



Pittsburgh
Public Schools

Students first

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Policy Workshop

NOVEMBER 13, 2024

November Workshop Topics

Policy 917: Conflict of Interest

Policy 119: Interscholastic Athletics/Extra Curricular & Co Curricular Activities

Policies 102, 102.1 & 102.4 – Non Discrimination – (Title IX Updates)





Policy 917 – CONFLICT OF INTEREST

Policy 917 – Purpose

- Revision to Conflict of Interest Policy
- Purpose: In order to maintain the highest level of public confidence in governing bodies and public agencies, it is necessary to hold public officials and employees to stringent standards of ethics. The public must be assured that decisions are made independently, free of any conflicts of interest and through the appropriate decision making channels. This policy shall affirm standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.
- This policy facilitates compliance with state and federal laws concerning financial conflicts of interest.

Policy 917 - REVISION

- Addition of new clause on page 4 requiring Superintendent or designee to report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.
- Required by the District's Federal Program Monitors



Policy119: Interscholastic Athletics/Extra and Co- Curricular Activities

Policy 119 – Purpose

- Purpose:

The Board believes that the goals and objectives of the School District are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom curricular program of the school.

The Board recognizes the value of a program of interscholastic athletics as an integral part of the total school experience to all students of the School District and to the community.

All learning experiences offered by the schools - athletic, curricular, extra and co-curricular - should be planned and integrated toward the attainment of the School District's objectives.

Policy 119 – Revisions to Eligibility

This policy update revises the eligibility to participate in athletics, extra curricular and co-curricular activities. The GPA required to participate is increased from 1.25 to 2.0 for full participation.

The policy aligns with the PIAA requirement to establish eligibility for a new school year:

- The student must have passed four full credit courses during the previous school year, AND
- Achieved a 2.0 cumulative GPA

Policy 119 – Eligibility, p. 9-10

All students enrolled in grades kindergarten through twelve must meet certain academic standards to be eligible for participation in any athletic, extra-curricular or co-curricular activity. The Board directs that the academic standards set forth below shall apply in grades kindergarten through twelve. Participation in interscholastic athletics for enrolled students ages 18-21 may be subject to additional eligibility requirements. [7]

~~1. Students must have a 2.0 grade point average, exclusive of physical education, at the end of the previous report period or they will be placed in the District's academic intervention program for continued eligibility in accordance with this section.~~

~~2. Beginning in the 2020-2021 school year, students with a 1.0-1.99 grade point average, exclusive of physical education, at the end of the previous report period will be placed in the District's academic intervention program and can maintain their eligibility by completing the academic intervention program designated by the Superintendent or designee and achieving a 2.0 grade point average by the end of the next report period.~~

~~3. Beginning with the 2021-2022 school year, students with a 1.25-1.99 grade point average, exclusive of physical education, at the end of the previous report period will be placed in the District's academic intervention program and can maintain their eligibility by completing the District's academic intervention program and achieving a 2.0 grade point average by the end of the next report period.~~

~~1. 4. Beginning with the 2022-2023 Second Semester of the 2024-2025 school year, students with a 0-1.5-1.99 grade point average, exclusive of physical education, at the end of the previous report period will be placed in the District's academic intervention program and can maintain their eligibility by completing the District's academic intervention program and achieving a 2.0 grade point average by the end of the next report period following the start of the next report period. shall be considered ineligible under this policy; and shall be required to wait for the issuance of the next interim report card or end of quarter report card (whichever comes first) to determine if said student has satisfied the grade point average to participate in the activity.~~

~~2.5. When determining eligibility for programs beginning at or before the start of the school year, eligibility will be based on whether the student has passed four (4) full credit subjects, and achieved a cumulative 2.0 GPA, during the previous school year, end-of-year final grades and not on fourth report period grades.~~

~~3. Single report period grades are to be used as last previous grades only in determining academic eligibility for activities that are in progress once the school year begins.~~

~~4. If a student is found to be ineligible under this policy or under other applicable requirements due to having grades below those set forth above, or otherwise failing to meet other applicable eligibility requirements [7], the student shall not be permitted to participate in any interscholastic athletics or extra and co-curricular activities until they meet the eligibility requirements.~~

5. The academic eligibility requirements set forth in this policy do not apply to co-curricular activities that provide academic credit.

~~1. Single report period grades are to be used as last previous grades only in determining academic eligibility for activities that start or are in progress once the school year begins.~~

~~2. If a student is found to be ineligible under this policy or under other applicable requirements due to having grades below those set forth above or otherwise failing to meet other applicable eligibility requirements [7] the student shall not be permitted to participate in any interscholastic athletics or extra and co-curricular activities until they meet the eligibility requirements.~~

~~The academic eligibility requirements set forth in this policy do not apply to co-curricular activities that provide academic credit.~~



Policies: 102, 102.1 and 102.4: Non Discrimination – Title IX Updates

Non Discrimination – Title IX Revisions

The New Title IX Revisions substantially affect three District policies:

- 102 - Discrimination/Title IX Sex Based Discrimination or Harassment Affecting Students
- 102.1 - Qualified Students with Disabilities, and
- 102.4 – Non-Discrimination in Employment Practices

Non Discrimination – Title IX Revisions

Revisions include:

- Updates to Definitions:
 - Examples:
 - Sexual Harassment is now Title IX Sex Based Discrimination and Harassment
 - Updated Definitions of Race, Sex and Religious Beliefs
- Includes Oral Complaints in Title IX
- New *Grievance Procedures* for Title IX Sex Based Discrimination and Harassment Claims

Policy 102-Discrimination/Title IX Sex Based Discrimination or Harassment Affecting Students

Purpose:

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.

The Board also declares it to be the policy of the District to comply with federal law and regulations under Title IX prohibiting sex based discrimination and harassment, which is a form of unlawful discrimination on the basis of sex. 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 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.

Policy 102 – Revisions to Authority, p. 2

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.

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.

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.

Policy 102 –Updates to Definitions, p.3-5

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

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

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.

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]

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.

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.

DEFINITIONS – All Discrimination Other Than Title IX:

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

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.

Policy 102 –Updates to Title IX Definitions, p.5-6

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:

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[90]

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**
 - a-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.**
- a-d. **Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.**
- b-e. **Differences of sex development, variations of sex characteristics or other intersex characteristics.**

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]**

Policy 102 –Updates to Title IX Definitions, p.7-8

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/District education program or activity and against a person in the United States to qualify as sex 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 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/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][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/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:

- 1. Restore or preserve access to the District's education program or activity, including measures designed to protect the safety of the individuals or the District's educational environment; or
- 2. Provide support during the grievance procedures or during an informal resolution process.

Supportive measures 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:

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

Policy 102 –Updates to Definitions, p.9

11. Assistance from domestic violence or rape crisis programs.

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 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.](#)

Policy 102 –Delegation of Responsibility, p.11-12

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

- 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.

Policy 102 – Response to Violations, p.12

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

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.

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.

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]

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 part, 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~~ 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.;

The Title IX Compliance Officer shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the

Policy 102 – Response to Violations, p.13

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 ~~and harassment~~ and 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.

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]

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

Policy 102 – Response to Violations, p.14

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

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]

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.

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]

Policy 102 – Response to Violations, p.15

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 ~~District~~ District 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.

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]

Policy 102 – Response to Violations, p.16

Retaliation

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

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.

Policy 102 – New Training Requirements, p.16

Title IX Sex-Based Discrimination and Harassment Training Requirements:

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

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.

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 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 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.

Policy 102 – New Training Requirements, p.17

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]

Policy 102 – Disciplinary Consequences, p. 17-18

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]

1. Loss of school privileges.
2. Permanent transfer to another school building, classroom or school bus.
3. Exclusion from school-sponsored and extracurricular activities.
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]

Handling of Reports

- [Use the first two (2) options if the District decides to maintain separate complaint and grievance procedures for Title IX complaints and complaints addressing other types of discrimination. Use the third option if the District decides to maintain a single set of grievance procedures that aligns with the more prescriptive requirements of Title IX for all complaints of discrimination.]

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]

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

Policy 102.1 and 102.4

Similar revisions as Policy 102:

- Updates to Definitions

- Update to Grievance Procedures for violations of Title IX

Policy 102.4 –

- Detailed procedures for identification of students with disabilities, establishment of

- Detailed procedure for investigations of violations of discrimination, in connection with Section 504 Coordinator



What Questions Do You Have?



Thank You

Liz Sattler, Esquire

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