Director Procedure No B102: Nondiscrimination in School and Classroom Practices
Complaint Process for Reports of Non-Title IX Harassment

This is a process EASTERN can utilize for resolving complaints of harassment and/or discrimination that do not involve allegations of Title IX sexual harassment.

Definitions

Title IX Sexual Harassment

Title IX sexual harassment is defined within federal law and regulations and the EASTERN's applicable Title IX grievance procedure, which can be found on the EASTERN's website at https://www.eastech.org/about-us/administrative-team/title-ixsexual-harassmentequity-inclusion

Claims of Title IX sexual harassment shall be handled in accordance with the EASTERN's grievance procedure as appropriate. The EASTERN will consider the wishes of the complainant in determining what investigative process to utilize.

Title IX Complaints and questions can be directed to EASTERN's Title IX Coordinator:

Name: Marketa Crane
Position: Human Resources Coordinator
Office address: 3075 Terwood Road, Willow Grove, PA 19090
Email: EquityCoordinator@eastech.org
Telephone number: 215-784-4811

Non-Title IX Discrimination & Harassment

Discrimination, as used elsewhere within this Procedure and accompanying Policy, shall mean to treat individuals differently, or to harass or victimize based on a protected classifications listed in the accompanying Policy.

Harassment is a form of discrimination based on the protected classifications listed in the accompanying 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.

Reports of non-Title IX discrimination pursuant to the accompanying Policy will be handled in the process outlined below.

Non-Title IX Discrimination & Harassment Complaint Resolution Procedures

Step 1 – Reporting

A student or third party who believes they have been subject to conduct that constitutes a violation of this Procedure or the accompanying Policy is encouraged to immediately report the incident to the Title IX Coordinator and/or the Executive Director. Any person with knowledge of conduct that may violate this Procedure or the accompanying Policy is similarly encouraged to immediately report to the Title IX Coordinator.

A school employee who is notified that a student has been subject to conduct that constitutes a violation of this Procedure or the accompanying Policy shall immediately report the incident to the Title IX Coordinator.

Upon receipt of a report, the Title IX Coordinator will ask the individual who made the report to complete the attached complaint form it not done already. If a complaint is received by someone other than the Title IX Coordinator, that individual shall promptly notify the Title IX Coordinator about the complaint.

Step 2 — Assignment of Investigator and Implementation, Interim Measures, & Informal Remedies

When a complaint is received, the Title IX Coordinator, in consultation with the Executive Director or Executive Director's designee, shall assess who should complete the subsequent investigation and then promptly assign the investigation to that individual. If the Title IX Coordinator is subject of the report, the Executive Director or Executive Director's designee will assign the investigator. If the Executive Director is subject of the report, the Joint Operating Committee will assign the investigator.

The Title IX Coordinator and/or Executive Director's designee shall implement interim measures as appropriate to make sure the complainant and/or others, as necessary, can access their education program or activity while this process is underway.

At any time after a complaint has been reported, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or other measures to support the parties. If the matter is resolved through an

informal remedy and to the satisfaction of the parties, the Title IX Coordinator must ensure there is documented to reflect this. When an informal remedy results in the final resolution of a complaint, the following steps are not applicable.

Step 3 – Investigation

Where an attorney is not used to conduct the investigation, only individuals who have received basic training or informed guidance on the applicable law, this Procedure and the accompanying Policy, and how to conduct a proper investigation shall be authorized to conduct the investigation. The investigator shall assess the anticipated scope of the investigation, who might need to be interviewed, and what records may be relevant.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent shall be provided the opportunity to present evidence during the course of the investigation for the investigator to consider. It is up to the investigator's discretion upon how much to rely on or consider evidence presented by a
party.

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, 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. Individuals providing statements or other information or participating in the investigation shall keep the matter confidential to the extent permitted by law and 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 Title IX Coordinator or Executive Director's designee, who shall promptly inform law enforcement and/or other state/county agencies as appropriate about the allegations. The investigator may also contact law enforcement and/or other state/county agencies to adhere to their legal reporting obligations as appropriate.

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 the agency conducting the investigation, including agreeing to requests for a short delay in fulfilling the EASTERN's investigative responsibilities as appropriate and in accordance with the EASTERN's legal obligations. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Title IX Coordinator or Executive Director's designee within thirty (30) business days after the investigator receives a copy of the complaint, unless the nature of the allegations, anticipated extent of the investigation or the availability of parties or witnesses requires a different due date. The parties shall be notified of the anticipated date the investigation will be completed and any changes to this date.

The written 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 Procedure or the accompanying Policy, and of any other violations of law or Policy which may warrant further action.

The complainant and the respondent shall be provided with a summary of the investigation's outcome within a reasonable time after the submission of the written report. The complainant and the respondent are not entitled to a copy of the written report. Additionally, nothing in this Procedure or accompanying Policy shall be construed to diminish other student protections, including but not limited to protections under the Family Educational Rights and Privacy Act (FERPA).

Step 5 – EASTERN Action

If the investigation results in a finding that there was a violation of this Procedure or the accompanying Policy, the EASTERN shall take prompt and appropriate corrective action to ensure that such conduct ceases, and that no retaliation occurs. The EASTERN 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. EASTERN staff shall document the corrective action taken. The Title IX Coordinator or Executive Director's designee shall follow up as necessary to assess the effectiveness of the corrective action.

If an investigation results in a finding that a different Policy was violated separately from or in addition to violations of this Procedure and the accompanying 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 the Student Code of Conduct, Policy, Procedures, and state and federal laws.

Appeal Procedure

1. If the complainant or the respondent is not satisfied with the investigation after receiving a summary of the outcome, they may submit a written appeal to the Title IX Coordinator or Executive Director's designee within 5 business days. If the Title IX Coordinator

investigated the complaint, such appeal shall be made to the Executive Director. An appeals officer will be appropriately assigned.

2. The appeals officer shall review the investigative report and information forming the basis of the appeal. The appeals officer has the discretion to request additional information from the parties.

3. The appeals officer shall decide the appeal within twenty (20) business days and provide a written decision to the Title IX Coordinator. The appeals officer shall provide a summary of the appeal outcome to the parties.

Complaint of Non-Title IX Discrimination

Date: _____

Reporter Name: _____

Phone / Email Address: _____

Complainant Name: _____

Complainant Grade: _____

Respondent Name_____

Respondent Grade_____

Date of Alleged Incident(s): _____

Description of Alleged Incident(s). Please describe the conduct you believe constitutes discrimination, including when and where you believe the conduct took place.

_____
_____
_____
_____

_____

List any witnesses to the conduct:

_____
_____
_____

Desired Outcome. Please describe the result or outcome you are hoping results from making this Complaint:

_____
_____
_____

_____

Signature_____

Date _____