

Book

Policy Manual

Section 100 Programs

~~100 Programs~~

Title Nondiscrimination in Employment Practices

~~Nondiscrimination in Employment Practices~~

Code 102.4

~~102.4~~

Status Under Review

~~Active~~

Adopted July 25, 2018

~~July 25, 2018~~

Revised ~~December 2024~~

Authority**AUTHORITY:**

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The Board declares it to be the policy of this ~~District~~**District** to provide to all persons equal access to all categories of employment in this ~~district~~**District**, regardless of race, color, age, ~~religious~~ creed, religion, gender (including gender identity or expression) sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy, ~~childbirth or pregnancy-related medical conditions~~ or handicap/disability. The ~~District~~**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][13].}~~regulations.~~^{[1][2][3][4][5][6][7][8][9][10][11][12][13].}

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~~The Board encourages employees and third parties who believe they or others have been subject to discrimination to promptly report such incidents to designated employees.~~

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The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and appropriate corrective action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct which may not be proven discriminatory under this policy but merits review and possible action under other Board policies. 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 harassment. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Office for Civil Rights of the U.S. Department of Education, or both.

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Confidentiality

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

Retaliation

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

Definitions GENERAL DEFINITIONS:

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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]

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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]

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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;

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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]

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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.[16]

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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.[14]

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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. [14][17].

DEFINITIONS – 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 identity, sexual orientation, genetic information, ancestry, national origin, marital status, handicap/disability, pregnancy, childbirth or pregnancy-related conditions, or based on an individual's association with a person who has a protected classification.

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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 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]

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- 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.

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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.

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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.

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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.

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

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Religious beliefs include: **[16]**

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- 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.

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Race includes all of the following: **[16][19]**

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1. Ancestry, national origin or ethnic characteristics.

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2. Interracial marriage or association.

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3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locs and twists.

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4. Hispanic ancestry, national origin or ethnic characteristics.

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5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint.

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DEFINITIONS – TITLE IX SEX BASED DISCRIMINATION OR HARASSMENT

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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]

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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]

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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.

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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:

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a. The degree to which the conduct affected the complainant's ability to access the District's education program or activity

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b. The type, frequency and duration of the conduct

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c. The complainant's and respondent's ages, roles in the District education program or activity, previous interactions and other relevant factors;

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d. The location and context in which the conduct occurred; and

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a-e. Other sex-based harassment in the District's education program or activity.

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3. Sex includes:[16][20]

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a. Pregnancy

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b. Sex assigned at birth.

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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.

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d. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality

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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.

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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]

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SUPPORTIVE MEASURES

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:

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- 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.

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Supportive Measures may include, but are not limited to:

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- 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.

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 [28] **Executive Director of the Office of Equity** as the District's Title IX Compliance Officer. The Title IX Compliance Officer can be contacted at:

PPS Title IX Compliance Officer
 Address: 341 S. Bellefield Avenue, Pittsburgh, PA 15213
 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's nondiscrimination procedures in the following areas, as appropriate: [26]

- 1. Review - Review of personnel and hiring practices and actions for discriminatory bias and compliance with laws against discrimination and harassment, to include monitoring and 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, nonrenewal 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 discrimination or harassment.
- 3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such

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as making reports to 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/Complaints - Monitor and provide technical assistance to individuals involved in managing reports and 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 and 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]

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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]

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REPORTING:

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INITIAL REPORT OF DISCRIMINATION:

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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 Compliance Officer. 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.

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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 Compliance Officer.

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If the Title IX Compliance Officer 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.

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The building principal shall promptly notify the Title IX Compliance Officer of all reports of discrimination, harassment, Title IX sex-based discrimination and 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 and reasonable safety concerns.[26]

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The Title IX Compliance Officer 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]

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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]

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1. Treat the complainant and respondent equitably.

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2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.

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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 or other discrimination or harassment does not continue or recur within the District's education programs or activities.

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DISCIPLINARY PROCEDURES:

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

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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]

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Administrative Leave :

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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]

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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.

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Confidentiality:

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

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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]

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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.

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3. To carry out the requirements of this policy and the accompanying procedures.

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4. As required or permitted by applicable law or regulations or the requirements of grant funding.

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Retaliation:

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

The Board prohibits retaliation by the District or any other person against any person for:

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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.

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2. Testifying, assisting, participating in any manner or refusing to participate in a related investigation, process or other proceeding or hearing.

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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.

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Title IX Sex-Based Discrimination and Harassment Training Requirements:

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

1. The District's obligation to address sex-based discrimination and harassment in District education programs and activities.

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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 Board policy and procedures.

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The Title IX Compliance Officer, 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:

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1. The District's obligations under Title IX, including definitions of sex-based discrimination and harassment.

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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 prejudice 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.

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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.

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:

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1. Specific responsibilities of the Title IX Compliance Officer, in accordance with law and Board policy and procedures.

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2. The District's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.

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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.

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.

Handling of Reports:

Reports of Discrimination –

Any reports of discrimination that are reviewed by the Title IX Coordinator 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, genetic information, national origin, marital status, handicap/disability or pregnancy, childbirth or pregnancy-related conditions 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 Coordinator 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.

Discriminatory Harassment

Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, gender (including gender identity or expression) sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such

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harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf. ~~[8][12][13][14][15][16]~~

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For purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets 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 work performance and which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability when such conduct is:

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

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, electronic, graphic or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Delegation of Responsibility

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In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Chief Human Resources Officer as the District's Compliance Officer. All nondiscrimination notices or information shall include the position, office address, telephone number and email address of the Compliance Officer.

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

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

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

The school principal or supervisor shall be responsible to promptly complete the following duties upon receipt of a report of discrimination or retaliation from employees or third parties:

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

Guidelines

2. Disciplinary Procedures when Reports Do NOT Allege Title IX Sex-Based Discrimination or Harassment:

When a report does NOT allege Title IX sex-based discrimination or harassment, the District shall adhere to the following:

Complaint Procedure – Employee/Third Party:

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the matter to the school principal or supervisor. Any person with knowledge of conduct which may violate this policy, is encouraged to immediately report the matter to the school principal or supervisor.

If the school principal or supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer. The complainant or reporting employee may be encouraged to use the ~~District~~District's report form, available from the school principal, supervisor or Compliance Officer, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

Where an attorney is not used to conduct an investigation into a discrimination complaint, only individuals who have received basic training on the applicable law, this policy and how to conduct a discrimination investigation shall be authorized to conduct an investigation of a complaint made pursuant to this policy.

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place outside of school or school-sponsored activities, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person reporting the alleged discrimination, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the District's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties

shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and any other violation of law or Board policy which may warrant further ~~District~~District action, and a recommended disposition of the complaint. An investigation into discriminatory harassment or sexual harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – ~~District~~District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, the ~~District~~District shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The ~~District~~District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. ~~District~~District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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

Disciplinary actions shall be consistent with Board policies and administrative regulations, ~~District~~District procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

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

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Legal References

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. [29 CFR Part 1636](#)

[13. U.S. Const. Amend. XIV, Equal Protection Clause](#)

[14. 34 CFR 106.2](#)

[15. 29 CFR 1636.3](#)

[16. 16 PA Code 41.204](#)

[17. 34 CFR 106.71](#)

[18. 16 PA Code 41.205](#)

[19. 16 PA Code 41.207](#)

[20. 16 PA Code 41.206](#)

[21. 34 CFR 106.10](#)

[22. 34 CFR 106.31](#)

[23. 34 U.S.C. 12291](#)

[24. 20 U.S.C. 1092](#)

[25. 34 CFR 106.11](#)

[26. 34 CFR 106.44](#)

[27. 34 CFR 106.45](#)

[28. 34 CFR 106.8](#)

[29. 34 CFR 106.41](#)

[30. Pol. 317](#)

[31. Pol. 317.1](#)

[32. 29 CFR 1630.1 et seq](#)

[33. 29 CFR 1636.4](#)

[34. Pol. 335](#)

[35. Pol. 336](#)

[36. Pol. 339](#)

[37. 20 U.S.C. 1232g](#)

[38. 34 CFR Part 99](#)

[39. Pol. 216](#)

[40. Pol. 324](#)

[41. Pol. 103](#)

[42. Pol. 113.4](#)
[43. 29 CFR 1636.5](#)
[44. Pol. 806](#)
[45. Pol. 824](#)
[46. Pol. 800](#)
[47. Pol. 801](#)
[18 Pa. C.S.A. 2709](#)
[16 PA Code 41.201 et seq](#)
[28 CFR 35.140](#)
[28 CFR Part 41](#)
[29 CFR Parts 1600-1691](#)
[1. 20 U.S.C. 1681 et seq](#)
[2. 29 U.S.C. 206](#)
[3. 29 U.S.C. 621 et seq](#)
[4. 29 U.S.C. 794](#)
[5. 42 U.S.C. 12101 et seq](#)
[6. 42 U.S.C. 1981 et seq](#)
[7. 42 U.S.C. 2000e et seq](#)
[8. 42 U.S.C. 2000ff et seq](#)
[9. 43 P.S. 336.3](#)
[10. 43 P.S. 951 et seq](#)
[11. U.S. Const. Amend. XIV, Equal Protection Clause](#)
[12. 29 CFR 1604.11](#)
[13. 29 CFR 1606.8](#)
[14. EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993](#)
[15. EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999](#)
[16. EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990](#)
[16 PA Code 44.1 et seq](#)

[28 CFR 35.140](#)

[28 CFR Part 41](#)

[29 CFR Parts 1600-1691](#)

