination or harassment but could be addressed under another complaint process or Board policy.[30][31][44][45]

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[28]

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[28]

1. Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.
2. The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.[40][46]

3. Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.[28][46][47]

Disciplinary Consequences

An employee who violates this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[30][31]

Reports of Title IX Sex Based Discrimination or Harassment

All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.[32]

~~Reports of Title IX Sex Based Discrimination and Harassment And Other Discrimination Training Requirements~~

~~The Compliance Officer/Title IX Coordinator, investigator(s), decision maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:~~

- ~~1. Definition of sexual harassment.~~
- ~~2. Scope of the District's education program or activity, as it pertains to what is subject to Title IX regulations.~~
- ~~3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.~~
- ~~4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.~~
- ~~5. Use of relevant technology.~~
- ~~6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.~~
- ~~7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.~~
- ~~8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.~~

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

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

Disciplinary Consequences

~~An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[23][24][25][26][27][28][29][30]~~

Reports of Discrimination

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

Reports of Title IX Sexual Harassment

~~Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy. Policy 103.2 outlines specific additional definitions and practices under the Title IX Nondiscrimination Based on Sex.[13]~~

Legal

- [1. 43 P.S. 336.3](#)
- [2. 43 P.S. 951 et seq](#)
- [3. 34 CFR Part 106](#)
- [4. 20 U.S.C. 1681 et seq](#)
- [5. 29 U.S.C. 206](#)
- [6. 29 U.S.C. 621 et seq](#)
- [7. 29 U.S.C. 794](#)
- [8. 42 U.S.C. 1981 et seq](#)
- [9. 42 U.S.C. 2000e et seq](#)
- [10. 42 U.S.C. 2000ff et seq](#)
- [11. 42 U.S.C. 12101 et seq](#)
- [12. U.S. Const. Amend. XIV, Equal Protection Clause](#)
13. Pol. 103.2
- [14. 20 U.S.C. 1232g](#)
- [15. 34 CFR 106.44](#)
- [16. 34 CFR 106.45](#)
- [17. 34 CFR 106.71](#)
- [18. 34 CFR Part 99](#)
- [19. 34 CFR 106.30](#)
- [20. 34 U.S.C. 12291](#)
- [21. 20 U.S.C. 1092](#)
- [22. 34 CFR 106.8](#)
23. Pol. 317
24. Pol. 317.1
25. Pol. 806
26. Pol. 824
27. Pol. 417
28. Pol. 417.1
29. Pol. 517

30. Pol. 517.1

[16 PA Code 44.1 et seq](#)

[18 Pa. C.S.A. 2709](#)

[28 CFR 35.140](#)

[28 CFR Part 41](#)

[29 CFR Parts 1600-1691](#)

[EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993](#)

[EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999](#)

[EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990](#)

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Pol. 320

Pol. 420

Pol. 520

Pol. 815.1

[104-Attach 3 Title IX .docx \(73 KB\)](#)

[104 Report Form.pdf \(353 KB\)](#)

[104-Grievance Procedures.docx \(80 KB\)](#)

[104-Attach 2 Discrimination .docx \(40 KB\)](#)