

Book School ~~District~~District of Pittsburgh

Section 100 Programs

Title Discrimination/Title IX Sex Based Discrimination or~~ual~~ Harassment Affecting Students

Code 102

Status **UNDER REVIEW**

Active

Adopted

October 21, 2009

Last Revised March 2021, December 2024

Authority**AUTHORITY:**

The Board declares it to be the policy of the District to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, religious creed, religion, sex, gender (including gender identity or expression), sexual orientation, ancestry, national origin, marital status, pregnancy or disability. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

The Board also declares it to be the policy of the District to comply with federal law and regulations under Title IX prohibiting sexual-sex based discrimination and 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 District's Title IX Compliance Officer, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The District is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students admission, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sex based discrimination and~~sexual~~ harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the District and is prohibited at or, in the course of, District-sponsored programs or activities, including transportation to or from school or school-sponsored activities. Discrimination is also prohibited in any remote learning program or activity of the District.

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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 or separate health and physical fitness activities, 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.

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

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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 on~~ the District's website, ~~and in each catalog, announcement, bulletin and application form for students. An abbreviated statement of the District's prohibition of discrimination, that individuals may report concerns to the Title IX Compliance Officer and location of the full notice on the District website may be published when necessary due to size or format of publications.~~[37]

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The Board requires a notice stating that the District does not discriminate in any manner, including Title IX ~~sexual-sex based discrimination and~~ harassment, in any District education program or activity, to be issued to all students, parents/guardian ~~or other legal representatives of students, employment applicants,~~ employees, ~~applicants for employment or admission,~~ 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 designated as the Title IX Compliance Officer. ~~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.~~

A copy of this policy and related attachments shall also be posted to the District's website.

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

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

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

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~~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 school principal, as well as properly making any mandatory police or child protective services reports required by law. [22]~~

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~~If the school principal is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Compliance Officer.~~

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

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~~The school principal shall promptly notify the Title IX Compliance Officer of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Compliance Officer 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 Compliance Officer shall consider the complainant's wishes with respect to supportive measures.~~

~~The Title IX Compliance Officer shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Administrative Regulation 2 of 3 (102-AR-2 of 3) 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 Administrative Regulation 3 of 3 (102-AR-3 of 3), or other Board policies.~~

GENERAL DEFINITIONS: 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

Complainant shall mean an individual who is alleged to be the victim. shall mean a student who is alleged to have been subjected to conduct that could constitute discrimination in accordance with law and this policy, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute

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discrimination and who was participating or attempting to participate in a District education program or activity at the time of the alleged discrimination.

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Pregnancy or related conditions, as defined in federal law, shall mean:

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1. Pregnancy, childbirth, termination of pregnancy, or lactation;

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2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or

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3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.

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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.[21]

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

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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.

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DEFINITIONS – All Discrimination Other Than Title IX:

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

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Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or

mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

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

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

Religious beliefs include:

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, locs 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.

DEFINITIONS - ~~Definitions Related to Title IX Sexual~~ Sex Based Discrimination and 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.

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

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Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:^[30]

1. A District 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 District District-service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.

2. Hostile Environment Harassment - Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a District District-education program or activity. 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. Sex includes:

- a. Pregnancy.
- b. Sex assigned at birth.
- c. 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.
- d. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.
- e. Differences of sex development, variations of sex characteristics or other intersex characteristics.

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

a. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[32]

i. Length of relationship.

ii. Type of relationship.

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

b. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[32]

c. Sexual assault means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[33]

d. Stalking, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[32]

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

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 discrimination or

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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 and 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. An education program or activity includes the locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a District's education programs or activities, whether such programs or activities occur on campus or off-campus.[26][27][30]

Parent/Guardian, for the purposes of this policy and Title IX, shall mean the status of a person who with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is:[19]

1. A biological parent;
2. An adoptive parent;
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with respect to such person; or
7. Actively seeking legal custody, guardianship, visitation or adoption of such a person.

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Compliance Officer 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 Compliance Officer to sign a formal complaint does not make the Title IX Compliance Officer a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[27][30]

Supportive measures shall mean non-disciplinary, nonpunitive individualized services offered, without unreasonably burdening a complainant or respondent, 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, in order to:

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1. ~~[30] 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 shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures~~ may include, but are not limited to: [\[30\]](#)

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

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

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to assessment/evaluation, student IEP or 504 Service Agreement processes shall be made based upon individual student need. The Title IX Compliance Officer shall consult with the Director of Special Education in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.

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~~Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following: [30]~~

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

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~~2.1. 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/District education program or activity.~~

~~3.1. Sexual assault, dating violence, domestic violence or stalking.~~

~~a. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors: [32]~~

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~~i. Length of relationship.~~

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~~ii.i. Type of relationship.~~

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

~~b.a. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. [32]~~

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~~c.a. 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. [32]~~

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~~e.g. 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:~~ [22]

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

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~~ii.i. Suffer substantial emotional distress.~~

~~Such conduct must have taken place during a District 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 District exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a District District's education programs or activities, whether such programs or activities occur on campus or off campus.~~ [26][27][29]

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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 of Student Support Services as the ~~District District~~'s Title IX Compliance Officer. The Title IX Compliance Officer can be contacted at: [34]

PPS Title IX Compliance Officer
Address: 341 S. Bellefield Avenue, Pittsburgh, PA 15213
Phone Number: 412-529-3950
Web Link for Name & Email: <https://www.pghschools.org/Page/4074>

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

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
- 1-2. Counseling and Classes – Review of counseling and appraisal materials and access to classes and programs for stereotyping, bias and discrimination. If the District identifies that particular classes or courses contain a disproportionate number of individuals of one (1) sex, the District shall conduct a review to determine that the disproportion is not based on discriminatory practices.

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2-3. Training - Provide training for students and staff to prevent, identify and alleviate ~~conduct which may constitute discrimination or harassment.~~ ~~problems of discrimination.~~

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3-4. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to ~~the police~~ law enforcement, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.

4-5. Student Access - Review of programs, activities, facilities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

5-6. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.[35]

6-7. Student Evaluation - Review of assessments, procedures, and standard assessment guidance and counseling materials for stereotyping and discrimination.

7-8. Reports/~~Formal~~ Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

Guidelines

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GUIDELINES TO RESPOND TO REPORTS OF ALL VIOLATIONS OF THIS POLICY: -

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INITIAL REPORT:

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

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The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the school principal or Title IX Compliance Officer.

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A school employee who suspects or is notified that a student may have ~~has~~ been subject to conduct that constitutes a violation of this policy shall immediately report the

incident to the school principal, Title IX Compliance Officer, as well as properly making any mandatory police, law enforcement or child protective services reports required by law.[22]

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

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

The school principal shall promptly notify the Title IX Compliance Officer of all reports of discrimination, Title IX sexual harassment or sex based discrimination or harassment or retaliation and the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.

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The Title IX Compliance Officer 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 Compliance Officer shall consider the complainant's wishes with respect to supportive measures.

DETERMINATION OF WHETHER REPORT INVOKES DISCRIMINATION COMPLAINT PROCEDURES OR TITLE IX SEX-BASED DISCRIMINATION OR HARASSMENT:

The Title IX Compliance Officer shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Administrative Regulation 2 of 3 (102-AR-2 of 3) to this policy, or if the reported circumstances meet the definition of Title IX sex-based discrimination or harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Administrative Regulation 3 of 3 (102-AR-3 of 3), or other Board policies.

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If the Title IX Compliance Officer reasonably determines that the conduct may constitute sex-based discrimination or harassment, the Title IX Compliance Officer shall take the following steps under Title IX and this Board policy and procedures:[31]

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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.

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4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.

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5. Initiate the grievance procedures or informal resolution process, if available and appropriate.

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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.

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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.

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8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment does not continue or recur within the District's education programs or activities.

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Disciplinary Procedures Response When Reports Allege Title IX Sex Based Discrimination or ~~ual~~ Harassment

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When a report alleges Title IX sex based discrimination or ~~ual~~ harassment, a consequence under applicable Board policy and procedures may not be imposed until the completion of the grievance process ~~for formal complaints~~ outlined in 102-AR-3 of 3. The District shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process ~~for formal complaints~~. [18][20][23][24]

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When an emergency removal, as described in 102-AR-3 of 3 and in the grievance procedures, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for exclusion from school shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. [18][19][20][23] The District shall provide the respondent with notice and an opportunity to challenge the emergency removal immediately following the removal.

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

Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this District for sexual assault against another student enrolled in this District, the District shall comply with the disciplinary or placement requirements established by state law and Board policy.[25][26]

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 sex based discrimination or~~ harassment, shall be handled in accordance with applicable law, regulations, ~~this Board~~ policy and procedures, the attachments and the District's legal and investigative obligations to carry out the grievance procedures.[25][26][27][28][29]

The District shall not disclose personally identifiable information except in the following circumstances:[31][51][52][53][54]

- 1. When the District has obtained prior written consent in accordance with law.
- 2. When the information is disclosed to a parent/guardian as defined in this 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, including peer retaliation between students, by the ~~Distri Districtet, DistrictDistrict~~ staff, or any other individual against any person for:[28]

- 1. Reporting or making a ~~formal~~ complaint of conduct that may constitute any form of discrimination or retaliation, including Title IX sex based discrimination or 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.

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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 Compliance Officer immediately if retaliation is believed to have 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.[22]

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Retaliation

The Board prohibits retaliation, including peer retaliation between students, by the District or any other person against any person for:[19][22]

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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 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.

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Title IX Sex-Based Discrimination and Harassment Training Requirements:

The District shall provide training annually to all school employees on:[37]

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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 Compliance Officer's contact information to students or parents/guardians and to notify the Title IX Compliance Officer regarding conduct that may constitute sex-based discrimination or harassment, in accordance with this Board policy and procedures.

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The Compliance Officer and Title IX Compliance Officer, investigators, decision-makers, any staff responsible to implement grievance procedures related to Title IX sex-based discrimination or harassment and any staff authorized to modify or terminate

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supportive measures shall receive the following training annually, as required or appropriate to their specific role:[37]

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, 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.

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.[37]

The Title IX Compliance Officer and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[37]

1. Specific responsibilities of the Title IX Compliance Officer, 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.[53][54][55][56]

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.[37][56][57]

DISCIPLINARY CONSEQUENCES:

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A student whose conduct is determined to be in violation of this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[34][44][45]

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1. Loss of school privileges.

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2. Permanent transfer to another school building, classroom or school bus.

3. Exclusion from school-sponsored and extracurricular activities.

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4. Detention.

5. Suspension.

6. Expulsion.

7. Referral to law enforcement officials.

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.[46][58]

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HANDLING OF REPORTS:

Reports of Discrimination –

Any reports of discrimination that are reviewed by the Title IX Compliance Officer and do not meet the definition of Title IX sex-based discrimination or harassment but are based on race, color, age, religious creed, religion, sex, gender identity, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall be handled in accordance with the Discrimination Complaint Procedures attached to this policy.

Reports of Title IX Sex-Based Discrimination or Harassment –

Any reports deemed by the Title IX Compliance Officer to meet the definition of sex-based discrimination or harassment under Title IX shall be handled in accordance with the Grievance Procedures attached to this policy.[32]

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Title IX Sexual Harassment Training Requirements

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

1. Definition of sexual harassment.
-
2. Scope of 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.

Consequences and Interventions

-
A student who is determined to be responsible for violation of this policy shall be subject to appropriate consequences or interventions consistent with applicable Board policies and procedures. [18][19][20]

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

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Reports of Discrimination

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

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Reports of Title IX Sexual Harassment

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~~Any reports deemed by the Title IX Compliance Officer 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.~~

Legal References -

1. 24 P.S. 1301

2. 24 P.S. 1310

3. 24 P.S. 1601-C et seq

4. 22 PA Code 4.4

5. 22 PA Code 12.1

6. 22 PA Code 12.4

7. 22 PA Code 15.1 et seq

8. 24 P.S. 5004

9. 43 P.S. 951 et seq

10. 16 PA Code 41.201 et seq

11. 20 U.S.C. 1681 et seq

12. 34 CFR Part 106

13. 29 U.S.C. 794

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

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

16. 42 U.S.C. 12101 et seq

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

18. Pol. 103.1

- [19. 34 CFR 106.2](#)
- [20. Pol. 234](#)
- [21. 16 PA Code 41.204](#)
- [22. 34 CFR 106.71](#)
- [23. 16 PA Code 41.205](#)
- [24. 16 PA Code 41.207](#)
- [25. 16 PA Code 41.206](#)
- [26. 34 CFR 106.10](#)
- [27. 34 CFR 106.31](#)
- [28. 34 U.S.C. 12291](#)
- [29. 20 U.S.C. 1092](#)
- [30. 34 CFR 106.11](#)
- [31. 34 CFR 106.44](#)
- [32. 34 CFR 106.45](#)
- [33. Pol. 113](#)
- [34. Pol. 113.1](#)
- [35. Pol. 113.2](#)
- [36. Pol. 113.3](#)
- [37. 34 CFR 106.8](#)
- [38. 34 CFR 106.34-106.36](#)
- [39. 34 CFR 106.41](#)
- [40. 34 CFR 106.33](#)
- [41. 34 CFR 106.37](#)
- [42. Pol. 150](#)
- [43. 34 CFR 106.43](#)
- [44. Pol. 218](#)
- [45. Pol. 233](#)
- [46. Pol. 317](#)
- [47. Pol. 805.1](#)
- [48. Pol. 806](#)
- [49. 24 P.S. 1318.1](#)
- [50. Pol. 218.3](#)
- [51. 20 U.S.C. 1232g](#)

[52. 34 CFR Part 99](#)

[53. Pol. 113.4](#)

[54. Pol. 216](#)

[55. Pol. 324](#)

[56. Pol. 800](#)

[57. Pol. 801](#)

[58. Pol. 317.1](#)

[20 U.S.C. 1400 et seq](#)

[28 CFR Part 35](#)

[28 CFR Part 41](#)

[34 CFR Part 100](#)

[34 CFR Part 104](#)

[34 CFR Part 106](#)

[34 CFR Part 110](#)

[U.S. Const. Amend. I](#)

[Franklin v. Gwinnett County Public Schools, 503 U.S. 60 \(1992\)](#)

[Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 \(2020\)](#)

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

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

[Office for Civil Rights - Fact Sheet: Harassment Based on Race, Color, or National Origin on School Campuses \(July 2024\)](#)

[Office for Civil Rights - Resources for Addressing Racial Harassment](#)

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

[Pol. 122](#)

[Pol. 123](#)

[Pol. 138](#)

[Pol. 220](#)

[Pol. 247](#)

[Pol. 249](#)

[Pol. 251](#)

[Pol. 252](#)

[Pol. 320](#)

[Pol. 701](#)

Pol. 815

1. 22 PA Code 12.1

2. 22 PA Code 12.4

3. 22 PA Code 15.1 et seq

4. 22 PA Code 4.4

5. 24 P.S. 1301

6. 24 P.S. 1310

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

8. 24 P.S. 5004

9. 43 P.S. 951 et seq

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

11. 34 CFR Part 106

12. 29 U.S.C. 794

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

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

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

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

17. Pol. 102.1

18. Pol. 212.1

19. Pol. 212

20. Pol. 218

21. Pol. 923

22. Pol. 905

23. Pol. 212.1

24. Pol. 108

25. 24 P.S. 1318.1

26. 34 CFR 106.44

27. 34 CFR 106.45

28. 34 CFR 106.71

29. 34 CFR Part 99

30. 34 CFR 106.30

31. Pol. 108

32. 34 U.S.C. 12291

33. 20 U.S.C. 1092

34. 34 CFR 106.8

[35. Pol. 123](#)

[36. Pol. 923](#)

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

[20 U.S.C. 1400 et seq](#)

[28 CFR Part 41](#)

[28 CFR Part 35](#)

[34 CFR Part 100](#)

[34 CFR Part 104](#)

[34 CFR Part 110](#)

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Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)

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[Office for Civil Rights - Resources for Addressing Racial Harassment](#)

Pol. 119

Pol. 118

Pol. 210

Pol. 219

Pol. 214

Pol. 215

Pol. 231

Pol. 311

Pol. 913