

Book Section Title Code Status

Policy Manual 100 Programs

~~Discrimination/Harassment Affecting~~ Nondiscrimination Policy Affecting Students (Including Title IX Sex Discrimination and Other Non-Title IX Discrimination)

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From PSBA

Authority.

The Board declares it to be the policy of this 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, sexual orientation, **gender identity**, ancestry, national origin, marital status, pregnancy, or handicap/disability. [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18]

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, including sex-based and harassment (i.e. "Title IX sex discrimination")**. 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.

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 or 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.

Definitions

General Definitions

"Complainant" shall mean a **current or former student** ~~who is alleged to have been subjected to conduct that could constitute discrimination in accordance with law and this policy,~~ or a **other** 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. [19] **(Note: If the Complainant is an employee of the district, Policy 104 "Nondiscrimination Policy Affecting Employees" shall apply.)**

“Report” shall mean any oral or written notification (from any source) to a district employee of conduct that may reasonably constitute discrimination under this policy.

“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. [19]

“Retaliation, including peer 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.[19] [22]

Definitions Related to Title IX

“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 Title IX sex discrimination. If the conduct alleged could reasonably constitute sex-based harassment, a Complaint may be initiated by the Complainant, the Complainant’s parent, guardian, or other authorized legal representative, or the Title IX Coordinator. If the conduct alleged could reasonably constitute Title IX sex discrimination other than sex-based harassment, a Complaint may be made by the Title IX Coordinator or any student or employee or any other person who was participating or attempting to participate in the district’s education program or activity at the time of the alleged discrimination or the Title IX Coordinator. [19].

“Title IX sex-based discrimination” includes discrimination on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. [19] [26] [27] To constitute Title IX sex discrimination, Such the complained of conduct must have occurred under taken place during a district’s 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, but is not limited to, 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 alleged to be contributing to the hostile environment is outside the district’s program or activity, or outside of the United States. [27] [30] [31] [32]

“Title IX sSex-based harassment” is a form of Title IX sex discrimination and means sexual harassment and other harassment on the basis of sex, including: [19]

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.
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:
 - a. **The degree to which the conduct affected the complainant’s ability to access the district’s education program or activity;**
 - b. **The type, frequency and duration of the conduct;**
 - c. **The complainant’s and respondent’s ages, roles in the district education program or activity, previous interactions and other relevant factors;**
 - d. **The location and context in which the conduct occurred; and**
 - e. **Other sex-based harassment in the district’s education program or activity.**
3. **“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: [28]
 - 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. [28].

- 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. [29]
- 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: [28]
 - 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 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 [27] [30] [31] [32]~~

“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.

“Pregnancy or related conditions,” as defined ~~in federal law~~ under Title IX, shall mean: [19] [20]

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.**

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, **without unreasonably burdening a complainant** ~~Complainant~~ or ~~respondent~~ **Respondent** and without fee or charge to the complainant or the respondent, in order to: [19] [31]

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 may include, but are not limited to: [31]~~

- ~~1. Counseling.~~
- ~~2. Extensions of deadlines or other course related adjustments.~~
- ~~3. Modifications of work or class schedules.~~
- ~~4. Campus escort services.~~
- ~~5. Restrictions on contact applied to one or more parties.~~
- ~~6. Changes in class, work, housing or extracurricular 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.~~

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** Board policy. **The Title IX Coordinator shall consult with the Director of Special Education in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.** [18] [31] [33] [34] [35] [36]

Discrimination Definitions Other Than Related to Non-Title IX Discrimination

“Discrimination” (other than Title IX sex discrimination) occurs when an individual is denied the benefits of, excluded from participation in, or is otherwise subjected to discrimination in any district program or activity ~~shall mean to treat individuals differently, or to harass or victimize based on a~~ on the basis of one or more legally protected classification or characteristics, including race, color, age, **religious** creed, religion, sex, **gender identity**, 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 verbal abuse, graphic or, written statements, physical assault, or other conduct that may be threatening, harmful or humiliating, which, based on the totality of the circumstances, is: ~~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. Subjectively and objectively offensive; and
2. So severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the district’s education program or activity. ~~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.~~

Pregnancy, as defined ~~in state~~ under Pennsylvania 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]

Religious creed includes all aspects of religious observance, practice, or belief. [23]

Religious beliefs as defined under Pennsylvania law include: [21]

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: [21] [24]

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, locks 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.**

Sex **as defined under Pennsylvania law** includes: [21] [25]

1. Pregnancy.
2. Sex assigned at birth.
3. 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.
4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.
5. Differences of sex development, variations of sex characteristics or other intersex characteristics.

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~~ [37]:

~~*[The district may choose the same or different individuals to fulfill the roles of Compliance Officer and Title IX Coordinator. Districts may appoint more than one (1) individual as Title IX Coordinator, but at least one (1) individual must be designated to maintain ultimate oversight.]*~~

~~*[If designating one (1) individual or individuals to fulfill both responsibilities as Compliance Officer and Title IX Coordinator, select the first option and enter the appropriate position title(s). If designating two (2) or more individuals to fulfill the separate responsibilities, select the second option and enter the appropriate position titles.]*~~

{ } _____ as the district’s Compliance Officer ~~and~~/ Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

Address:

Email:

Phone Number:

{ } _____ as the district’s Compliance Officer and

_____ as the district's Title IX Coordinator. The Compliance Officer can be contacted at:

Address:

Email:

Phone Number:

The Title IX Coordinator can be contacted at: Address:

Email:

Phone Number:

If, upon receipt of a Complaint or Report of discrimination or retaliation, the Title IX Coordinator determines that the alleged conduct cannot constitute Title IX sex discrimination, the Title IX Coordinator shall determine whether to refer the Complaint or Report to the Compliance Officer (if separate), Section 504 Coordinator, or other District official for further action as appropriate and/or required by law.

The ~~Compliance Officer and~~ Title IX Coordinator 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: [\[31\]](#)

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. **Counseling and Classes - Review of counseling and appraisal materials and access to classes and programs for stereotyping, bias, and discrimination. If the district identifies that particular classes or courses contain a disproportionate number of individuals of one (1) sex, the district shall conduct a review to determine that the disproportion is not based on discriminatory practices. [\[38\]](#)**
3. Training - Provide training for students and *staff* to prevent, identify, and alleviate **conduct which may constitute discrimination or harassment.**
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 **law enforcement**, and available supportive measures, such as assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

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. [27] [38] [39]
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. [40] [41] [42]
7. Student Evaluation - Review of assessments, procedures, **and standards of measurement** for stereotyping and discrimination. [43]
8. **Reports/Complaints** - Monitor and provide technical assistance to individuals involved in managing ~~report~~**Reports** and ~~complaints~~**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 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~~ except as otherwise permitted by law. [27] [39]

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**. [32] [34] [44] [45] [46]

The ~~Board requires~~ District shall issue a written nondiscrimination notices as required by applicable law and regulations. Specifically, with respect to Title IX, the District shall issue a Title IX Nondiscrimination Notice stating that the district does not discriminate on the basis of sex and prohibits ~~does not discriminate in any manner, including~~ Title IX sex-based discrimination and harassment, including sex-based harassment, in any district education program or activity, to be issued to all students, parents/guardians **or other legal representatives of students**, 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 **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.** [37]

The Board directs that this Title IX Nondiscrimination Notice be included in each student and staff handbook, **on the district website, and in each catalog, announcement, bulletin and application form for students**. An abbreviated statement providing that the ~~of the district's prohibition of~~ Title IX sex discrimination, ~~that individuals may report~~

concerns to the Title IX Coordinator, and the location of the full notice on the district website may be published when necessary due to size or format of publications. [37]

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

Reports of Title IX ~~Sex-Based Discrimination or Harassment~~ and Other Discrimination and Retaliation

The Board encourages students, parents/guardians, or any other person ~~third parties~~ who believe they or others have been subject to Title IX ~~sex-based discrimination or harassment~~, other discrimination, or retaliation to promptly report such incidents to any employee (preferably to the building principal or Title IX Coordinator), ~~even if some elements of the related incident took place or originated away from school grounds, education programs or activities, or school conveyances~~. A person who is not an intended victim or target of discrimination ~~but is adversely affected by the 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 building principal or Title IX Coordinator.~~

A school employee who suspects or is notified that a student **may have** been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the **Title IX Coordinator**, as well as properly making any mandatory **law enforcement** or child protective services reports required by **law and applicable Board policy**. [31] [47] [48]

If the **Title IX Coordinator** is the subject of a complaint, the ~~student, third party, building principal or a reporting employee~~ reporter shall report the incident directly to the **Superintendent or designee**.

The ~~complainant~~ Complainant or the individual making the Report may use the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/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 and, ~~documented~~ and the procedures of this policy and the relevant attachments followed.

~~The building principal~~ A District employee shall promptly notify the Title IX Coordinator of all Reports of discrimination, Title IX ~~sex-based discrimination, and harassment~~ or retaliation. The Title IX Coordinator 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 Coordinator shall consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns**. [31]

~~The~~ Upon receipt of a Report of discrimination or retaliation, the Title IX Coordinator 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~~. [31] If the Title IX Coordinator determines that the alleged conduct cannot constitute Title IX sex discrimination, the Title IX Coordinator shall determine whether to refer the Complaint or Report to

the Compliance Officer (if separate), Section 504 Coordinator, or other District official for further action as appropriate and/or required by law.

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

1. Treat the ~~complainant~~ Complainant and ~~respondent~~ Respondent equitably.
2. Offer and coordinate supportive measures, as appropriate, for the ~~complainant~~ Complainant and, if grievance procedures and/or the informal resolution process are initiated, for the respondent Respondent.
3. Notify the ~~complainant~~ Complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.
4. If a eComplaint is made, notify the ~~respondent~~ Respondent of the grievance procedures and, if applicable, the informal resolution process.
5. In response to a Complaint, initiate the grievance procedures ~~or informal resolution process~~, if available and appropriate.
6. In the absence of a eComplaint or withdrawal of any or all allegations in a ~~complaint~~ 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~~ Complaint ~~under the grievance procedures~~, notify the ~~complainant~~ Complainant prior to doing so and appropriately address reasonable concerns about the eComplainant's safety and the safety of others, including by providing supportive measures.
8. Take other prompt and effective steps to ensure that Title IX sex-based discrimination and harassment does not continue or recur within the district's education programs or activities.

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

~~When a report alleges Title IX sex-based discrimination or harassment, d~~Disciplinary sanctions for alleged Title IX sex discrimination may not be imposed until the completion of the grievance **procedures**. The district shall presume that the ~~respondent~~ Respondent is not responsible for ~~the alleged conduct~~ Title IX sex discrimination until a determination has been made at the completion of the grievance **procedures**. [32] The district may not initiate disciplinary sanctions against a student, including discipline for conduct arising out of the same facts underlying a Complaint of Title IX sex discrimination, for the purpose of interfering with Title IX rights or because the student participated in Title IX grievance procedures.

When an emergency removal, as described **in the grievance procedures**, is warranted to address an **imminent and serious** 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 suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. **The district shall provide the ~~respondent~~ Respondent with notice and an opportunity to challenge the emergency removal immediately following the removal.** [31] [34] [35] [36] [45]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance **procedures**. Following the issuance of the **determination** and any applicable appeal, any disciplinary action specified in the **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. [34] [35] [44] [45]

Discipline/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. [49] [50]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a ~~R~~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**. [22] [32] [51] [52]

The district shall not disclose personally identifiable information except in the following circumstances: [31] [51] [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 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.

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 Coordinator immediately if retaliation is believed to have occurred. **The district shall respond to Rreports 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]**

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~~Title IX sex discrimination in district education programs and activities.**
2. **The scope of conduct that constitutes ~~sex-based discrimination and harassment~~Title IX sex discrimination, as defined in the law and this policy, including the definition of sex-based harassment.**
3. ~~–Staff responsibility to provide the Title IX Coordinator’s contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with this Board policy and procedures.~~Employees’ notification and information requirements in accordance with Title IX, its regulations, and this Board policy and procedures, including:
 - a. Employees’ responsibility to provide a student or guardian who informs the employee of the student’s pregnancy with the Title IX Coordinator’s contact information and inform the student or guardian that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the school’s education program or activity; and
 - b. Employees’ responsibility to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Title IX sex discrimination and alternate notice requirements for “confidential employees,” if any.

The ~~Compliance Officer and~~ Title IX Coordinator, 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~~Title IX sex discrimination.**
2. **The grievance procedures used to address Title IX complaints.**
3. ~~**How to conduct an investigation, including examination of evidence, drafting reports and determinations, and handling appeals, as applicable.**~~
4. **How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.**
5. ~~**Issues of**~~The meaning and application of the term "relevant" ~~relevance~~ **in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.**
6. { } **How to address complaints when the alleged conduct does not qualify as Title IX ~~sex-based discrimination or harassment~~ but could be addressed under another complaint process or Board policy.**

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding prejudgment of the facts, avoiding conflicts of interest, and bias. [37].

The Title IX Coordinator 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**~~Specific to **the Title IX Coordinator's role, 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. The rules and practices associated with the school's informal resolution process.
4. **Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.**

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public. [37][56][57]

Disciplinary Consequences

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. {~~—~~}X Loss of school privileges.
2. {~~—~~}X Temporary or Permanent transfer to another school building, classroom or school bus.
3. {~~—~~}X Exclusion from school-sponsored **and/or** **extracurricular** activities.
4. {~~—~~}X Detention.
5. {~~—~~}X Suspension.
6. {~~—~~}X Expulsion.
7. {~~—~~}X 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.}~~

{~~—~~}X Reports of Discrimination -

{~~—~~}X 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 sex-based** 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.

{~~—~~}X Reports of Title IX Sex-**Based** Discrimination **or Harassment**-

~~{X Any reports deemed by the Title IX Coordinator to meet the definition of Title IX sex-based discrimination, including sex-based 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.** [32].}~~

PSBA Revision 7/24 @2024

Legal [1. 24 P.S. 1301](#)

[2. 24 P.S. 1310](#)

- [3. 24 P.S. 1601-C et seg](#)
- [4. 22 PA Code 4.4](#)
- [5. 22 PA Code 12.1](#)
- [6. 22 PA Code 12.4](#)
- [7. 22 PA Code 15.1 et seg](#)
- [8. 24 P.S. 5004](#)
- [9. 43 P.S. 951 et seg](#)
- [10. 16 PA Code 41.201 et seg](#)
- [11. 20 U.S.C. 1681 et seg](#)
- [12. 34 CFR Part 106](#)
- [13. 29 u.s.c. 794](#)
- [14. 42 U.S.C. 1981 et seg](#)
- [15. 42 u.s.c. 2000d et seg](#)
- [16. 42 U.S.C. 12101 et seg](#)
- [17. U.S. Const. Amend. XIV,J;gual Protection Clause](#)
- [18. Pol. 103.1](#)
- [19. 34 CFR 106.2](#)
- [20. Pol. 234](#)
- [21. 16 PA Code 41.204](#)
- [22. 34 CFR 106.71](#)
- [23. 16 PA Code 41.205](#)
- [24. 16 PA Code 41.207](#)
- [25. 16 PA Code 41.206](#)
- [26. 34 CFR 106.10](#)
- [27. 34 CFR 106.31](#)
- [28. 34 u.s.c. 12291](#)

[29. 20 u.s.c. 1092](#)

[30. 34 CFR 106.11](#)

[31. 34 CFR 106.44](#)

[32. 34 CFR 106.45](#)

[33. Pol. 113](#)

[34. Pol. 113.1](#)

[35. Pol. 113.2](#)

[36. Pol. 113.3](#)

[37. 34 CFR 106.8](#)

[38. 34 CFR 106.34-106.36](#)

[39. 34 CFR 106.41](#)

[40. 34 CFR 106.33](#)

[41. 34 CFR 106.37](#)

[42. Pol. 150](#)

[43. 34 CFR 106.43](#)

[44. Pol. 218](#)

[45. Pol. 233](#)

[46. Pol. 317](#)

[47. Pol. 805.1](#)

[48. Pol. 806](#)

[49. 24 P.S. 1318.1](#)

[50. Pol. 218.3](#)

[51. 20 u.s.c. 12329,](#)

[52. 34 CFR Part 99](#)

[53. Pol. 113.4](#)

[54. Pol. 216](#)

[55. Pol. 324](#)

[56. Pol. 800](#)

[57. Pol. 801](#)

[58. Pol. 317.1](#)

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

[28 CFR Part 35](#)

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

[Office for Civil Rights - Resources for Addressing Racial Harassment 18 Pa. C.S.A. 2709](#)

Pol. 122

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