

Book	Policy Manual
Section	100 Programs
Title	Title IX Sexual Harassment and Retaliation/Other Unlawful Harassment, Discrimination and Retaliation
Code	103
Status	Active
Adopted	March 10, 2025

### **Authority**

The Board declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex, as well as to prohibit retaliation for protected conduct related to Title IX. Such discrimination and retaliation may be referred to collectively throughout this Policy and the Attachments as "Title IX sexual harassment." Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The District does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. This requirement extends to admission and employment.

The Board also declares it to be the policy of this District to comply with federal and state laws prohibiting other unlawful harassment, discrimination and retaliation against employees, students and others who may be protected by law, as stated in this Policy.

The District is committed to the maintenance of a safe, positive learning environment for all students that is free from all forms of unlawful discrimination, harassment and retaliation, by providing all students course offerings, counseling, assistance, services, athletics and extracurricular activities without any form of unlawful discrimination, harassment, or retaliation,

including but not limited to Title IX sexual harassment and retaliation. Such unlawful conduct is inconsistent with the rights of students and the educational and programmatic goals of the District.

In accordance with Title IX, the District does not discriminate on the basis of sex in the education program or activity that it operates, and is required by Title IX not to discriminate in such a manner. The District's legal obligation not to discriminate in its education program or activity extends to admissions and employment.

## **Prohibited Conduct**

### **1. Unlawful Harassment Including Title IX Sexual Harassment**

The Board prohibits District students and employees, contracted individuals and volunteers, and other third parties, on District property and in other settings under the jurisdiction of the District including but not necessarily limited to school-sponsored activities, from engaging in all forms of unlawful harassment of employees and students, and of any other individuals who may at any time be protected by law. Prohibited conduct that occurs outside of the District's jurisdiction may also be subject to this Policy depending upon the effect upon or link to the school environment.

With respect specifically to Title IX sexual harassment, the District's jurisdiction is limited to its education programs and activities, meaning, all locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX sexual harassment is prohibited against students, employees and those participating or attempting to participate in the District's education programs or activities.

### **2. Unlawful Discrimination**

The Board prohibits District employees, the District's Board of Supervisors, or anyone else who is prohibited by law from engaging in unlawful discrimination, from unlawfully discriminating against any District employee or applicant for any such position, or any student, or any other individual as may at any time be protected by law. This includes a prohibition against unlawful discrimination in all hiring, termination and employment related decisions and during the District's educational programming and in the course of District-sponsored programs or activities, including transportation to or from school or school-sponsored activities or in the provision of access to District-sponsored programs, services or activities.

For full definitions of unlawful harassment and unlawful discrimination, including but not limited Title IX sexual harassment, see Attachments 2 and 3.

### **3. Retaliation**

The Board prohibits retaliation, including but not limited to, intimidation, threats, coercion, or discrimination or other adverse action because a person reports alleged discrimination, harassment or retaliation, participates in an investigation or other process addressing such conduct, or acts in opposition to such alleged conduct.

### **Dissemination**

The Board directs that the above statement of Board policy (the sections "Authority" and "Prohibited Conduct" above) and the name and contact information for the Title IX Coordinator, Building Level Title IX Coordinators, and the Supervisor of Special Education (and their roles in the reporting process, as listed below) be included in each student and staff handbook, and that this Policy and related attachments be posted to the District's website.

In accordance with Title IX, the District shall also notify applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of:

- the name or title, office address, electronic mail address, and telephone number of the employees designated as the Title IX Coordinator and Building Level Title IX Coordinators
- the fact that the District does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the District's Title IX Coordinator, to the Assistant Secretary, or both.

### **The District's Title IX Coordinator is:**

Name: Melissa Ferencuha

Position: Assistant to the Superintendent

Address: 100 Bavington Road Burgettstown, PA 15021

Email: mferencuha@burgettstown.k12.pa.us

Phone Number: (724) 947-8136

Reports are to be made to the Building Level Title IX Coordinator who most closely has

jurisdiction over the alleged events. If the Building Level Title IX Coordinator who meets that description is also the respondent/subject of the report or has a conflict of interest or bias against complainants or respondents in general or the specific complainant and/or respondent involved in the matter, the report shall be made to the *other* Building Level Title IX Coordinator.

**The District's Building Level Title IX Coordinators are:**

**Elementary School Level Title IX Coordinator**

Name: Melissa M. Mankey

Position: Principal, Burgettstown Area Elementary Center

Address: 100 Bavington Road Burgettstown, PA 15021

Email: mmankey@burgettstown.k12.pa.us

Phone Number: (724) 947-8150

**Middle/High School Level Title IX Coordinator:**

Name: Shaun Cooke

Position: Middle/High School Principal

Address: 100 Bavington Road Burgettstown, PA 15021

Email: scooke@burgettstown.k12.pa.us

Phone Number: (724) 947-3325

If both of the Building Level Title IX Coordinators are the subjects of/respondents in a report, or are believed to have a bias or conflict of interest, the Report shall be made to the Supervisor of Special Education, using any of the following contact information:

Dr. Walinda Nicholson

Supervisor of Special Education

(724) 947-8136

100 Bavington Road

Burgettstown, PA 15021

[w.nicholson@burgettstown.k12.pa.us](mailto:w.nicholson@burgettstown.k12.pa.us)

## **Definitions and Prohibited Conduct**

### Definitions

**Complainant** shall mean an individual who is alleged to be the victim.

**Respondent** shall mean an individual alleged to be the perpetrator.

**The definition of Title IX sexual harassment and retaliation are found in Attachment 3 to this Policy.**

**The definitions of unlawful harassment, discrimination and retaliation separate from Title IX violations are found in Attachment 2 to this Policy.**

### Reports of Title IX Sexual Harassment and Retaliation and Other Unlawful Discrimination, Harassment and Retaliation

The Board encourages students, employees and third parties who believe they or others have been subject to **discrimination, harassment or retaliation, including but not limited to Title IX sexual harassment or retaliation**, to promptly report the incident to the Building Level Title IX Coordinator. A person who is not an intended victim or target of discrimination, harassment or retaliation but is adversely affected by the offensive conduct may also file a report of discrimination, harassment or retaliation.

***A school employee, independent contractor or volunteer* who suspects or is notified that an individual may have been subject to discrimination, harassment or retaliation, including but not limited to Title IX sexual harassment or retaliation, *must* promptly report the incident to the Building Level Title IX Coordinator, as well as promptly making any mandatory law enforcement, educator misconduct, or child protective services reports required by law, and any other reports as required by law and district policy.**

**Any District employee, volunteer or independent contractor who receives an oral or written report of alleged Title IX sexual harassment or retaliation, even if it is an unofficial report**

**of "second hand news," must promptly notify the Building Level Title IX Coordinator.**

Written reports can be made using Attachment 1 to this Policy, the "Discrimination/Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form." Reports may also be made orally, or by phone or email, or by any means that results in the Building Level Title IX Coordinator receiving the person's verbal or written report. A report may be made at any time, including outside of business hours.

The Building Level Title IX Coordinator or designee shall receive the report and proceed as appropriate, per the instructions in Attachments 1, 2 and 3.

#### Confidentiality

Confidentiality of the identity of all parties, witnesses, the allegations, the filing of a report and the investigation shall be handled in accordance with applicable law, regulations, District policy, and the District's legal and investigative obligations.

#### Delegation of Responsibility

In order to maintain a program of nondiscrimination/anti-harassment and retaliation practices that is in compliance with applicable laws and regulations, the Board designates Melissa Ferencuha, as referenced above, as the District's Title IX Coordinator, and also designates Building Level Title IX Coordinators as identified above.

The Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination/anti-harassment and retaliation procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the District's procedures including in the following areas, as appropriate:

1. Training - Provide training for supervisors, students and staff to prevent, identify and alleviate problems of unlawful discrimination and harassment, including Title IX sexual harassment and all unlawful retaliation.
2. 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, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

4. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
5. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing reports and formal complaints.
6. Materials - Ensure that testing or other materials for appraising or counseling students do not discriminate on the basis of sex.

The Title IX Coordinator shall perform all other duties as required by law or as designated by the District.

#### Title IX Sexual Harassment Training Requirements

The Title IX Coordinator, investigator(s), decision-maker(s), appeal authority, or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment, and those designated to serve or who may serve as alternates for any of the Title IX Procedures including the Supervisor of Special Education, shall receive the following training, as required or appropriate to their specific role:

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

harassment but could be addressed under another complaint process or Board policy.

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

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

### Grievance Process Requirements

The District's formal Title IX grievance process will:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
2. Follow **to completion** (issuance of Investigative Report and Written Determination) the grievance process set forth in Attachment 3, which complies with the requirements of Title IX, **before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent**, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise. Such remedies may include the same individualized services defined in Attachment 3 as "supportive measures." However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise.
3. Require training of key personnel, as stated in this Policy.
4. Include the following presumption: 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, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise.
5. Describe the range of possible disciplinary sanctions.
6. State the standard of evidence to be used in determining responsibility.
7. Include the procedures and permissible bases for the complainant and respondent to appeal.
8. Describe the range of supportive measures available to complainants and respondents.





